

April 14, 2015

Department of Natural Resources
Runoff Management Grant Coordinator – WT/3
101 South Webster Street
Madison, Wisconsin 53703

Subject: Application for Urban Nonpoint Source & Storm Water Management (UNPS & SW) Program
Planning Grant on Behalf of the Village of Bloomfield, Walworth County, Wisconsin

Dear Grant Application Coordination Staff:

Enclosed you will find an UNPS & SW Planning Grant Application for the Village of Bloomfield Storm Water Management Plan. Bloomfield is currently permitted under the Municipal Separate Storm Sewer System (MS4) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-S050181-1.

Enclosed you will find the following materials for your review:

- One (1) original copy of the application printed single-sided and signed in blue ink.
- Three (3) additional signed copies of the application printed double-sided (maps printed single-sided).
- One (1) electronic copy of the completed application form including all attachments on CD.

I spoke with Ms. Florence Olson, DNR Water Supply Engineer on April 13 and 14, 2015 to verify portions of the application pertaining to the Drinking Water Bonus. At that time Ms. Olson was unable to release mapping to me, however she discussed this with a grant coordinator in Madison and will be able to assist you in supplying mapping as needed.

If you have any questions about the application materials you can contact me at phone 414-795-4305 or email kmcnelly@kapur-assoc.com or you may contact Village President Ken Monroe at phone 262-279-5980.

We look forward to learning the outcome of the current cycle of grant applications this coming Fall/Winter, 2015. Thank you for the opportunity to submit this application.

Sincerely,
Kapur & Associates, Inc.


Kathryn McNelly-Bell, CPESC
Environmental Scientist/Compliance Manager

Encl.

cc: Mr. Ken Monroe

Village of Bloomfield

Storm Water Management Plan

Urban Nonpoint Source & Storm Water Management Program –
Planning Grant Application
April 2015



Pell Lake, Village of Bloomfield, Wisconsin

Bloomfield, Wisconsin
Building Our Future Together



Submitted in coordination with the
Village of Bloomfield,
Wisconsin Department of Natural Resources,
and Kapur & Associates, Inc.

Notice: This application form template was created by the Wisconsin Department of Natural Resources. Application is hereby made to the Wisconsin Department of Natural Resources, Bureau of Watershed Management, for grant assistance consistent with s. 281.66, Wis. Stats., and Chapters NR 151, 154, and 155, Wis. Adm. Code. Collection of this information is authorized under the authority of s. 281.66, Wis. Stats. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.]. *Unless otherwise noted, all citations refer to Wisconsin Administrative Code.*

Please read the instructions prior to completion of this form. Complete all sections as applicable. Tab to each section or click in answer spaces.

Applicant Information

Calendar Year of Grant Start **2016**

Project Name

Village of Bloomfield Storm Water Management Plan

Applicant (governmental unit applying, name and type, e.g. Wausau, City; Randall, Town; Waunakee, Village)

Bloomfield, Village

Name of Government Official - Authorized Signatory (First Last)			Name of Government Official - Grant Contact Person (First Last)		
Ken Monroe			Same		
Title			Title		
Village President			Same		
Area Code + Phone Number			Area Code + Phone Number		
(262) 279-5980					
E-Mail Address			E-Mail Address		
Mailing Address - Street or PO Box			Mailing Address - Street or PO Box		
P.O. Box 609			Same		
City	State	ZIP Code	City	State	ZIP Code
Pell Lake	WI	53157	Same		

Project Information

A. Location of Project

County			State Senate District number:				State Assembly District number:		
Walworth			11				32		
Minor Civil Division (city, town, village, e.g., Wrightstown, Village of)	Township (N)	Range	E or W	Section	Quarter	Quarter- Quarter	Latitude (North, 4 to 7 decimal places)	Longitude (West, 4 to 7 decimal places)	
Bloomfield, Village of	01 N	18	E	5	SE		42.5713	-88.3886	
Bloomfield, Village of	01 N	18	E	5	SW	SE	42.5683	-88.3975	
Bloomfield, Village of	01 N	18	E	4	SW		42.5703	-88.3745	
Bloomfield, Village of	01 N	18	E	4	SE		42.5703	-88.3745	
Bloomfield, Village of	01 N	18	E	3	SW		42.5721	-88.3545	
Bloomfield, Village of	01 N	18	E	3	SE		42.5721	-88.3545	
Bloomfield, Village of	01 N	18	E	2	SW	SW	42.5677	-88.3445	
Bloomfield, Village of	01 N	18	E	12	SW		42.5674	-88.3199	

Method for Determining Latitude & Longitude (check one)

- GPS DNR Surface Water Data Viewer (<http://dnrmaps.wi.gov/SL/?Viewer=SWDV>)
 Other (specify):

B. Project Summary and Description. Use this space for the project summary and description, not an attachment.

Mention every activity being proposed in Part II, Question 1.

The Village of Bloomfield (hereto referred to as "Bloomfield") is seeking funds for planning activities including: 1) Ordinance update and preparation (update existing construction site erosion control and storm water ordinances to meet and/or exceed NR 151), creation of a new ordinance for illicit discharge and/or other ordinances affecting runoff from developed urban areas, or ordinances that regulate application of fertilizers to non-municipal properties meeting NR 151. 2) Conducting a new storm water plan for developed urban areas covering the entire geographic area of the government unit. 3) Development of a new storm water plan for the entire Village. 4) Development of a new storm water plan for new development addressing all of the performance standards of NR 151 for the entire Village. The storm water management plan activities will meet requirements of MS4 WPDES Permit (WPDES Permit No. WI-S050181-1).

Bloomfield is addressing storm water quality concerns associated with urban runoff to protect Bloomfield's water resources. Bloomfield is seeking cost-sharing funds from the State to initiate a Village-wide Storm Water Management Plan. Initiation of this plan will require storm sewer system mapping that will meet or exceed NR216.07(7), including collection of field data by survey, preparation of data collected for GIS entry and production of an interactive GIS Database that will be used by Bloomfield to track maintenance and procedures for any necessary improvements. During survey and collection of data for the storm sewer system map, areas can also be evaluated for illicit discharge including field analysis to trace source of discharge (as needed a lab may be utilized to analyze samples for parameters undetectable by field analysis) per DNR Guidance. A MS4 map will be generated by compiling data collected.

The MS4 map will include the following information: proper identification of waters of the state including appropriate classifications (ORW, ERW, 303(d)), drainage basins of each MS4 outfall and conveyance systems, location of known wetlands from available mapping and/or other confirmed sources, identification of rare species information as known, identification of historical property as known, identification of all known MS4 outfalls discharging to waters of the state and/or other MS4s, location of WPDES permit holders that drain to Bloomfield's MS4 (industrial, construction), location of municipally and privately owned and operated structural storm water facilities, identification of publicly owned parks, recreational areas and/or other open lands, locations of Bloomfield's Department of Public Works yards/storage areas and other facilities, and identification of streets. It is intended this map will be dynamic and updated as required.

This map will be utilized as a long-term tool for Bloomfield for various purposes including: tracking and removing illicit discharges as the result of non-point sources; monitoring and maintaining existing conveyance features; planning for sound resource management as future development may be proposed within Bloomfield; and will have a positive impact on public educational purposes and support, with the overall intended goal of water quality improvement.

Pollutant-loading analysis using a model such as approved by the WDNR will be used to calculate Total Suspended Solids (TSS) and Phosphorous Removal (to compare controls vs. no controls), in order to determine if Bloomfield will meet or exceed the 20% TSS Removal rate as described in NR151 and WPDES Permit requirements. Modeling will allow Bloomfield to develop and implement a municipal storm water management program as required by the WPDES permit to determine as needed where improvements within the MS4 can be made from a planning standpoint.

C. Watershed, Waterbody and Pollutants (see Attachment A and <http://dnrmaps.wi.gov/SL/?Viewer=SWDV>).

Note: Planning areas may encompass several square miles and may affect multiple watersheds.

Watershed Name	Watershed Code	12-digit Hydrologic Unit Code (HUC)	% of Project Area	Nearest Waterbody Name
White River & Nippersink Creek	FX03	071200060604	33	Pell Lake, Spring Valley Creek, Unnamed Tributaries to Spring Valley Creek
White River & Nippersink Creek	FX03	071200060801	15	West Branch Nippersink Creek

White River & Nippersink Creek	FX03	071200060802	40	Powers Lake, Benedict Lake, Tombeau Lake, East Branch Nippersink Creek
White River & Nippersink Creek	FX03	071200060602	12	Unnamed Lake, Unnamed Tributaries to the West Branch of Nippersink Creek

Nonpoint Source Pollutant(s) Controlled by the Project

- Nutrients Sediment Other, specify: Fertilizers, Pesticides, Bacteria (fecal), Oil/Grease, Salt

Part I. Screening Requirements

A. Maps and Photographs

Yes

- An 8.5" x 11" map from the DNR data/map viewers, showing the project area, is attached (link to <http://dnrmaps.wi.gov/SL/?Viewer=SWDV>).
- Aerial photo maps and project area photos are also included.

B. Filters Note: The applicant must be able to check "Yes" to questions 1 through 8 below to be eligible for a grant. Check "Yes" to question 9, if applicable.

Yes

1. Project is in an area that is urban or will be urban within 20 years (see Attachment B).
2. Project will be completed within 24 months of the start of the grant period.
3. Staff and consultants designated to work on this project have adequate training, knowledge, and experience to implement the proposed project.
4. Staff or contractual services, in addition to those funded by this grant, will be provided if needed.
5. Planning products prepared under this grant will not work at cross-purposes to (are consistent with) the non-agricultural performance standards under ch. NR 151 (see Attachment D).
6. The local DNR District Nonpoint Source Coordinator has been contacted and the project was discussed. See contacts at: <http://dnr.wi.gov/topic/nonpoint/NPScontacts.html>.

Name of the District Nonpoint Source Coordinator Contacted	Date Contacted	Subject of Contact
Ms. Maureen McBroom Waste Water Specialist	01/15/2015	Intent to apply
Ms. Maureen McBroom	04/06/2015	Review of Grant Application

7. The applicant can declare that one of the two statements below is TRUE.
- a. Statement A: The grant application is for a local governmental unit that has jurisdiction over the project area. (Jurisdiction over the project area means that the governmental unit has control over whether the planning recommendations are carried out.)
- b. Statement B: The applicant does not have jurisdiction over the project area; however conditions "i" and "ii" or "i" and "iii" are met
- i. The applicant is required to obtain a permit under subchapter I. of ch. NR 216; and
- ii. In addition, Inter-Governmental Agreements (IGAs) are in place,
- iii. or, will be put in place prior to the commencement of the grant period, to assure urban best management practices included on the grant are installed and maintained (see Attachment G).
8. The applicant can declare that one of the two statements below is TRUE.
- a. Statement A: The applicant is not the University of Wisconsin Board of Regents.
- b. Statement B: The applicant is the University of Wisconsin Board of Regents and the project will develop recommendations for a UW Campus area located in a municipality that meets both of the following criteria:

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- i. The municipality is required to obtain a municipal storm water permit under ch. NR 216 and
 - ii. The municipality is located either in a priority watershed or lake area identified under s. 281.65, Wis. Stats., or in an area of concern as identified by the International Joint Commission under the Great Lakes Water Quality Agreement.
9. This application is a joint application among local units of government, and
- If yes, the required Inter-Governmental Agreement (maybe a DRAFT) is attached (see Attachment G).

If the applicant answered "No" to any of the items in 1-8, above, stop here. This project is ineligible.

Part II. Competitive Elements

Question 1. Project Activities and Extent of Pollutant Control

A project can consist of one or more of the following planning activity categories (A through F). For each category below, check the boxes that describe the work products which will be produced under this grant. Do not check boxes based on prior work.

A. Ordinance Preparation

Develop Update The project is to develop or update one or more of the following ordinances (must be the applying Governmental
New Existing Unit's ordinances), including associated information, education and public participation activities. Check all that apply.

- 1. Construction erosion control ordinance including all the requirements of s. NR 151.11.
- 2. Storm water ordinance for new development and re-development including all the requirements of ss. NR 151.12, NR 151.121-128, and NR 151.241-249.
(See NR 151 at: http://docs.legis.wi.gov/code/admin_code/nr/100/151.pdf#page=1.)
- 3. Low impact development/conservation subdivision ordinances.
- 4. Other ordinances such as an illicit discharge ordinance, storm water ordinances affecting runoff from developed urban areas (e.g., pet waste management ordinances, nutrient management ordinances), or ordinances that regulate the application of fertilizers to non-municipal properties in accordance with s. NR 151.14.

B. Financing Mechanisms

Develop Update The project will evaluate financing mechanisms for storm water management, including associated information,
New Existing education and public participation activities. Recommendations will be presented to the governing board for approval and DNR will be notified of the governing board's action. Check one of the following:

- 1. The project develops a dedicated revenue source, such as a storm water utility, to implement a storm water program focusing on implementation of performance standards in Subchapter III of ch. NR 151.
OR
- 2. The project is a general feasibility analysis of alternative funding mechanisms

C. Storm Water Plan for Developed Urban Areas (includes redevelopment)

Develop Update The project is to develop or update a storm water management plan for developed urban areas, including
New Existing redevelopment, which addresses all applicable performance standards under NR 151 including associated information, education and public participation activities.
Check one of the following

- 1. This project will cover the entire geographic area of the governmental unit.
OR
- 2. This project will cover only part of the geographic area of the governmental unit.

D. Storm Water Plan for New Development

Develop Update The project will develop or update a storm water management plan for new development that addresses all of the
New Existing performance standards under ss. NR 151.12, NR 151.121-128, and NR 151.241-249, including associated information, education and public participation activities. Check one of the following:

- 1. This project will cover the entire geographic area of the governmental unit.
OR
- 2. This project will cover only part of the geographic area of the governmental unit.

E. Comprehensive Storm Water Information and Education Program

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- Check this box if the project will develop and/or implement a comprehensive storm water information and education program.
Note: This category may not be checked if any boxes in categories A through D, above, have been checked.
Information and education activities are expected to be included as necessary components of projects under categories A through D.

F. Inter-Municipal and Watershed-based Cooperation (bonus)

- Check this box if this project is being conducted as part of an inter-governmental storm water management strategy for a common water resource. This also includes entering into a Watershed-based Storm Water Management Permit with other municipalities.
Note: If more than one local unit of government is joining in this project application (a "joint application"), then an Inter-Governmental Agreement (IGA) meeting the requirements of Attachment G must be submitted with this application.

Provide a description of the inter-governmental effort that will be used to complete the project.

Please note - the Village of Bloomfield and Walworth County have entered into an Intergovernmental Cooperative Agreement for the establishment of a Walworth County Intergovernmental Stormwater Workgroup. Please see the attached Intergovernmental Cooperative Agreement.

Question 2. Fiscal Accountability

A. Timeline and Source of Staff

For each applicable milestone listed below, fill in the appropriate data.

Milestone	Target Completion Date (month/year)	Source(s) of Staff
Basic Milestones		
Prepare preliminary scope of services and discuss with DNR NPS Coordinator	03/2014	Village of Bloomfield & Engineering Staff
Prepare Request for Proposal	03/2014	Village of Bloomfield & Engineering Staff
Select Consultant	03/2014	Village of Bloomfield & Engineering Staff
Finalize Scope of Service and Professional Services Contract	02/2016	Village of Bloomfield & Engineering Staff
Get DNR approval of Professional Services Contract	02/2016	Village of Bloomfield & Engineering Staff
Hold "kick-off" meeting	02/2016	Village of Bloomfield & Engineering Staff
Interim meeting with DNR	02/2016	Village of Bloomfield & Engineering Staff
Presentation to Municipal Council	01/2017	Village of Bloomfield & Engineering Staff

Submit project and final report to DNR		Village of Bloomfield & Engineering Staff
Additional Milestones (list below)		
Review and update Village's Construction Site Erosion Control Ordinance for compliance with NR151	02/2016	Kapur & Associates
Review and update Village's Post-Construction Storm Water Management Zoning Ordinance for compliance with NR151	02/2016	Kapur & Associates
Completion of Survey	07/2016	Village of Bloomfield & Engineering Staff
Completion of Mapping & GIS Database - Creation of Storm Sewer System Map	10/2016	Village of Bloomfield & Engineering Staff
Public Participation, Education & Outreach	06/2016	This is an ongoing effort by the Village of Bloomfield. At this point in time the Village is not seeking funds to further this milestone.
Creation of a Village Illicit Discharge Ordinance for compliance with NR151	07/2016	Village of Bloomfield & Engineering Staff. The Village is not seeking funding to meet this milestone.
Illicit Discharge Detection & Elimination Outfall Inspection	10/2017	Village of Bloomfield & Engineering Staff.
Evaluate Financing Mechanisms		Currently there is no target date for this as implementing common partnerships is an effort that has been and will continue to be undertaken by the Village. Continuing ongoing relationships with surrounding communities, including Walworth County, to meet common water quality goals is also anticipated.

B. Adequate Financial Budget
 Provide detailed budget information for every proposed project activity in Question 1. and supporting activities for which DNR funding is requested. Please note: the state share may not exceed 70% of eligible costs. The grant amount is capped at \$85,000 for the eligible planning activities.

B.1. Financial Budget Table - Planning Activities

A	B	C
Project Activity for Which DNR Funding is Requested Use this space, not an attachment.	Estimated Total Cost (\$)	Amount from Column B Eligible for DNR Cost Sharing (\$)
Mapping: Survey - Collect Field Data, Rim Elevation, Invert, Pipe Size. Etc.	19,200	19,200
Mapping: Prepare Data for GIS Entry	3,120	3,120
Mapping: GIS Mapping	11,652	11,652
Modeling/Report: Collect Data of All Post-Construction Best Management Practices (stormwater ponds, infiltration practices, ect.)	3,120	3,120
Modeling/Report: Prepare Model Base Map	7,508	7,508
Modeling/Report: Determine & Calculate Drainage Areas	4,812	4,812
Modeling/Report: Model System No Controls	7,802	7,802

Modeling/Report: Model System With Controls	7,290	7,290
Modeling/Report: Produce Report	7,720	7,720
Develop/Review Ordinances	2,472	2,472
Financing Feasibility Analysis	1,030	1,030
Illicit Discharge Outfall Inspections	1,872	1,872
1. Total	77,598	77,598

B.1. (continued) Cost Sharing Worksheet

Eligible Costs:

2. 70% of Column C Total Row 1 above	\$	54,319
Cap Test:		
3. Maximum State Share Row 2 or \$85,000, whichever is less	\$	54,319
State and Local Share:		
4. Requested State Share Amount (Enter Requested Grant Amount)		48,857
5. Local Share Amount (Total of Row 1 Column B less Row 4)	\$	28,741

B.2. Use of Additional Funding

- Check this box if both of the following conditions are met.
- The requested state share amount in row 4 is less than the \$85,000 grant cap.
 - The requested state share amount in row 4 is below the maximum state-share in row 3. (The resulting cost-share rate is less than 70%.)

B.3. Cost Estimate Quality Describe the quality of cost estimates including whether the cost estimate is based on a competitive bid, scope of services, similar projects conducted locally, similar projects conducted elsewhere in the state or region, or other more generalized data. Provide documentation.

The cost estimates are based on planning efforts of similar scope and tasks undertaken by communities of similar size, land use and watershed management needs. Competitive bids were utilized to determine costs and were further evaluated to improve the final product and cost on behalf of the Village and DNR. Specifically cost estimates were derived from Kapur & Associates, Inc. engineering, survey, science and GIS staff based on each task that will be needed to complete this planning effort in order to comply with the non-agricultural performance standards defined in ch. NR151, Wisconsin Administrative Code.

Identify the source of the local share:

A draft scope of services will be prepared by Kapur & Associates, Inc. As needed the Village will solicit competitive bids or equal. Kapur & Associates serves the Village in an engineering capacity and was selected through a competitive process. Local share for the proposed project will come through an approved 2015 - 2016 Village fund/budget.

Question 3. Project Evaluation Strategy

Information that will be developed and presented to DNR to evaluate the environmental benefits of completing this project. Check all that apply.

- A. Information that quantifies how project implementation is projected to decrease storm water impacts on state waters will be provided to the DNR. The information may be provided as part of the planning product (e.g., storm water plan, I&E plan) or in the Final Report.
- B. Information that tracks progress in carrying out recommendations of this project will be provided to the Department for one or two years after the project is completed. Specify if it is going to be one or two years that tracking information will be provided and describe how this annual post-project tracking process will work:
 Storm sewer system mapping created will serve a number of benefits. It can be used as a tool in tracking illicit discharges and for field screening; it will also be used for modeling (SLAMM); and can be used to track improvements over time within the MS4. This mapping will also create an inventory and allow for Village staff to keep a schedule of maintenance and inspection in a more dynamic GIS based system. Storm sewer system mapping and subsequent updates will be provided in Annual reports as required in the WPDES Permit Compliance Schedule in a format as requested. Areas modeled can be re-modeled in the future to assess and track compliance with NR 151 required removal rates in an effort to initiate improvements to reduce TSS rates within the Village as needed. Tracking information collected as a result of this project will be provided to the DNR for greater than 2 years. It is anticipated that during survey efforts illicit discharge events may be observed - as a result immediate benefits including disconnection may result with the initiation of this project.

Question 4. Water Quality Needs

The project must be consistent with at least one of the following seven watershed priorities. For each watershed in the project area, identify the category that best identifies the project goals. If more than one category is checked (because the project area contains more than one watershed), estimate the portion of the project area to be assigned to each category.

Note: For border waters where a State of the Basin Report does not exist, another governmental document acceptable to the District NPS Coordinator may be used to identify the water quality need.

Percent of Project Area (Total should equal 100%)	Surface Water Considerations
<input type="checkbox"/>	<p>A. Clean Water Act section 303(d) List of Impaired Waters Project with water quality goals directly dealing with a water body (lake or stream) on the latest Clean Water Act (CWA) s. 303(d) List of Impaired Waters, where the cause of the impairment is nonpoint source pollution and this project will reduce the type of nonpoint pollutants for which the water is listed (see Attachment A and http://dnrmaps.wi.gov/SL/?Viewer=SWDV).</p> <p>Name of Applicable Impaired Water: _____</p> <p>Name of Pollutant Causing Impairment: _____</p>
<input checked="" type="checkbox"/>	<p>B. Outstanding or Exceptional Resource Waters or Other Areas of Special Natural Resource Interest Prevention of degradation due to nonpoint sources of outstanding resource waters (ORW) (per s. NR 102.10) or exceptional resource waters (ERW) (per s. NR 102.11) or other areas of special natural resource interest (ASNRI). To locate ORWERW and other ASNRI's see Attachment A and go to DNR's Surface Water Data Viewer Designated Waters Theme at http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=DesignatedWaters.</p> <p>Name of Applicable ORW/ERW or ASNRI: Pell Lake, West Branch Nippersink Creek, Tombeau Lake, Powers Lake, Benedict Lake, East Branch Nippersink Creek, Spring Valley Creek</p>
<input type="checkbox"/>	<p>C. Not Fully Supporting Uses or NPS Ranking of High or Medium A water body (lake or stream) identified in a DNR-approved Basin/Watershed Plan as not supporting designated uses due to nonpoint sources, but is not on the section 303(d) List. In newer plans, these waters are categorized as "supporting" (as opposed to "fully supporting") designated uses; in plans prior to 2010 they were labeled as "partially meeting" designated uses. Or, the project is located in watershed, lake watershed, or other area ranked high or medium on the NPS Rankings List, where the goals of the project are directly associated with the reason for the ranking on the NPS Rankings List.</p>

<input type="checkbox"/>		D. Surface Water Quality Prevention of degradation of surface water quality due to nonpoint sources
		Groundwater Considerations For assistance with this section, please consult the DNR District Drinking Water and Groundwater Specialist at: http://dnr.wi.gov/topic/drinkingWater/documents/CountyContacts.pdf or the County Extension office.
<input type="checkbox"/>		E. Exceeds Groundwater Enforcement Standard Groundwater within the project area where representative information indicates that stormwater pollutants in groundwater exceed the Enforcement Standard (ES).
<input type="checkbox"/>		F. Exceeds Groundwater Preventive Action Limit Groundwater within the project area where representative information indicates that storm water pollutants in groundwater exceed the Preventative Action Limit (PAL).
<input type="checkbox"/>		G. Groundwater Quality (see Attachment E) The project area is within a geological area defined in Attachment F as susceptible to groundwater contamination.
	Total:	
		100

Drinking Water Bonus Points (see Attachment E)

- Yes Check this box if the project water quality goals identified above relate to the reduction of nonpoint source contaminants in community or non-community public drinking water supplies. This includes any of the following: Municipal supplies governed by chs. NR 809 and 811; Other-Than-Municipal (OTM) water supplies governed by chs. NR 809 and 811; Non-Transient water supplies governed by chs. NR 809 and 811; Transient water supplies governed by chs. NR 809 and 812.
1. If "Yes," and you checked boxes E, F, or G, above, then mark a, b, or c, below and move on to question 6. (You will need assistance from your DNR District NPS Coordinator at <http://dnr.wi.gov/topic/nonpoint/NPSContacts.html> or Water Supply Specialist at <http://dnr.wi.gov/topic/drinkingWater/documents/CountyContacts.pdf> to answer.)
- a. Check this box if the project is located: within the wellhead protection area of a municipal well; or within 1,200 feet of a municipal well for which a wellhead protection area is not delineated; or within 1,200 feet of an Other-Than-Municipal (OTM) water supply well; or within 1,200 feet of a Non-Transient water supply well.
- b. Check this box if the project is located within 200 feet of a Transient water supply well.
- c. Check this box if neither a nor b applies
2. If "Yes," and you checked box A, B, or C or D above, then place a check mark next to the appropriate drainage area where the project is located. If the project is in more than one drainage area, enter the appropriate percentages in the boxes provided. (See Attachment E.)

Source Water Drainage Area	Portion of Project in Assessment Area (%)
<input type="checkbox"/> Pike River and Creek	<input type="text"/>
<input type="checkbox"/> Root River	<input type="text"/>
<input type="checkbox"/> Oak Creek	<input type="text"/>
<input type="checkbox"/> Milwaukee River	<input type="text"/>
<input type="checkbox"/> Sauk Creek	<input type="text"/>
<input type="checkbox"/> Sheboygan and Onion Rivers	<input type="text"/>
<input type="checkbox"/> Manitowoc River	<input type="text"/>
<input type="checkbox"/> Twin Rivers	<input type="text"/>
<input type="checkbox"/> Kewaunee and Ahnapee Rivers	<input type="text"/>
<input type="checkbox"/> Menominee River	<input type="text"/>
<input type="checkbox"/> Fish Creek	<input type="text"/>
<input type="checkbox"/> St. Louis and Nemadji Rivers	<input type="text"/>
<input type="checkbox"/> Lake Winnebago	<input type="text"/>

Question 5. Evidence of Local Support

For A. and B., check the applicable situation that exists at the time of application. Submit supporting information and documentation with the application.

A. Government

1. The local-share funds for this project's expenses are already included specifically in an adopted budget.

Evidence of the adopted budget is included with the application submittal.

Describe the document and list date of adoption:

2015 capitol improvement adopted January 5th, 2015

2. The local-share funds for the project expenses are or will be included in a proposed budget.

Evidence of the proposed budget is included with the application submittal.

Describe the document and list date for adoption;

B. Community Supporting information must be submitted with the application.

1. There is local community support from community stakeholders specifically for the project.

a. There is local support from citizen groups.

b. There is local support from municipal committees or councils representing the applicant.

2. There is community support for addressing general water resource needs in the community, even though there may not be evidence of support for this specific project.

a. There is general support from citizen groups.

b. There is general support from municipal committees or councils representing the applicant.

Question 6. Plans and Regulations

A. Consistency With Resource Management Plans

Check this box if the proposed project focuses on plans to implement a water quality recommendation from a locally-approved resource management plan. Examples include Smart Growth plans, Legacy Community plans, Water Star plans, local Storm Water Management plans, wellhead protection, lake management, regional water quality plans, Remedial Action plans and other watershed-based nonpoint source control plans.

(This question does not include a TMDL report, TMDL implementation plan, or County Land and Water Resource Management Plan.)

If Yes, summarize the water quality recommendation and describe how it relates to the goals of this proposed project. Cite the title, author and date(s) of publication of the resource management plan. Attach pertinent page(s) or provide URL and page numbers.

Efforts have been undertaken by a number of different stakeholders to plan for water quality improvements within the Village and surrounding communities. The proposed project will work towards assisting these entities in meeting initiatives and goals. GIS mapping can be used as a guide by the Village, lake management groups, the County, DNR, etc. for ongoing monitoring/tracking. In addition modeling will allow the Village to plan for BMP improvements as needed to reduce urban runoff (TSS, phosphorous, etc) loads to area water resources. The following is a list and excerpts of Resource Management Plans.

The Village hired a consultant to complete and Aquatic Plant Management Plan for Pell Lake, in which Eurasian water-milfoil was found to be a heavily dominant aquatic plant within the lake. Oftentimes this invasive species will choke out native plants leading to lower quality monotypic habitat. Eurasian water-milfoil is often induced by nutrient input, such as sediment and phosphorous. Wisconsin Department of Natural Resources (DNR) water quality data taken show a fair water quality index for Total Phosphorous. Please see pertinent excerpts of the Aquatic Plant Management Plan, Pell Lake, Village of Bloomfield (February 13, 2014, Stantec). This Plan can also be found on-line at the Village website: http://bloomfield-wi.us/home.html The proposed project for which

the Village is seeking grant funding will model TSS and Total Phosphorous and will make recommendations for removal of these pollutants which may be implemented by the Village over time. This plan was adopted by the Village.

In 2005, the Town of Bloomfield retained a consultant to complete a Smart Growth Plan. Since this time the Town became incorporated, areas now are Village. Smart growth law requires communities to evaluate several goals, as it relates to this grant application, one of the goals is, "Protection of natural resources, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources." (page 2-1). The Town [Village's] Smart Growth Plan is tied to the 2020 County's Park and Open Space Plan (SEWRPC, 1977) and is also shares common goals and principles of the Regional Water Quality Management Plan (SEWRPC, 1979) (please refer to pages 3-10 and 3-11 of the Smart Growth Plan attached). Public response generated as the result of survey for the Smart Growth Plan indicates strong support of the Town [now Village] for preservation of natural resources (please refer to page 3-16). The plan has been adopted by the Village.

"The State of the Southeast Fox River Basin", February, 2002 (DNR PUBL WT-701-2002) lists urban and agricultural runoff as a concern particularly within the Middle Fox River Watershed. At the time this report was prepared no communities had been WPDES permitted. As communities such as Village of Bloomfield become permitted clearer focus and strategy can be implemented to reduce amount of pollutants entering area waterways particularly from urban runoff. At this time this report can no longer be found on-line. Available DNR Guidance and other pertinent details can be found at this link: <http://dnr.wi.gov/water/watershedDetail.aspx?code=FX04&Name=Middle Fox River - Illinois>

The Walworth County Land and Water Conservation Plan (2/9/2010) specifically recommends protection of Nippersink Creek. The plan also recommends strengthening regulatory and non-regulatory approaches to insure the long-term maintenance of stormwater management practices. The plan recommends that County construction site erosion control and storm water management ordinances, including those adopted by local municipalities are consistent State Non-agricultural Runoff Performance Standards, pursuant to NR 151.

B. Supporting Regulations

Check the box for the statement(s) that applies to this project. The project is located within an area which has:

1. The applicant (applying governmental unit) has regulations in place to administer and enforce construction erosion controls in the governmental unit that are consistent with the non-agricultural performance standards in s. NR 151.11 Include the web site where the regulation can be found (most direct web page URL) and page number(s).
- Or check the box if a copy of the regulation is attached to this application.
2. The applicant (applying governmental unit) has regulations in place to administer and enforce post-construction runoff for areas of new development and redevelopment in the governmental unit consistent with the non-agricultural performance standards in s. NR 151.12. Include the web site where the regulation can be found (most direct web page URL) and page number(s).

Or check the box if a copy of the regulation is attached to this application.

Question 7. City of Racine

- Check this box if this is an application from the City of Racine for a project that is necessary for the city to comply with state storm water permitting requirements.

Part III. Eligibility for Multipliers

Completion of this part of the application is optional. However, an applicant can increase the final project score by qualifying for a project multiplier.

Project Name:
Village of Bloomfield Storm Water Management Plan

**UNPS&SW Program - Planning Grant
Application**

Form 8700-299A (R 1/15)

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Local Implementation Program (select all that are in place as of the application submittal date)

- A. The governmental unit is implementing a pollution prevention information and education program targeted for property owners and other residents.
- B. The governmental unit is tracking storm water permitting activity (construction and post-construction) in the governmental unit and can make summary information available to the DNR upon request.
- N/A
- C. The governmental unit is implementing a nutrient management plan for municipally-owned properties of pervious area where nutrients are applied.

Optional Additional Information

Carefully review the answers to all of the questions above. Is there additional information that will add to the understanding of this project? If so, describe here.

Applicant Certification

A Responsible Governmental Official (authorized signatory) must sign and date the application form prior to submittal to the DNR. The governmental official with signatory authority must be the person authorized by the Governmental Responsibility Resolution. I certify that, to the best of my knowledge, the information contained in this application and attachments is correct and true.

Signature of Government Official - Authorized Signatory

Date Signed


Name (Please Print)

Ken Monroe

Title

Village President

4-6-15

- Check this box if the required, completed Governmental Responsibility Resolution (GRR) (see [Attachment H](#)) is attached. Authorized signatory must be approved in the GRR.

Submittal Directions

To be considered for funding, provide the following for each application submitted:

- One hard copy of the completed application form [DNR Form 8700-299A (R 1/15)] with **original signature in blue ink** and all attachments.
- Three additional hard copies of the completed, signed application form and all attachments.
- One electronic copy of the completed application form (this saved application form) in **PDF format only** plus all attachments on CD.

All application materials must be postmarked by **midnight April 15 of the same calendar year.**

Mail to: State of Wisconsin
Runoff Management Section-WT/3
Department of Natural Resources
101 South Webster Street
Madison, WI 53703

PO Box 7921
or Madison WI 53707-7921

Project Name:

Village of Bloomfield Storm Water Management Plan

**UNPS&SW Program - Planning Grant
Application**

Form 8700-299A (R 1/15)

Page 13 of 13

Please use this page to write any constructive comment(s) you might have to improve this application.

Thank you.

ATTACHMENTS:

- **Project Information A. Location of Project (Continued)**

Part I. Screening Requirements:

- **USGS Topographic Map & Aerial Photograph with Village Limits Outlined (Dash Red)**
- **Project Area Photos**

Part II. Competitive Elements

- **Village Ordinances**
- **Intergovernmental Agreement (County & Village)**
- **Fiscal Accountability/Financial Information**
- **Community Support**

Project Information A. Location of Project (Continued)

Continuation of A. Location of Project								
Minor Civil Division	Township (N)	Range	E or W	Section	Quarter	Quarter-Quarter	Latitude	Longitude
Bloomfield, Village of	1N	18	E	12	SE		42.5674	-88.3199
Bloomfield, Village of	1N	18	E	11	SE		42.5576	-88.3371
Bloomfield, Village of	1N	18	E	11	SW		42.5576	-88.3371
Bloomfield, Village of	1N	18	E	11	NW		42.5647	-88.3439
Bloomfield, Village of	1N	18	E	10			42.5600	-88.3538
Bloomfield, Village of	1N	18	E	9			42.5599	-88.3742
Bloomfield, Village of	1N	18	E	8			42.5601	-88.3936
Bloomfield, Village of	1N	18	E	7			42.5576	-88.4098
Bloomfield, Village of	1N	18	E	17	NE		42.5493	-88.3860
Bloomfield, Village of	1N	18	E	16			42.5454	-88.3737
Bloomfield, Village of	1N	18	E	15			42.5452	-88.3535
Bloomfield, Village of	1N	18	E	14			42.5453	-88.3344
Bloomfield, Village of	1N	18	E	13			42.5455	-88.3149
Bloomfield, Village of	1N	18	E	24			42.5309	-88.3146
Bloomfield, Village of	1N	18	E	23			42.5309	-88.3346
Bloomfield, Village of	1N	18	E	22			42.5308	-88.3546
Bloomfield, Village of	1N	18	E	21	NE		42.5354	-88.3730
Bloomfield, Village of	1N	18	E	21	NW		42.5353	-88.3778
DNR Surface Water Data Viewer Used for Latitude & Longitude								

Part I.

**Screening Requirements – USGS Topographic Map & Aerial Photograph with Village Limits
Outlined (Dash Red)**

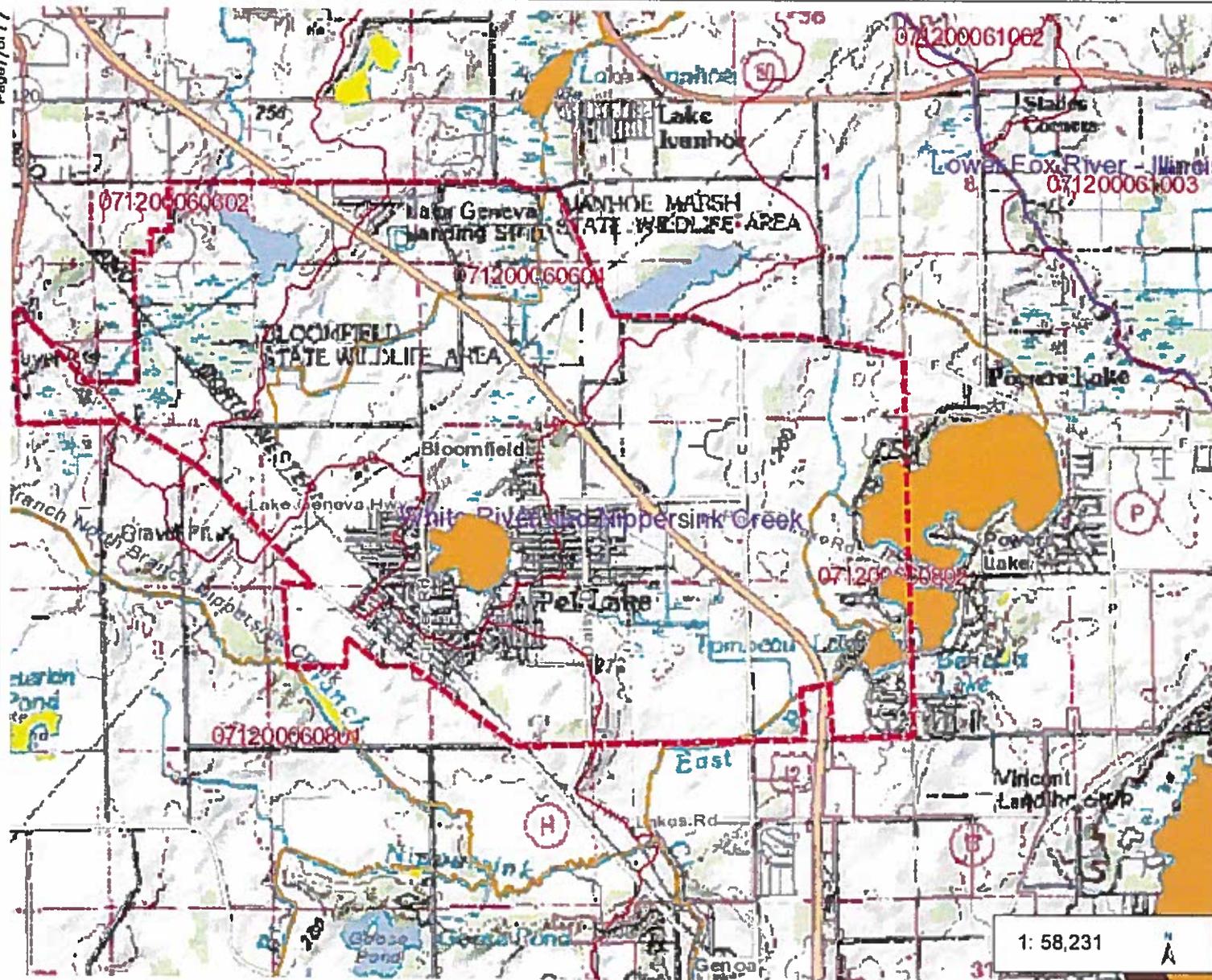


Surface Water Data Viewer Map - USGS Topo Map - Village of Bloomfield Outlined in Dash Red Line



UNPS&SW Program - Planning Grant Application

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- Legend**
- Impaired Rivers and Streams
 - Impaired Lakes
 - Outstanding and Exceptional S
 - Exceptional
 - Outstanding
 - Locational Information (line)**
 - COMPLETE
 - CONFLICT
 - Outstanding and Exceptional L**
 - Exceptional
 - Outstanding
 - Locational Information (area)**
 - COMPLETE
 - CONFLICT
 - PRF Sensitive Areas of Lakes
 - PRF Other Public Rights Feat
 - ASNRI Wild and Scenic Rivers
 - ASNRI Outstanding and Excep
 - ASNRI Trout Streams
 - ASNRI Wild Rice Streams
 - ASNRI Quality Wetland Stream
 - ASNRI Endangered Threatene Concern Streams
 - ASNRI Outstanding and Excep
 - ASNRI Quality Wetland Areas
 - ASNRI Wild Rice Areas
 - ASNRI Trout Spring Ponds
 - ASNRI Endangered Threatene

1: 58,231

Notes

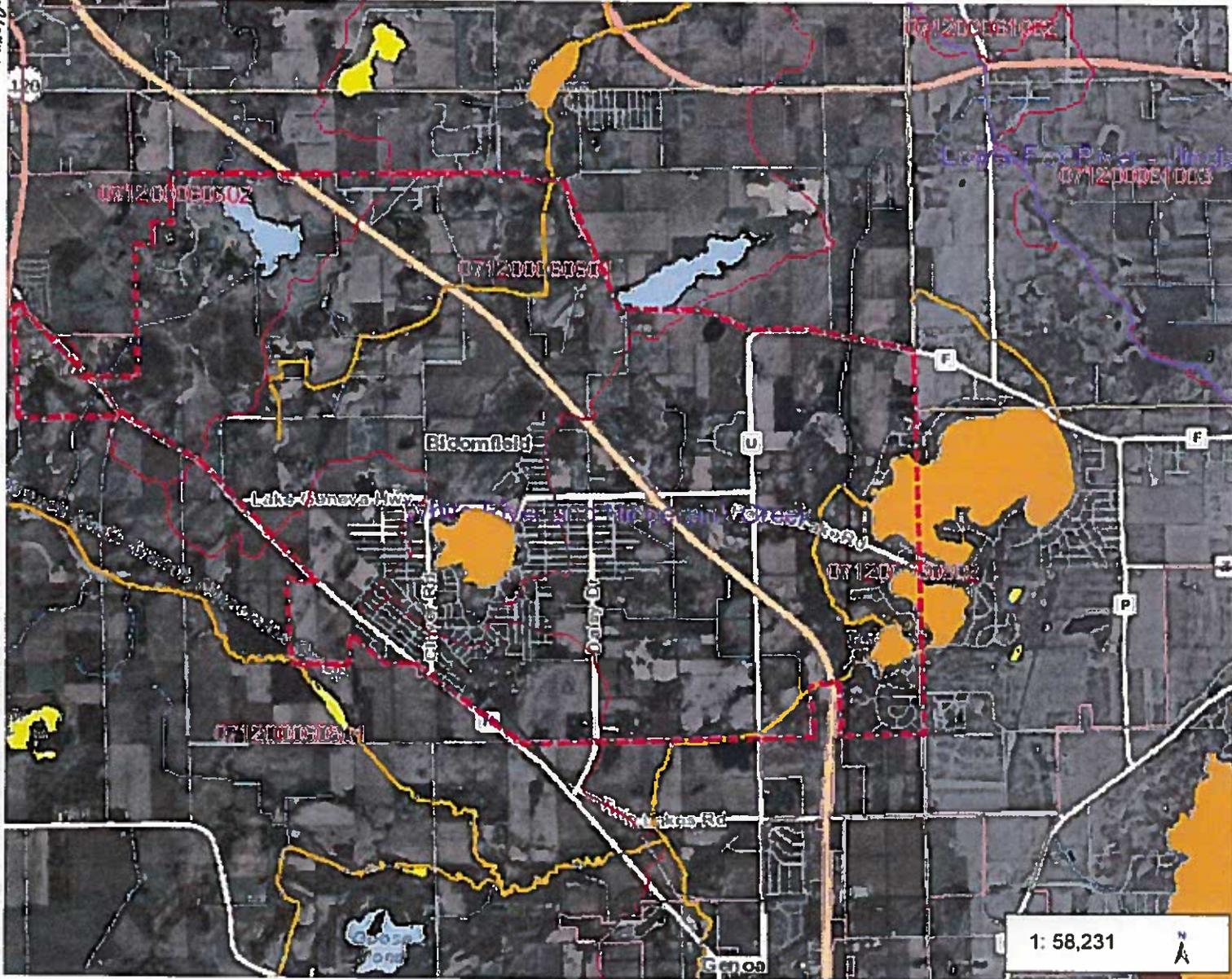
Project Name: Village of Bloomfield Storm Water Management Plan

0 0.92 1.8 Miles

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.atititude Geographics Group Ltd.

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>

Surface Water Data Viewer Map - 2010 Aerial Photo - Village of Bloomfield Outlined in Dash Red Line



- ### Legend
- Impaired Rivers and Streams
 - Impaired Lakes
 - Outstanding and Exceptional S**
 - Exceptional
 - Outstanding
 - Local Information (line)**
 - COMPLETE
 - CONFLICT
 - Outstanding and Exceptional L**
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1: 58,231

8 0 0.92 1.8 Miles

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Notes

Project Area Photos taken March, 2014



Bloomfield, Wisconsin
Building Our Future Together



Project Area Photographs – All Photos taken 4/14/14 during runoff event

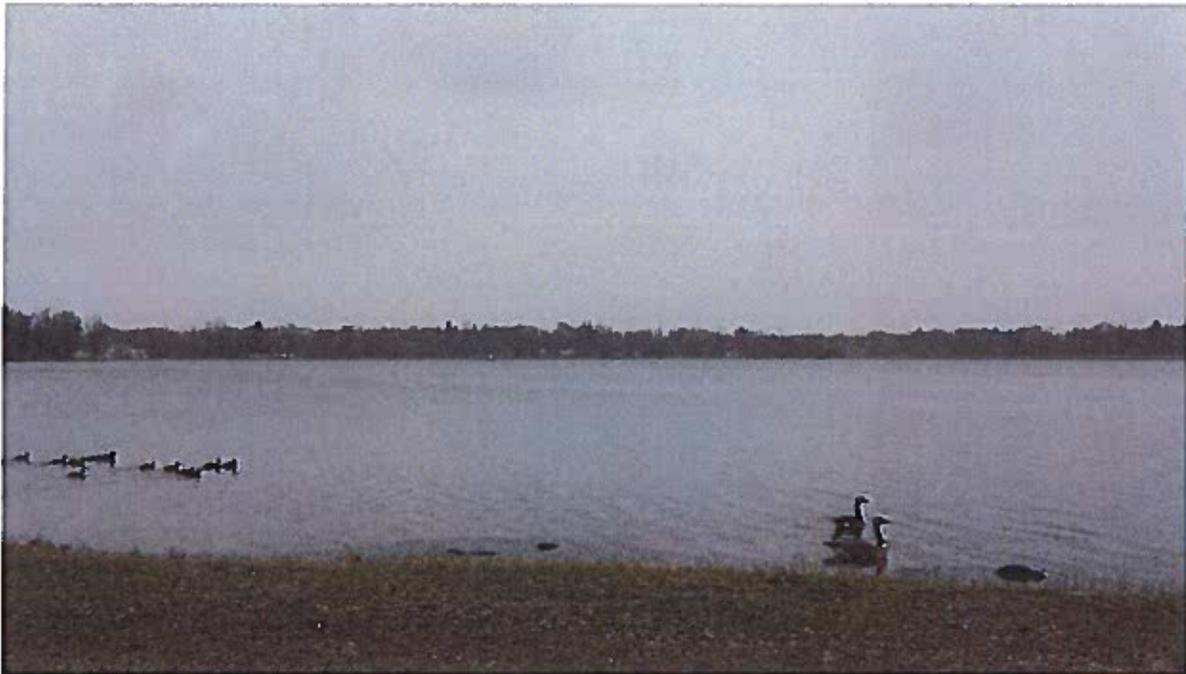


Photo 1: The Village of Bloomfield urbanized area is generally situated around Pell Lake, an Area of Special Natural Resource Interest (ASNRI).

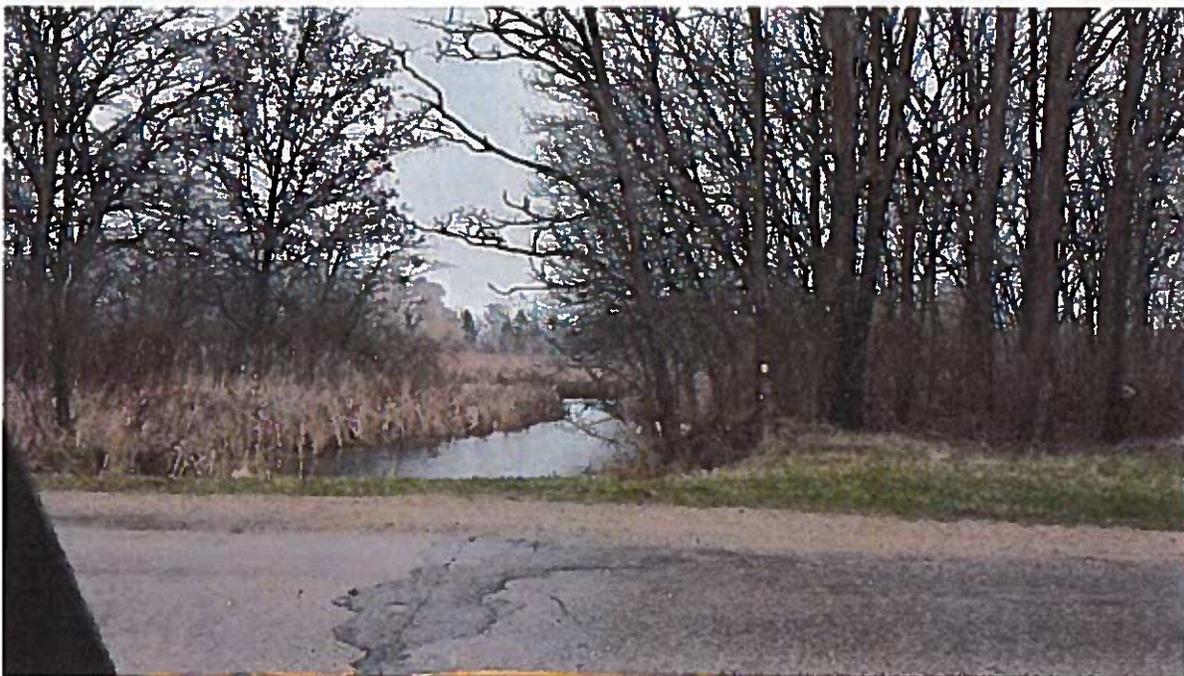


Photo 2: Pell Lake Outlet. Pell Lake contains sizable areas of wetlands.



Photo 3: Ditches are typically pervious. Though in some locations concrete lined ditches are also present.



Photo 4: Concrete lined ditch.



Photo 5: Much of the urbanized area is single-family residential.



Photo 6: The urbanized area also contains a mix of business uses as well.



Photo 7: In some locations businesses are located right next door to water resources including wetlands.



Photo 8: Location of Village Hall. This municipality was recently incorporated as a Village.

Part II.
Competitive Elements
Village Ordinances

CHAPTER 32

EROSION CONTROL

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ARTICLE I

ARTICLE I. LAND DISTURBANCE, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL, CONSERVATION STANDARDS FOR VEGETATION REMOVAL, POND CONSTRUCTION AND RETAINING WALL CONSTRUCTION

DIVISION 1. GENERALLY

Sec. 32-01. Title.

This article shall be known and may be cited as the "Construction Site Erosion and Sediment Control, Conservation Standards for Vegetation Removal, Pond Construction and Retaining Wall Construction Ordinance."

Sec. 32-02. Authority.

This article is adopted under the authority granted by s .61.354 of Wis. Stats and to fulfill the objectives of Wis. Stats. Ch. 281.16 and 283.33. Furthermore, the village is adopting this pursuant to § 101.1205 of the Wisconsin Statutes, for the construction of public buildings and buildings that are places of employment.

- (a) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (b) The Village board of Trustees hereby designates the Village Building Inspector to administer and enforce the provisions of this ordinance.
- (c) The requirements of this article do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) The state department of natural resources administrative rules, permits, or approvals including those authorized under Wis. Stats. § 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under § NR 151.004, Wis. Adm. Code.

Sec. 32-03. Findings of fact.

- (a) The village finds that uncontrolled runoff from land disturbing activities, construction-sites and other manmade changes of the land surface carries a significant amount of sediment and other pollutants to the waters of this village and this state. In addition, land disturbing activities not complying with village conservation standards can have a significant impact on the value and functions of wetlands, woodlands, water bodies and other natural and environmental resources. Specifically, uncontrolled soil erosion and storm water runoff can:
 - (1) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.

ARTICLE I

- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
 - (3) Alter wetland communities by changing wetland hydrology and increasing pollutant loads.
 - (4) Reduce the quality of groundwater by increasing pollutant loading.
 - (5) Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems.
 - (6) Undermine floodplain management efforts by increasing the incidence and levels of flooding; and sedimentation.
 - (7) Generate airborne particulate concentrations that are health threatening or may cause other damage to property or the environment
- (b) The village finds that pond construction, not complying with village conservation can have a significant adverse impact on the environmental resources in the village.
- (c) The village finds that vegetation removal in shorelands can result in erosion and generate sediment that can be transported to waters and wetlands of the village. Furthermore, the loss of vegetation near wetlands and waters of the state can result in the loss of habitat for wildlife and natural scenic beauty.
- (d) The village finds that the construction retaining walls and other structures within the shoreyard setback area must be consistent with state and village shoreland zoning standards, contained in NR 115 of the Wis. Adm. Code and chapter 27 of the Village Code of Ordinances, respectively.

Sec. 32-04. Purpose and intent.

- (a) It is the purpose of this article to preserve the natural resources of the village; to protect the quality of the waters of the village and the state; to protect spawning grounds, wetlands, woodlands and steep slopes; to control building sites and the placement of structures; to preserve ground cover and scenic beauty; and to protect and promote the health, safety and welfare of the people, to the extent practicable.
- (b) These goals shall be accomplished by insuring land disturbing activities are consistent with village conservation standards and minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing activities, and construction-sites to lakes, streams, channels, ditches, ponds, wetlands and other watercourses of the village and by preventing flooding on adjacent land.
- (c) In is the intent of this article to establish standards, plan and permit requirements and procedures for land disturbing and land developing activities to minimize the amount of sediment and other pollutants carried in runoff or discharged to waters of the state in the village or to adjacent properties.

ARTICLE I

(d) This article is intended to meet the following construction site and sediment erosion control regulatory requirements:

- (1) Subchapter III of NR 151, of the Administrative Code, Construction Site Performance Standard for New Development.
- (2) NR 216 of the Wis. Administrative Code.
- (3) Chapter SPS 360 of the Wisconsin Administrative Code.
- (4) NR 115, of the Administrative Code, Wisconsin's Shoreland Management Program.

(e) This article is intended to establish conservation standards, plan and permit requirements and procedures for, vegetation removal, and the construction of ponds and retaining walls, when required to meet village conservation standards in the following Village Ordinances:

- (1) Chapter 27 of the Village Code of Ordinances.
- (2) Chapter 18 of the Village Code of Ordinances.

Sec. 32-05. Jurisdiction, applicability and exemptions.

(a) **Jurisdiction:** This article applies to land developing and land disturbing activities on lands situated within the boundaries and jurisdiction of the Village of Bloomfield.

(b) **Applicability:** this article shall apply to the following activities:

- (1) Any construction, including but not limited to buildings, public buildings and buildings that are places of employment, communication towers, carports, ponds and pools, as well as erection or construction of any other structures.
- (2) Those involving grading, removal of protective ground cover or vegetation, excavations, land filling, demolition, or other land disturbing construction activities affecting a surface area of 4,000 square feet.
- (3) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of soil, sand or other excavation or fill material, including, but not limited to non-metallic mining sites or spoil spreading sites.
- (4) Those involving public or private streets, highways, airstrips, driveways, roads, bridge construction, including but not limited to original construction, enlargement, relocation or reconstruction.
- (5) Those involving the laying, repairing, replacing or enlarging of an underground pipe, utilities or facilities, or the disturbance of a road ditch, grass channel or other open channel for a distance of 300 linear feet or more of the total plan of construction.
- (6) Those involving grading, removal or ground cover or vegetation, excavation, land filling or land disturbing activities within 1,000 feet of a lake or within 300 feet from any navigable waterway.
- (7) Vegetation removal activities regulated by the Village Zoning Department, pursuant to chapter 27 of the Village Code of Ordinances.
- (8) Retaining wall construction activities regulated by the Village Zoning Department, pursuant to chapter 27-22 of the Village Code of Ordinances.

ARTICLE I

- (9) Notwithstanding the applicability requirements in this subsection, the construction site erosion and sediment control performance standards applies to land disturbing activities or construction sites of any size that, in the opinion of the village, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or endangers property or public safety
- (c) Exemptions: The land disturbing construction site erosion and sediment control provisions of this article do not apply to the following:
- (1) Plowing, planting, cultivating or harvesting any plant grown for human or livestock consumption or pasturing or yarding of livestock.
 - (2) Land disturbing activities directly related to the installation and maintenance of private on-site waste disposal systems if conducted according to SPS 383, County and Village standards.
 - (3) Land disturbing activities conducted for a project designed, funded or implemented under the supervision of the village, the USDA Natural Resources Conservation Service, U.S. Department of Interior, Fish and Wildlife Services, the State of Wisconsin Department of Natural Resources, or the WI Department of Agricultural Trade and Consumer Protection, if conducted according to village conservation standards.
 - (4) Land disturbing activities conducted, or contracted by, any state agency, as defined under Wis. Stats. § 227.01(1), or under a memorandum of understanding entered into under Wis. Stats. § 281.33(2). The village may require documentation of the person(s) and regulatory agency charged with enforcing construction site erosion control.
 - (5) Land disturbing activities that include the construction of a one- and two-family building regulated under chapter 22 of the Village Code of Ordinances.
 - (6) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services in chs. SPS 320 to 325 or 361 to 366, Wis. Adm. Code.
 - (7) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - (8) Nonpoint discharges from agricultural facilities and practices.
 - (9) Nonpoint discharges from silviculture activities.
 - (10) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

Sec. 32-06. Adoption of state law.

- (1) The following Wisconsin Administrative Codes are hereby adopted and by reference, made a part of this article:
- (1) Chapter SPS 361, Administration and Enforcement
 - (2) Chapter SPS 360, Erosion Control, Sediment Control and Storm Water Management

ARTICLE I

(3) Chapter NR 151.11, Construction Site Performance Standards for New Development and Re-development.

(4) Chapter NR 151.12, Post-construction Performance Standards for New Development and Re-development.

(b) Any future amendments and revisions of these codes are also made a part of this article. A copy of these codes shall be kept on file in the Village Zoning Office.

Sec. 32-07. Appeals.

(1) The village board of adjustment created pursuant to Wis. Stats. 61.34 and acting in accordance with Wis. Stats. §§ 62.23(7)(e) and 68.11 and chapter 27 of the Village Code of Ordinances shall hear and decide appeals where it is alleged that there is error in an order, decision or determination made by the village in administering this article. Upon appeal, the board may authorize variances from the provisions of this article that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the article will result in unnecessary hardship.

(2) Who may appear. Appeals to the Board of Adjustment may be taken by any aggrieved person or any office or department of the village affected by any decision of the village zoning department.

Sec. 32-08. Severability.

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

Sec. 32-09. Definitions and phrases.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural land use: Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising (Wis. Stats. §§ 91.01, 92.10).

“Applicant”: The landowner or responsible party or one of the landowners and/or land users of a site subject to this article.

“Average annual rainfall”: A calendar year of precipitation, excluding snow, which is considered typical.

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

Clean fill: Uncontaminated soil, brick, building stone, concrete, reinforced concrete, broken pavement and unpainted or untreated wood.

Clearing: Any activity that removes vegetative cover.

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

“Village conservation standards”: Those applicable design criteria, standards and specifications for conservation practices used by village. Conservation practice standards establish the minimum level of acceptable quality for planning and site assessment, performance expectations, design and installation parameters, and the operation and maintenance needs of conservation practices. Conservation practice standards include those contained in:

- (1) Subchapter V of ch. NR 151, Wis. Adm. Code;
- (2) Section IV of the Field Office Technical Guide, Technical Notes and Field Office Manuals published by the USDA Natural Resource Conservation Service
- (3) Other technical standards and specifications adopted by the State Standards Oversight Council, other state or local agencies or organizations, the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Southeastern Wisconsin Regional Planning Commission or the Center for Watershed Protection and approved by the village.

“Village Zoning Department”: The village office responsible for enforcing and administering the village zoning ordinances and other land use ordinances of the village.

“Design storm”: A hypothetical discrete rainstorm characterized by a specified duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall, (i.e., once every two, ten or 100 years, for frequency; within 24 hours, for duration.) The village rainfall depths for design storms are contained in the Field Office Technical Guide, (FOTG) published by the USDA Natural Resources Conservation Service.

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall depth	2.4 inches	2.8 inches	4.1 inches	5.8 inches

“Dewatering”: The removal of trapped water, usually by pumping, from a construction site to allow land development or utility installation activities to occur.

“Disturbed area”: A site which, due to land developing or disturbing activities, has or will experience disturbance or destruction of the existing land surface and/or vegetative cover.

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

“Erosion and sediment control plan”: A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

“Erosion and sediment control practice”: A method or device implemented to prevent or reduce erosion or the resulting deposition of soil or sediment. Practice standards establish the minimum level of acceptable quality for planning, designing installing, operating and maintaining erosion and sediment control best management practices. Practice standards are developed by:

- (1) The Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, Wis. Adm. Code;
- (2) USDA Natural Resource Conservation Service and published in the Field Office Technical Guide, (FOTG) Technical Notes, and Field Manuals.
- (3) Other state or local agencies or organizations, approved by the village, including but not limited to the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Southeastern Wisconsin Regional Planning Commission or the Center for Watershed Protection.

“Extraterritorial” means the unincorporated area within 1.5 miles of the Village.

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

“Financial guarantee”: means a performance bond, maintenance bond, surety bond, irrevocable letter of credit or similar guarantees submitted to the Village by the responsible party to assure that the requirements of the ordinance are carried out in compliance with the village-approved construction site erosion control plan or post-construction storm water management plan

“Governing Body”: The operating committee of the village board of trustees.

“Infiltration”: The entry of precipitation or runoff into or through the soil.

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

“Land developing activity”: The construction or erection of buildings, roads parking lots, paved storage areas and other structures that may ultimately result in the addition of impervious surfaces.

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

“Land user”: Any person operating upon, leasing or renting land, or having made any other arrangements with the landowner by which the land user engages in uses of land which are sites subject to this article. The term "land user" shall include temporary users of property such as contractors and sub-contractors.

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“Landowner”: Any person holding fee title to, an easement to or having an interest in a parcel of land that allows the person to undertake land disturbing activities on a parcel subject to this article.

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

“Navigable water”: “Navigable water” means Lake Superior, Lake Michigan, all natural waters within the state and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the state portion of boundary waters, which are navigable under the laws of the state.

“Ordinary high-water mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

“Outstanding resource water” has the meaning given in § NR 102.10, Wis. Adm. Code.

“Performance standard”: A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

“Permit”: A written authorization made by the Village Zoning Department to applicant to conduct land disturbing activities or to discharge post-construction runoff.

“Plat”: A map prepared for the purpose of recording a subdivision, minor land division, or condominium.

“Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

“Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

“Pre-development condition”: The extent and distribution of land cover types present before the initiation of land disturbing construction activities, assuming that all land uses prior to development activity are managed in an environmental sound manner.

“Preliminary plat” has the meaning given in the Village subdivision ordinance, chapter 18 of the Village Code of Ordinances.

“Responsible party” Any entity holding fee title to the property or other person contracted or obligated by other agreements to implement the construction site erosion control plan or post-construction storm water management plan.

“Retaining wall”: A structure constructed of manmade or natural materials for the purpose of retaining soil, controlling erosion and preventing the down-slope movement of soil.

“Road”: As used in this ordinance, means any access drive that serves more than two residences or businesses.

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“Runoff”: Storm water or precipitation, including rain, snow or ice melt irrigation water or similar water that moves on the land surface via sheet or channelized flow.

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

“Sheet flow runoff”: Water, usually storm runoff, flowing in a thin layer over the ground surface; also called overland flow.

“Shoreland” has the meaning given in the Village shoreland zoning ordinance 27, division 14 of the Village Code of Ordinances.

“Shoreyard setback”: An areas in the shoreland that is within a certain distance of the ordinary high-water mark in which construction or the placement of buildings or structures has been limited or prohibited under the Village shoreland zoning ordinance, chapter 27 of the Village Code of Ordinances.

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

“Stabilized”: All land disturbing activities are completed and that a uniform, perennial vegetative cover has been established on at least 70 percent of the soil surface or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the Village.

“Stormwater”: Precipitation runoff, snow melt runoff, surface runoff and drainage.

“Storm water management plan”: A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilizations following completion of the land disturbing activities.

“Stop-work order”: An order issued by the Village which requires that all construction activities on the site be stopped due to a violation of the Village Code of Ordinances.

“Storm water permit”: A written authorization made by the Village to an applicant to conduct land disturbing activities or to discharge storm water runoff to waters of the state.

“Technical standard”: A document that specifies the planning and selection criteria, design, predicted performance and operation and maintenance specification for a material, device or method.

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

“Vegetation removal”: The removal, pruning, trimming, burning of trees, shrubs, forbs or other herbaceous ground cover.

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

“WDNR”: The Wisconsin Department of Natural Resources.

“Wetlands”: An area where water is at or near the surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Secs. 32-10—32-15. Reserved

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DIVISION 2. CONSERVATION AND TECHNICAL STANDARDS AND SPECIFICATIONS, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL GUIDING PRINCIPLES, PERFORMANCE STANDARDS, SITE DRAINAGE AND STORM WATER MANAGEMENT

Sec. 32-20. Village conservation standards, technical standards and construction specifications.

(a) Hydrologic and hydraulic modeling and computations and soil evaluations: The following standards and specifications, models and site evaluations shall be used in evaluating, modeling, planning, selecting, designing, constructing and maintaining best management practices needed comply with this article.

- (1) Models: All computations of runoff volumes and peak flow rates used in the development of erosion and sediment control plans in accordance with this article shall be based on United States Department of Agriculture - Natural Resources Conservation Service (NRCS) methodology. Other models may be approved and used to evaluate the efficiency of the design in meeting the requirements of this article.
- (2) Rainfall depths: To determine compliance with this article, the following design storm rainfall depths shall be used, which are derived from NRCS publications and extrapolated for the Village:

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall depth	2.4 inches	2.57 inches	3.62 inches	5.88 inches

(3) Runoff curve numbers. All computations of pre-development conditions as specified in this article shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS runoff curve number	56	70	79	83

(b) Village conservation and technical standards and construction specifications: The selection, design, construction and maintenance of all structural and nonstructural erosion and sediment control best management practices, needed to comply with the performance standards contained in this article shall meet the minimum level of acceptable quality for planning, designing, installing, operating, and maintaining and shall be based on the following:

- (1) Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.

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- (2) Applicable design criteria, standards and specifications identified or developed by the state department of natural resources under subchapter V of ch. NR 151, Wis. Adm. Code;
 - (3) The Field Office Technical Guide, Technical Notes, and Field Manuals published by the USDA Natural Resource Conservation Service.
 - (4) Other design standards and specifications. Other technical standards, handbooks, and guidance, not identified or developed in sub (a) or (b) published by the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission or the Center for Watershed Protection may be used provided that the methods have been approved by the village or their designee.
 - (5) Construction and material specifications. The construction or installation of all BMPs, materials and components shall comply with the applicable manufacturer's specifications and industry standards and specifications, including but not limited to those published by ASTM, the USDA Natural Resource Conservation Service, (NRCS) state department of natural resources, or the state department of transportation.
 - (6) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (c) Soil evaluations: All soil profile evaluations and documentation shall be completed in accordance with Chapter SPS 385, Wis. Admin. Code and any applicable standard under the above subsection. Where there are no specific standards for the number, location, or depth of soil profile evaluations for a proposed BMP, the Village shall determine the minimum requirements based on the design of the BMP and likely variability of the on-site soils.

Sec. 32-21. Construction site erosion and sediment control guiding principles.

- (a) Guiding principles for construction site erosion and sediment control. To satisfy the requirements of this article, a construction site erosion and sediment control plan shall, to the maximum extent practicable, adhere to the following guiding principles:
 - (1) Propose grading that best fits the terrain of the site, avoiding steep slopes, wetlands, floodplains, and environmental corridors.
 - (2) Minimize, through project phasing and construction sequencing, the time and the area of land disturbed and exposed to the wind, runoff and snow melt.
 - (3) Minimize soil compaction, the loss of trees, and other natural vegetation.
 - (4) Stabilize land disturbed with vegetation, mulch or other erosion resistant covering.
 - (5) Locate erosion and sediment control best management practices upstream from where runoff leaves the site or enter waters of the state and outside of wetland, floodplains, primary and secondary environmental corridors and isolated natural areas.

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- (6) Emphasize the use of best management practices that prevent the soil detachment and transport, over those aimed to reduce or intercept sediment or repair of erosion damage.

Sec. 32-22. Performance standards for construction site erosion and sediment control and other pollutant control.

- (a) Where land disturbing construction activities are to occur, the landowner or responsible party shall implement a Village-approved erosion and sediment control plan developed in accordance with section 32-22 of this article and incorporates the requirements of the guiding principles, performance standards and plan requirements of this article.
- (b) Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the erosion and sediment control practices are in place for each area to be disturbed, in accordance with the approved erosion and sediment control plan.
- (c) Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70 percent of cover for the unpaved areas and areas not covered by a permanent structure or that employ equivalent permanent stabilization measures.
- (d) Erosion and sediment control best management practices used to meet the standards of this article shall be planned, designed, installed and maintained according to village conservation standards, or standards approved by the department of safety and professional services, or the state department of natural resources, in accordance with the process under § NR 151.32(2).
- (e) Erosion and sediment control mandated practices and erosion and sediment control performance standards. The plan required under section 32-22 of this article shall include the following:
 - (1) Mandated practices. Specific best management practices, complying with village conservation standards, shall be employed and maintained to do all of the following at each site where land disturbing construction activities are to occur shall:
 - a. Prevent soil from being tracked onto streets by vehicles.
 - b. Prevent the discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. Prevent the discharge of sediment from disturbed areas abutting waters of the state.
 - d. Prevent the discharge of sediment into drainage ways that flow off the site.
 - e. Prevent the discharge of sediment during dewatering activities.
 - f. Prevent the discharge of sediment from stockpiles existing for more than 7 days.
 - g. Manage building waste, chemicals, materials and other compounds used on the construction site to prevent their transport by runoff to waters of the state and adjacent properties.
 - h. Prevent land disturbance activities outside of the area designated on the approved erosion and sediment control plan or within the shoreyard setback areas, as determined by the village zoning division.
 - (2) Erosion and sediment control standards. Including the mandated practices under subsection (1) additional erosion and sediment control best management practices, complying with village

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conservation standards, shall be employed and maintained to accomplish one of the following erosion and sediment control standards:

- a. A potential annual cumulative soil loss rate of not more than one of the following:
 1. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.
 2. Seven and half tons per acre per year, where silt, silty clay loam or silt loam textures are exposed.
 - b. A reduction of at least 80 percent of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves more than one or more acre.
 - c. A reduction of at least 40 percent of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of the land disturbing construction activity is to occur.
 - d. Potential soil loss or the reduction in potential sediment load shall be determined using an engineer analytical modeling acceptable to the department of safety and professional services, the state department of natural resources, or the Village.
- (f) Other pollutant control requirements. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state and wetlands. However projects that require the placement of these materials in waters of the state, such as constructing bridge footings, or BMP installations, are not prohibited by this article.
- (g) Location of best management practices. The BMPs used to comply with this article shall be located prior to runoff entering waters of the state.
- (h) Alternative requirements: The Village may establish construction site erosion and sediment control requirements more stringent than those set forth in this section, if it is determined that an added level of protection is needed to protect
- (1) A cold water stream, outstanding water resource, exceptional water resource, critical aquatic habitat areas or other environmentally sensitive area.
 - (2) A downstream property.
 - (3) Public health and safety.
- (i) Monitoring: The owner or owner's agent shall inspect the erosion and sediment control practices for maintenance needs at all of the following intervals until final site stabilization:
- (1) At least once weekly.
 - (2) Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous 24-hour period.
 - (3) At all intervals cited in the erosion and sediment control plan.

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- (j) The owner or owner's agent shall maintain a monitoring record when the land disturbing activities construction activity involves one or more acres. The monitoring record shall contain at least the following information:
- (1) The condition of the erosion and sediment control practices at the intervals specified under subsection (i) and the need for any cleaning, repairing, modification or replacement.
 - (2) A description and the date of the maintenance conducted to clean, repair, replace or modify erosion and sediment control practices.
- (k) Maintenance: The responsible party shall maintain all erosion and sediment control practices necessary to meet the requirements of this ordinance until the project site has undergone final site stabilization.
- (1) When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.
 - (2) Sediment deposition onto any roadways or neighboring properties, resulting from the failure of an erosion or sediment control practice, shall be cleaned up by the end of the workday.
 - (3) The owner or the owner's agent shall clean, repair or replace any erosion and sediment control practice noted during the monitoring interval specified in subsection (f) within 24 hours of noting the maintenance needs.
 - (4) The Village and the state department of natural resources will be contacted before attempting to clean up any sediment deposited or discharged into any waters of the state or wetlands.
- (l) Dismantling of temporary erosion and sediment control practices: Except for permanent erosion control systems, the owner shall be responsible for dismantling and removing temporary erosion control practices once the soil on the site is stabilized. A disturbed site is considered stabilized by vegetation when a perennial cover has been established with a density of at least 70 percent.

Sec. 32-23. Site drainage and post-construction storm water management.

- (a) Site drainage: Measures shall be implemented to ensure proper site drainage, prevent property damage and protect health and safety. Site grading shall ensure positive flows away from buildings and septic systems and minimize adverse impacts to any adjacent environmental resources or properties.
- (b) The Village erosion control inspector may require a site drainage plan performed by a professional engineer licensed in the state when the following site limitations or alterations have been noted:
- (1) Aquic conditions or saturation of a horizon of the soil.
 - (2) Proposed plan indicates drainage conditions will be altered.
 - (3) Historic drainage problems have been formally noted by the local municipality

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- (c) Post-construction storm water management. A storm water management permit must be obtained pursuant to article 1, section 32, and storm water management plan consistent with village conservation standards, article 1, section 32 and § NR 151.12, of the Wisconsin Administrative Code must be implemented when the land disturbing construction activities cover one or more acres.

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DIVISION 3. ADMINISTRATION, PERMIT AND PLAN REQUIREMENTS, PERMIT AND PLAN APPROVAL AND ENFORCEMENTS

Sec. 32-30. General administration.

- (a) The Village board of trustees designates the Village Building Inspector to administer and enforce the provisions of this article.
- (b) The village directed erosion control inspector shall be certified by the state to engage in the administration and enforcement of this article and chapter SPS 320 and chapter SPS 321 of the Wisconsin Administrative Code.
- (c) The designated erosion control inspector shall keep a record of all plan reviews, permit and inspection activities.

Sec. 32-31. Plan approval and permit required.

- (a) No landowner or responsible party may allow or commence a vegetation removal, land disturbing or construction activity subject to this article without receiving prior approval of a conservation plan, erosion and sediment control plan and a permit from the village. At least one person acting in the capacity as the landowner or, responsible party, controlling or using the site and desiring to undertake a land disturbing or construction activity subject to this article shall, in the capacity of the applicant, submit an application for a permit, and an erosion and sediment control plan and a conservation plan, if applicable, and pay the required permit application fee to the village. By submitting an application, the applicant is authorizing the village, staff or designee to enter the site to obtain information required for the review of the conservation plan or erosion and sediment control plan.
- (b) General permits for certain construction activities. Land disturbing activities associated with the construction of garages, sheds, and above-ground pools, which would otherwise require a construction site erosion control general permit, are exempt from that requirement, if the following project limitations apply:
 - (1) The project site and the land disturbing activities are not located within 300 feet of a stream, creek or navigable channel or 1,000 feet of a lake.
 - (2) Land disturbing activities are less than 4,000 square feet.
 - (3) Land disturbing activities are less than 400 cubic yards of filling and excavation.
 - (4) An existing non-tracking driveway will be used to access the construction site. A new or temporary driveway will not be established or constructed.

Sec. 32-32. Permit application and fees.

- (a) The landowner or the responsible party desiring to undertake a vegetation removal or land disturbing construction activities subject to this article shall submit an application for a permit, on a form provided by the village and a plan that meets the requirements contained in this article and shall pay the application fee to the village clerk.

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- (1) The permit application fees referred to in this article shall be established by the village board of trustees, in a fee schedule and may, from time to time, be modified. The processing fees shall be related to costs involved in processing permit applications, reviewing plan, conducting inspections, and documentation. A schedule of the fees shall be available for review at the village hall or on the village website.
 - (2) A double permit fee shall be assessed, if land disturbing or construction activities commence before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this article nor from prosecution for violation of this article.
 - (3) A permit extension fee is required if the landowner or the responsible party has not completed final site stabilization and desires to continue land disturbing construction activities beyond the expiration date of the permit.
 - (4) Plan amendment or revision fee. A plan amendment or revision fee is required, if the landowner or responsible party amends or revises any component of the erosion and sediment control plan after the village has completed the initial review, and approved the plan.
- (b) General permit for certain construction activities. The submittal of a construction site erosion control permit application and a permit application fee is not required for land disturbing activities eligible for a general permit, pursuant to subsection 32-31.

Sec. 32-33. Erosion Control & Stormwater Management Fee Schedule.

Erosion control - 1 and 2-family residences, and residential add. less than 1 acre of land disturbance	\$175.00
Erosion control - Permit renewal	1/2 of original Fees not to exceed \$1000.00
Erosion control - Decks/post holes only (open deck/fence)	\$50.00
Erosion control - Excavation/decks/patios and post hole additions with roof 10,000 or less sq. ft. of land disturbance	\$100.00
Erosion control - In ground swimming pool greater than 10,000 sq. ft. of land disturbance	\$150.00 plus \$0.005/sq.ft. disturbed
Erosion control - Landscaping w/ structures, retaining walls or stairways greater than 10,000 sq. ft. of land disturbance	\$150.00 plus \$0.005/sq.ft. disturbed
Erosion control - Retaining walls or stairways 10,000 or less sq. ft. of land disturbance	\$150.00
Erosion control - Storage structures, garages, accessory structures, etc.	\$150.00
Erosion control - Swimming pool 10,000 or less sq. ft. of land disturbance	\$150.00
Erosion control - Waterfront- Decks/post holes only (open deck/fence)	\$100.00
Erosion control - Waterfront - Landscaping w/structures, retaining walls or stairways greater than 10,000 sq. ft. of land disturbance	\$300.00 and \$0.005/sq.ft. disturbed

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Erosion control - Waterfront - Retaining walls or stairways/shoreyard landscaping 10,000 or less sq. ft. of land disturbance	\$225.00
Erosion control - Waterfront - Storage structures, garages, boathouses, accessory structures, etc.	\$225.00
Erosion control - Waterfront - Swimming pool 10,000 or less sq. ft. of land disturbance	\$225.00
Erosion control - Waterfront - Swimming pool greater than 10,000 sq. ft. of land disturbance	\$300.00 plus \$0.005/sq.ft. disturbed
Erosion control - Waterfront 1 and 2-family residences, residential add. less than 1 acre of land disturbance	\$300.00 and \$50.00 for each accessory building included with application
Erosion control - Waterfront excavated/decks/patios 10,000 or less sq. ft. of land disturbance and/or post hole additions with roof	\$225.00
Erosion control and Stormwater - Multi-family residential greater than 2 units	\$100.00/unit plus \$0.005/sq.ft. disturbed
Erosion control - Revisions	1/2 of original Fees not to exceed \$1000.00
Erosion control Revisions - Waterfront	1/2 of original Fees not to exceed \$1000.00
Erosion control - Waterfront - Multi-family residential greater than 2 units	\$225.00/unit and \$0.005/sq.ft. disturbed
Erosion control with storm water - greater than 1 acre of land disturbance for 1 and 2 family residential construction	\$300.00 plus \$0.005/sq.ft. disturbed
Erosion control with Stormwater - greater than 1 acre of land disturbance 1 and 2 family residential construction - Waterfront	\$325.00 and \$0.005/sq.ft. disturbed

Commercial/Institutional Project	\$175.00 Less than 2500 sq.ft. -\$200.00 plus \$0.005 sq.ft over 10,000 sq.ft.
Land disturbing activities, no structures, Subdivision development and others	\$150.00 Less than 10,000 sq.ft. \$150.00 plus \$0.005 sq.ft over 10,000 sq.ft.
Subdivision development and others	\$100.00 plus \$0.005/sq.ft. disturbed
Pond Construction/Pond Maintenance	\$150.00 plus \$0.005/sq.ft. disturbed
Vegetation removal/tree cutting permits	\$150.00
Vegetation removal - shoreyard mitigation	\$150.00
Vegetation removal – restoration/compliance review fee	\$600.00

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Compliance Inspection Fee	\$100.00/Inspection
Ordinance Citation Forfeiture	\$663.00 for Each Offense
Citation Inspection Fee	\$200.00/visit

Sec. 32-34. Review of erosion and sediment control plan.

Within 30 days of receipt of the application, construction site erosion and sediment control plan and an application fee, the village staff shall review the application and the construction site erosion and sediment control plan to determine if the requirements of this article are met. The village staff may request comments from other departments or agencies. If the requirements of this article are met, the village shall approve the plan, and issue a permit. If within 30 days, the village determines that the application or the plan is incomplete, the village shall inform the applicant in writing and may either request the needed information or disapprove the plan. Within 30 days of receipt of needed information, the village staff shall again determine if the plan meets the requirements of this article. If the plan is disapproved, the village shall inform the applicant in writing of the reasons for the disapproval.

Sec. 32-35. Permit duration.

- (a) A permit issued under this article shall be valid for a period of 180 days, or the length of the building permit from the date of issuance. The village may extend the period one or more times for up to an additional 180 days, if a formal written request is submitted. The written request will include:
 - (1) The reason for the need for the extension.
 - (2) A new project schedule, including the date of site stabilization.
 - (3) Affirmation of the installation and maintenance of the erosion and sediment control measures on the site.
 - (4) A description and location of any additional erosion and sediment control measures, including, but not limited to temporary stabilization needed to protect the site during the construction delay and meet the requirements of this article.
- (b) The village may require additional control measures as a condition of the permit extension if necessary to meet the requirements of this article.

Sec. 32-36. Permit conditions.

- (a) All permits issued under this article shall be subject to the following conditions and holder of permits under this article shall be deemed to have accepted these conditions. The village may suspend or revoke a permit for the violation of a permit condition, following written notifications of the responsible party. All permits under this article shall require the landowner or the responsible party to:

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- (1) Notify the village within 48 hours of commencing any land developing or disturbing construction activity
 - (2) Notify the village of completion of any erosion or sediment control measures within 14 days after their installation.
 - (3) Obtain permission in writing from the village prior to modifying the erosion and sediment control plan or the conservation plan for vegetation removal.
 - (4) Install and maintain all erosion and sediment control measures identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, Stormwater drainage systems, erosion and sediment control measures and other facilities identified in the control plan.
 - (6) After consultation and approval of the village, the village zoning division, and the state department of natural resources, repair any siltation or erosion damage to adjoining surfaces such as lakes, streams, wetlands, channels, ditches, ponds, and other watercourses and drainage ways resulting from land developing or disturbing construction activities and document repairs in the site erosion and sediment control inspection log.
 - (7) Inspect the erosion and sediment control measures within 24 hours after each rain of 0.5 inches or more and at least once each week, make needed repairs and record the findings of the inspections in a site erosion and sediment control log with the date of inspection, the name of the person conducting the inspection and a description of the present phase of the construction at the site.
 - (8) Allow the village staff or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or performing any work necessary to bring the site into compliance with the erosion and sediment control plan.
 - (9) Keep a copy of the erosion and sediment control plan and permit on the site.
 - (10) Attend a pre-construction meeting, if required by the village, prior to commencing any land disturbing activity. The land owner and/or the responsible party, the design engineer, contractors, and other interested parties identified by the village will attend a pre-construction meeting, at a location determined by the village.
 - (11) Obtain all local, state and federal permits required to conduct the land disturbing activities. The landowner and the responsible party will submit copies of all permits required to conduct the land disturbing activities.
 - (12) Prepare and submit "as-built" plans, certified by a professional engineer, licensed in the state, of the structural erosion and sediment control best management practices, to the village.
 - (13) Keep financial assurance current, if required by the village.
- (b) Permit conditions for general permits: Construction activities for which a general permit is required are subject to the following permit conditions:
- (1) The tracking of material from the construction site onto any roadway must be prevented. The tracking of any material from the project site onto any roadway is considered a violation of this general permit.
 - (2) Land disturbing activities cannot exceed 4,000 square feet, including excavation, filling and stockpiling.
 - (3) Site de-watering is not permitted.

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- (4) Silt fence, straw bales or other sediment control measures used on the project site must be installed and maintained according to WDNR Construction Site Erosion Control Technical Standards, (<http://dnr.wi.gov/Runoff/stormwater/techstds.htm>).
- (5) Minimize adverse drainage impacts on any adjacent environmental resource or property.
- (6) Soil stockpiles cannot be placed within 25 feet of any road right-of-way or drainage-way.
- (7) All building waste must be properly contained, managed and disposed.
- (8) All disturbed areas must be seeded and mulched or covered with erosion resistant material within seven days of project completion.
- (9) All federal, state, village and local permits must be obtained, if needed.
- (10) Allow Village Staff to enter the project site for the purpose of inspecting for compliance with village environmental regulations.

Sec. 32-37. Erosion and sediment control plan and statement.

- (a) Erosion and sediment control plan required. No person shall commence with land disturbing activities and cause soil to be disturbed for construction within the scope of this article without obtaining approval of an erosion and sediment control plan for that activity from the village.

- (1) An erosion and sediment control plan shall be prepared and submitted to the village.
- (2) The erosion and sediment control plan shall be designed to meet the performance standards in section 32-34 and other requirements of this article.
- (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site.
- (4) Erosion control plan requirements. Where appropriate, the construction site erosion and sediment control plan shall use the following best management practices or plan elements to do all of the following to the maximum extent practicable:
 - a. Prevent tracking of sediment from the construction site onto roads or other paved surfaces. Each site shall have anti-tracking stone pads and access drives, and parking areas conforming to village technical and conservation standards, so as to prevent sediment from being tracked onto public or private streets, highways or roadways.
 - b. Divert upslope runoff. Divert excess runoff from upslope land, rooftops or other surfaces, if practicable, using best management practices such as earthen diversion berms or downspout extenders.
 - c. Prevent the discharge of sediment as part of site de-watering. Water pumped from the site shall be treated or filtered by an appropriate best management practice conforming to village technical and conservation standards.
 - d. Protect the separate storm drain inlet structure from receiving sediment. All storm drain inlets shall be protected with an appropriate best management practice conforming to country technical and conservation standards.
 - e. Contain and stabilize stockpiled soil with vegetation, mulch, tarps, or other method conforming to village conservation standards. Locate soil stockpiles away from channelized flow and no closer than 25 feet from roads, ditches, channels or wetlands. Stockpiled soil

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cannot be placed within the shoreyard setback area unless otherwise approved by the village. Any stockpile that remains for more than seven days shall be stabilized by seeding and secured mulching, secured mulching or other erosion resistant cover.

- f. Minimize the length and steepness of cut and fill slopes,
- g. Intercept sediment in overland flow by using silt fence, vegetative filter strips, or appropriate best management practices conforming to village technical and conservation standards.
- h. Trap sediment in channelized flow before discharge from the site using, sediment traps, sediment basins or other best management practice, conforming to village conservation standards.
- i. Protect pipe and channel outlets from erosion during de-watering, and storm water conveyance and discharge, by using best management practices to prevent scour.
- j. Dust control. Prevent excessive dust from leaving the construction site with by as site watering, mulching or other approved method.
- k. Waste and material disposal. All waste and unused building materials including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials shall be properly disposed of and not be allowed to be carried by runoff into a receiving channel or storm sewer system.
- l. Fill. Only clean fill may be used for restoration work conducted on any land disturbance or land developing project. Soils containing petroleum are considered contaminated and may not be land spread as a land disturbing activity for the treatment of soil unless conducted at a village approved facility. Soils containing soil additives such as fertilizers, herbicides or pesticides may be land spread if applied at legally established concentration rates.
- m. Topsoil preservation and application. Save existing topsoil and reapply a minimum of four inches to all disturbed areas for final stabilization, unless otherwise approved by the village. If existing topsoil is insufficient or inadequate, to meet this requirement, topsoil shall be imported or a topsoil substitute may be used, upon approval of the village.
- n. Sediment cleanup. By the end of each workday, cleanup all off-site sediment deposits or soil tracked off the project site. Flushing shall not be authorized, unless runoff is treated before discharge from the project site.
- o. Final site stabilization. All previously cropped areas where land disturbing activities will not be occurring under the proposed grading plans, will be stabilized by planting an erosion resistant cover, within 30 days of permit issuance, if within acceptable regular or dormant seeding dates, or by May 1, if permit issued after acceptable regular and dormant seeding dates have passed. Disturbed areas will be stabilized with permanent vegetation within seven days of final grading and topsoil application. Large sites shall be staged with final grading and stabilization completed with each stage. Any soil erosion that occurs after final grading or application of stabilization measures must be repaired and the stabilization work redone.
- p. Removal of temporary construction site erosion control measures. Remove and restore location of all temporary best management practices, such as silt fences, sediment traps, ditch checks, bale barriers, as soon as all disturbed areas have been stabilized. A disturbed area shall be considered stabilized when a perennial cover has been established with a density of at least 70 percent.

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- (5) Erosion and sediment control plan contents. The following shall be the minimum narrative and computations requirements included in the erosion and sediment control plan:
- a. The name(s) and address(es) of the owner, developer and/or the responsible party of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact.
 - b. Narrative describing the existing conditions of the site and a description of the nature and purpose of the land describing activity.
 - c. Construction timeline and sequencing, including stripping and clearing, rough grading, construction of utilities, infrastructure and buildings, final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures and establishment of temporary stabilization and permanent vegetation.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. Estimates including calculations, if any of the runoff coefficient of the site before and after construction activities are completed.
 - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
 - g. Existing data describing the surface soil as well as subsoils.
 - h. Depth to groundwater, as indicated by the natural resources conservation service soil survey report or other available sources
 - i. Name of the immediate named receiving water.
- (6) Site map. The erosion and sediment control plan shall include the following features on a site map. The site map shall include the following items and shall be at a scale of not more than 100 feet per inch and a contour interval not to exceed two feet.
- a. North arrow, graphic scale, draft date, name and contact information for project engineer or planner and designation of source documents for all map features.
 - b. Existing and proposed site topography at contour intervals not to exceed two feet, proposed percent slope for all open channels and side slopes and all proposed runoff discharge points from the site.
 - c. Existing topography, vegetative cover, natural and engineered drainage systems, and roads. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any 100-year floodplains shall also be shown.
 - d. Proposed building envelopes, if proposed and boundary of proposed land disturbance and the boundary of area to be undisturbed.
 - e. Drainage patterns and approximate slopes anticipated after major grading activities.
 - f. Location of existing and proposed utilities and associated easements, if present.
 - g. Temporary access drive, surfacing material.

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- h. Temporary flow diversion devices, if needed, for upslope or roof runoff until site is stabilized.
- i. Temporary sediment trapping devices and protection for inlets to culverts and storm drains, if present.
- j. Temporary sediment basin(s) or other BMPs to be used for site dewatering during utility or other subsurface work or other site work.
- k. Temporary soil stockpile storage locations indicating setbacks from nearby water resources or environmental corridors and the proposed erosion protection methods.
- l. Detailed drawings and cross-sections for any sediment traps, sediment basins or other major cut or fill areas requested by the village, showing side slopes and elevations.
- m. Final stabilization measures for open channels and erosion protection for pipe and channel inlets, outlets and emergency spillways.
- n. Location of proposed utilities, including: standard cross-section for buried utilities, associated easements, labeling the type of utility and notes on erosion control and restoration plans.
- o. Final site stabilization instructions for all disturbed areas, showing areas to be stabilized in acres, or square feet, depth of applied topsoil, seed mixture, rates and seeding methods, fertilizer, sod or erosion matting specifications, maintenance requirements until plants are well established, and other BMPs used to stabilize the site.
- p. Detailed construction notes clearly explaining all necessary procedures to be followed to properly implement the plan, including estimated starting date of grading, timing and sequence of construction or demolition, any construction stages or phases, utility installation, dewatering plans, refuse disposal, inspection requirements, and the installation, use, and maintenance of best management practices proposed in the plan.
- q. Location of soil evaluations, if conducted, with surface elevations and unique references to supplemental soil evaluations report forms in accordance with this article. Also show estimated seasonal water table depths and soil textures down to planned excavation depths, which may be on a separate map with sufficient references to the proposed site plan.

Sec. 32-38. Financial guarantee.

- (a) The village may require the responsible party to obtain proof of financial assurance as a condition of the approval of a permit to conduct land disturbing construction activities.
 - (1) Purpose: In order to insure compliance with this ordinance, the land conservation division may require the responsible party to submit proof of financial assurance or guarantee such as a letter of credit, posted bond or cash escrow, in a form approved by the village. A written agreement will give the village the authority to use the funds to complete or maintain the storm water management best management practices construction on the site to comply with this article.
 - (2) Amount: The amount of the financial guarantee shall not be less than the cost of implementing the erosion and sediment control plan for a land disturbing construction activity subject to this article.
 - (3) Duration: Surety must be provided for the length of the project plus one growing season. Keeping the surety current at all times by renewal shall be the responsibility of the responsible party. At a

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minimum, any part of a surety renewal series shall cover all phases of the plan from the clearing and stockpiling operations to final grading and landscaping for a period of not less than two years.

- (4) **Security:** Each financial guarantee shall be accompanied by a written agreement outlining its purpose, applicable amounts and all the conditions for the release. The required surety will give the village the authority to use the funds to complete erosion and sediment control best management practices, if the developer defaults or does not properly implement the approved plan.
- (5) **Recording:** This agreement shall be recorded in the County register of deeds office prior to issuance of a permit and shall be effective for a sufficient time period to perform the activities required, make the appropriate inspections and approve the final installation. The village may extend the agreement beyond its original expiration date if necessary due to unexpected or unforeseen circumstances beyond the control of the responsible party.
- (6) **Conditions for release of the financial guarantee:** The village shall release the portion of the financial guarantee established under this section, less any cost incurred by the village to bring the project site into compliance with this ordinance, after submission of "as-built plans" by a professional engineer licensed in the state. The village may make provisions for partial pro-rated release of the financial guarantee based on the completion of various stages of the approved plan and the land disturbing construction activities.
- (7) **Violations of performance security requirements shall be enforceable pursuant to section 32-39 of this article.**
- (8) **Exemption.** Publicly funded land disturbing activities are exempt from providing financial assurance.

Sec. 32-39. Enforcement, violations and penalties.

- (a) The landowner or the responsible party is subject to the following enforcement actions and penalties, if land disturbing construction activities are found to be in violation with this article.
 - (1) **Notice of compliance and noncompliance:** A notice of compliance or noncompliance with this code shall be written on the building permit and posted at the job site. Upon finding of noncompliance, the Village Erosion Inspector shall notify the applicant of record and the owner, in writing, of the violations to be corrected. The time period allowed for compliance with the erosion and sediment control provisions of this code shall be based on the severity of the noncompliance in relation to soil loss or potential damage to the waters of the state or adjacent properties.
 - (2) **Stop-work and cease and desist orders:** The Village may issue a special order directing the immediate cessation of work on a one-or two-family dwelling until the necessary plan approval is obtained or until the site complies with the erosion and sediment control provisions of this code. Any person who continues to work on a one-or two family dwelling after being given written notice to stop-work or cease and desist order shall be in violation of this article. Construction may resume once the erosion and sediment control compliance corrections are completed.
 - (3) **Ordinance citations:** Any person violating any provisions of this article shall be subject to forfeiture for each violation. Each day a violation exists shall constitute a separate offense.
 - (4) **Injunction:** Compliance with the provisions of this article may also be enforced by injunction, or other legal proceedings

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- (5) Suspension or revocation of permit: The village may suspend or revoke any state uniform building permit where it appears that the permit was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order, or where the village soil erosion inspector is denied access to the premises.
- (6) Ten days after posting a stop work order, the village may issue a notice of intent to the landowner or the responsible party of the village's intent to perform work necessary to comply with this article. The village may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the village plus interest at the rate authorized by the village shall be billed to the permittee or the landowner. If a permittee or landowner fails to pay the amount due, the village clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. § 66.0701.

Sec. 32-40. Compliance inspection fees.

- (a) The village may assess an inspection fee, to cover the cost to conduct a site inspection performed by the division staff to assess the status of a project site in violation of this article.
 - (1) The inspection fee shall be established by the village board of trustees. Responsible parties subject to an inspection fee, are limited to those where formal enforcement action has been undertaken and the responsible party has been issued a notice of non-compliance, an ordinance citation, a cease and desist order, or is under an order or judgment issued by a court with jurisdiction.

DIVISION 4. REGULATIONS FOR POND CONSTRUCTION AND CONSTRUCTION OF RETAINING WALLS

Sec. 32-41. Pond regulations.

- (a) Pond construction and pond maintenance require a land disturbance erosion and sediment control permit and if applicable, a zoning permit. Land disturbance, erosion and sediment control permit applications and plans are reviewed by the village. Pond design, construction and maintenance must be consistent with village conservation standards and the following criteria:
 - (1) Ponds proposed to be constructed in wetlands must meet conservation standards for wetland enhancement, wetland restoration, wetland wildlife habitat management, or other conservation practice standards approved by the village. Shallow wildlife ponds have a maximum depth of four feet with eight to one side slopes and do not provide for more than 20 percent open water within a wetland. Wildlife ponds may not be constructed across a wetland boundary with a deeper portion proposed outside of the wetland. Wildlife ponds may not have a significant adverse effect on the natural hydrologic water regime, existing unique plant wetland flora and fauna, of a wetland area and must be a wetland enhancement.
 - (2) Pond construction and maintenance in uplands and agricultural lands are not required to meet specific dimensional limitations or requirements, but shall incorporate safety features, consistent with village construction standards.

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- (3) Spoils excavated for pond construction or pond maintenance may not be disposed of in any village regulated wetland area, floodplain or within any shoreyard, as determined by the village.
 - (4) If a pond is proposed to be constructed in a floodplain area, the applicant must demonstrate that the project restores or improves functional values, including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhancing fisheries and wildlife habitat, improving filtration or storage of sediments, nutrients, and toxins, improving shoreline protection against erosion, and any additional wetland functional values. The enhancement of functional values of a floodplain may not be conducted as part of mitigation for loss of wetlands.
 - (5) Spoils from pond construction may not be hauled off-site or sold without obtaining proper zoning and conditional use approval or land disturbance permit and plan approval.
 - (6) The applicant must obtain conditional use approval for placing fill in the floodplain.
 - (7) The land owner or the responsible party must obtain all approvals required by the state department of natural resources, U.S. Army Corps of Engineers and local agencies prior to commencing pond construction within the village.
 - (8) Site specific guidelines may be established during the review and approval process which is more restrictive based on unique characteristics of project site.
- (b) Pond construction permit requirements, application procedures and fees and plan requirements.
- (1) Permit required. No person shall commence pond construction or pond maintenance, subject to this article without receiving prior approval and obtaining a land disturbance/erosion and sediment control permit for pond construction from the village.
 - (2) Permit application and fees. Prior to undertaking a land disturbing activity for the construction of pond maintenance subject to this ordinance, the landowner or responsible party shall submit an application for a permit and submit a pond construction plan, construction site erosion and sediment control plan that meets the requirements of section 32-36 of this article and shall pay an application fee, referenced in section 32-33 of this article. By submitting an application, the applicant is authorizing the village staff to enter the site to obtain information required for the review of the project plan
 - (3) The pond construction plan shall be prepared and submitted to the village and include the following:
 - a. A project site plan map, drawn to scale with the following information and details:
 1. Location and dimensions of all planned land disturbing activities, including the location of any spoil spreading.
 2. The location of any lake, stream, channel, ditch, pond, wetland, waterway or 100-year floodplain line near the project site.
 3. Location of property boundaries to insure proposed pond is set-back from the property line.
 4. Location and direction of drainage patterns flowing onto or through the project site.
 5. Site grading plan, showing the existing and proposed contours and elevations of the pond and spoil spreading areas.
 6. The project site construction access roadway.

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7. If the proposed pond is an embankment pond, show the location and elevation of the embankment and the locations and elevations of the inlet and outlet of the principal and emergency spillways, if planned.
 8. Location of all construction site erosion and sediment control practices necessary during pond construction, pond maintenance or spoil spreading activities, consistent with section 32-22 of this article.
 9. Methods to handle, store, de-water and transport spoil material.
- b. Pond construction details, specifications, and design documentation, including, but not limited to:
1. Soil boring logs, if conducted.
 2. Cross-sections of planned pond excavation.
 3. If pond is constructed using an embankment, the following details must be prepared and submitted:
 - A. Design computations.
 - B. Profiles along centerline of embankment.
 - C. Cross-sections along principal and emergency spillway.
 - D. Pond lining specifications, if used.
 - E. Material and construction specifications for excavation, fill, conduits, pipes or other materials used for pond construction.
- (c) Project construction schedule and sequencing plan, including the anticipated starting date of each phase of construction, including the installation of erosion and sediment control measures and final site restoration, for the pond construction or maintenance and the spoil spreading areas.
- (d) A site restoration, vegetation and landscaping plan for the pond site and the spoil disposal areas, describing the seeding mixture and rate, erosion control matting specifications, mulching type and application rate and any special planting.
- (e) Project narrative describing the purpose and intent of the pond construction or maintenance and the type of equipment that will be used.
- (f) A pond maintenance plan, specifying inspection and maintenance tasks and intervals.

Sec. 32-42. Retaining walls regulations.

- (a) When land disturbing activities associated with the construction or reconstruction of retaining walls or terraces are regulated by the village zoning department, pursuant to chapter 27-22 of the Village Code of Ordinances and subject to this article, the following requirements apply:
- (1) Only the minimum excavation necessary for the installation of retaining walls for stabilization of the natural slopes will be authorized.
 - (2) All retaining walls must meet village setback requirements, if applicable.

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- (3) All retaining walls constructed for slope stabilization with a height greater than four feet, shall be designed and certified by a professional engineer licensed in the state, unless pre-engineered products are used and installation complies with manufacturer's specifications.
- (4) No change in the existing topography of any land shall be made which would result in increasing any slope greater than three feet horizontal to one foot vertical.
- (5) New retaining walls and terracing proposed within the shoreyard setback area, as referenced in section 27-22 of the Village Code of Ordinances, will only be authorized where the landowner or responsible party can successfully prove to the village or the department of natural resources, with an engineering report prepared in accordance with section 32-43(c), there is a current erosion problem that cannot be remedied or repaired by re-sloping and re-vegetation of the area or the use of other means and methods consistent with natural shoreline aesthetics.
- (6) Retaining walls, when authorized in the shoreyard setback, will be shielded with vegetation if site conditions are suitable for establishing vegetation.

Sec. 32-43. Retaining wall permit application requirements, procedures and application fees.

- (a) Permit required. No person shall commence land disturbance activities for retaining wall construction or replacement, subject to this article, without receiving prior approval and obtaining a land disturbance, erosion and sediment control from the village.
- (b) Permit application and fees. Prior to undertaking a land disturbing activity for the construction or reconstruction of retaining walls, subject to this ordinance, the landowner or responsible party shall submit an application for a permit on a form provided by the village, a permit application fee, a retaining wall construction plan, a construction site erosion control and sediment control plan that meets the requirements of section 32-37, and an engineer's report, as referenced in section 32-41(3) prepared by a professional engineer, licensed in the state, certifying that construction or reconstruction of a retaining wall meets the requirements in section 32-41(a)(5).
- (c) Engineering report. New construction of retaining walls within the shoreyard setback will not be authorized, unless a professional engineer, licensed in the State of Wisconsin has conducted an on-site inspection and evaluation, considered the site conditions, limitations and opportunities, documented and certified the following findings:
 - (1) A slope erosion or failure analysis, including field surveys and exploration, indicates an erosion problem is present on the site.
 - (2) The cause of the slope erosion or failure.
 - (3) The re-sloping and re-vegetation options considered, including the use of erosion control matting and other geo-textile remedies.
 - (4) A construction plan and construction details for the retaining wall, if determined and to be the only remedy for the documented erosion problem.

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DIVISION 5. CONSERVATION STANDARDS AND CONSERVATION PLAN APPROVAL FOR VEGETATION REMOVAL

Sec. 32-50. Conservation standards for vegetation removal.

Village conservation standards include those applicable design criteria, standards and specifications for a soil and water conservation practice or a system of practices. Conservation standards establish the minimum level of acceptable quality for planning and site assessment, performance, design, installation, operation and maintenance for land and water conservation and management practices. Conservation standards may reference companion documents for design and construction methods, testing procedures, construction and material specifications and other criteria necessary to ensure the appropriate design, installation and maintenance of a conservation practices. Conservation practice standards include those contained in:

- (1) Subchapter V of ch. NR 151, Wis. Adm. Code.
- (2) Section IV of the Field Office Technical Guide, Technical Notes and Field Office Manuals published by the USDA Natural Resource Conservation Service.
- (3) Other technical standards and specifications adopted by the State Standards Oversight Council, other state or local agencies or organizations, the Wisconsin Department of Natural Resources, the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Southeastern Wisconsin Regional Planning Commission or the Center for Watershed Protection and approved by the village.

Sec. 32-51. Conservation plan for vegetation removal.

If the Village determines if a proposed vegetation removal activity requires a permit and conservation plan approval, pursuant to chapter 27 of the Village Code of Ordinances, the landowner or the responsible party shall prepare and submit a conservation plan to the village for approval. A conservation plan for vegetation removal activities includes site plan maps, narratives, drawings, job sheets or other instructions and details of the treatment area(s). The following information or documents are the minimum requirements for the preparation of a conservation plan for an area proposed for removal of vegetation.

- (1) Description of the intended purpose of the proposed vegetation removal, (ex. water view or access corridor, manage noxious weeds and woody plants, restore natural plant community balance, etc.) and the method of treatment, (ex. manual removal, chemical treatment, biological treatment, controlled burn).
- (2) A scaled site maps showing the location (s) of the proposed vegetation removal, (treatment area). Mark and label, the 35-foot line from the ordinary high water mark of the body of water, if present. Identify and label stairways, pathways, piers or other structures, if present on the parcel. Show areas to be left undisturbed.
- (3) Existing species description (by scientific name), distribution and count, transect line location and number and description of the targeted tree, shrub and forb species to be cut and cleared.
- (4) Photographs of the project site.
- (5) Describe and include instructions for the proposed treatment methods:
 - a. Type(s) of equipment used.

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- b. Schedule and sequence of treatment tasks and procedures.
 - c. Herbicide name, if used, rate of application, date of application, mixing instruction, (if applicable reference to label instructions).
 - d. Biological agent, (if used) timing, duration and intensity of grazing or browsing, requirements when using insects or plants as control agents.
 - e. A prescribed burn plan, if proposed, complying with village conservation standards.
- (6) Identify methods and locations for the disposal of cut vegetation.
- (7) On a site plan map, locate and label access sites to the treatment areas on the project site plan. If a new permanent or temporary driveway or project access road is proposed, follow permit application instructions for a driveway/roadway permit.
- (8) On a site plan map, locate and label all erosion and sediment control best management practices to be used on the treatment area, these methods can include, mulching, filter fabric fencing, geotextile covering or matting.
- (9) Replanting plan.
- a. Replanting location(s) shown on a scaled site plan.
 - b. Listing by species (by scientific name) density, and maturity
 - c. Planting methods, including site preparation instructions,
 - d. Mulching or matting specifications
 - e. Planting schedule.
 - f. Care and handling of plant materials
 - g. Watering or irrigation plan.
- (10) Evaluation and maintenance plan. Include a narrative to insure that sufficient monitoring and maintenance of the treatment area is undertaken and spot treatment or re-treatment is conducted.
- (11) Treatment areas with severe or limiting site conditions, such slope, soils, or wetness, may require additional site planning information and considerations.

Sec. 32-52. Conservation plan approval required.

- (a) Vegetation removal activities, if regulated by the village zoning ordinance, cannot commence without approval of a conservation plan by the village.
- (b) If the zoning division determines that a proposed vegetation removal project requires a conservation plan approved the village, the landowner or the responsible party will prepare and submit a conservation plan complying with the standards contained in section 32-50 and plan requirements contained in section 32-51.
- (c) The conservation plan will be submitted with the zoning permit application with the application fee, pursuant to section 32-32 of the Village Code of Ordinances. Within 30 days of receipt of the conservation plan, the village will determine if the plan meets requirements of this article and will issue a conservation plan approval letter. The conservation plan approval may include conditions that may be binding with the zoning permit approval.

Secs. 32-53—32-60. Reserved.

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ARTICLE II. ONE - AND TWO-FAMILY DWELLING CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT

DIVISION 1. GENERALLY

Sec. 32-105. Title.

This article shall be known and may be cited as the "One and Two-Family Dwelling Construction Site Erosion and Sediment Control Ordinance."

Sec. 32-106. Authority and purpose.

- (a) Authority. The village is adopting this article pursuant to authority granted by Wis. Stats. §§ 61.354, 236.45, and 101.65(1).
- (b) Purpose. The purpose of this article is to exercise jurisdiction on the issue of land disturbing activities related to the construction of one-and two-family dwellings and manufactured dwellings in order to minimize sedimentation, water pollution, flooding, and related property damage caused by soil erosion during construction and uncontrolled runoff after construction. This article establishes regulatory requirements and standards for the design, installation and maintenance of erosion and sediment control practices and post-construction storm water management on building sites in order to diminish the threats to public health, safety and welfare and the natural resources of the village.

Sec. 32-107. Applicability and jurisdiction.

- (a) Applicability. This article shall apply to land disturbance activities related to the construction of one- and two-family dwellings and manufactured homes, including additions, alterations, and repairs as defined by SPS 320.07, whose initial construction started after December 1, 1992. This article is applicable to land-disturbing activities associated with driveways, sidewalks, landscaping, or other similar features, when constructed during the construction of the dwelling, even though those features do not have an impact on the dwelling structure.
- (b) Jurisdiction. This article shall be applicable to those land-disturbing activities indicated in subsection (a) within the Village shorelands as defined in Wis. Stats. § 61.351(1)(a & b). This article also applies within the boundaries of municipalities where the village has entered into a service agreement with the municipality to conduct plan review, permitting, site inspection and enforcement services related to the requirements for construction site erosion and sediment control associated with the construction of one- and two-family dwellings and manufactured homes, including, additions, alterations and repairs.

Sec. 32-108. Adoption of state law.

The following Wisconsin Administrative Codes are hereby adopted and by reference, made a part of this article:

- (1) Chapters SPS 320, SPS 321, and Appendix SPS 325.

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- (2) Chapter NR 151.12, Post-construction performance standards, for land disturbing construction activities covering more than one acre.

Any future amendments and revisions of the Wisconsin Administrative Codes listed above are also made a part of this article in the interest of statewide uniformity. A copy of the Wisconsin Administrative Codes listed above shall be kept on file at the village hall.

Sec. 32-109. Definitions and phrases.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All definitions as defined in Article I, Section 32.09 and the following

“Aquic condition”: Soil saturated with water and chemically reduced such that the soil water contains no dissolved oxygen.

“Cease and desist order”: A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in noncompliance with village conservation standards.

“Certified soil erosion control inspector”: A person certified by the department of safety and professional services to engage in the administration of this article.

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

“Dwelling”: Any building which contains one or two units, which are intended to be used as a home, residence or sleeping place.

“Site stabilization”: All land disturbing activities at the construction site have been completed and a uniform, perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas, and areas not covered by permanent structures or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the county land conservation division.

“Storm water best management practice”: Structural and nonstructural practices, devices and methods that are designed, constructed and maintained to control the volume, quantity and quality of storm water to avoid or minimize sediment or pollutants carried in runoff to waters of the state. Storm water management practices selected are based on the physical suitability of a site, the overall site management objectives and the performance criteria specified in this article. Some examples include, but are not limited to, infiltration trench or basin, wet detention basin, rain garden, filter strip, artificial wetland, green roof, or swale.

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DIVISION 2. STANDARDS FOR CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND POST-CONSTRUCTION STORM WATER MANAGEMENT

Sec. 32-110. Construction site erosion and sediment control.

- (a) Where land disturbing construction activities are to occur, erosion and sediment control practices, complying with village conservation standards, shall be installed and maintained to prevent or reduce the potential deposition of soil or sediment to waters of the state or adjacent properties.
- (b) Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the erosion and sediment control practices are in place for each area to be disturbed, in accordance with the approved erosion and sediment control plan.
- (c) Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70 percent of cover for the unpaved areas and areas not covered by a permanent structure or that employ equivalent permanent stabilization measures.
- (d) Erosion and sediment control best management practices used to meet the standards of this article shall be planned, designed, installed and maintained according to village conservation standards, or standards approved by the department of safety and professional services, or the state department of natural resources, in accordance with the process under § NR151.32(2).
- (e) Mandated practices: Specific best management practices, complying with village conservation standards, shall be employed and maintained to do all of the following at each site where land disturbing construction activities are to occur shall:
 - (1) Prevent soil from being tracked onto streets by vehicles.
 - (2) Prevent the discharge of sediment from disturbed areas into on-site storm water inlets.
 - (3) Prevent the discharge of sediment from disturbed areas abutting waters of the state.
 - (4) Prevent the discharge of sediment into drainage ways that flow off the site.
 - (5) Prevent the discharge of sediment during dewatering activities.
 - (6) Prevent the discharge of sediment from stockpiles existing for more than seven days.
 - (7) Manage building waste, chemicals, materials and other compounds used on the construction site to prevent their transport by runoff to waters of the state and adjacent properties.
 - (8) Prevent land disturbance activities outside of the area designated on the approved erosion and sediment control plan or within the shoreyard setback areas determined by the village zoning division.
- (f) Control standards: Including the practices under subsection (e), additional erosion and sediment control best management practices, complying with village conservation standards, shall be employed and maintained to accomplish one of the following erosion and sediment control standards:
 - (1) A potential annual cumulative soil loss rate of not more than one of the following:
 - a. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.

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- b. Seven and half tons per acre per year, where silt, silty clay loam or silt loam textures are exposed.
- (2) A reduction of at least 80 percent of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves more than one or more acre.
- (3) A reduction of at least 40 percent of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of the land disturbing construction activity is to occur.
- (g) Soil loss analysis: Potential soil loss or the reduction in potential sediment load shall be determined using an engineer analytical modeling acceptable to the department of safety and professional services or the village.
- (h) Monitoring: The owner or owner's agent shall inspect the erosion and sediment control practices for maintenance needs at all of the following intervals until final site stabilization:
 - (1) At least weekly
 - (2) Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous 24-hour period.
 - (3) At all intervals cited on the erosion and sediment control plan.
- (i) The owner or owner's agent shall maintain a monitoring record when the land disturbing activities construction activity involves one or more acres. The monitoring record shall contain at least the following information:
 - (1) The condition of the erosion and sediment control practices at the intervals specified under subsection (1) and the need for any cleaning, repairing, modification or replacement.
 - (2) A description and the date of the maintenance conducted to clean, repair, replace or modify erosion and sediment control practices.
- (j) Maintenance: The responsible party shall maintain all erosion and sediment control practices necessary to meet the requirements of this ordinance until the project site has undergone final site stabilization.
 - (1) When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.
 - (2) Sediment deposition onto any roadways or neighboring properties, resulting from the failure of an erosion or sediment control practice, shall be cleaned up by the end of the workday.
 - (3) The owner or the owner's agent shall clean, repair or replace any erosion and sediment control practice noted during the monitoring interval specified in subsection (h) within 24 hours of noting the maintenance needs.
 - (4) The village and the state department of natural resources will be contacted before attempting to clean up any sediment deposited or discharged into any waters of the state or wetlands.

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- (k) Dismantling of temporary erosion and sediment control practices. Except for permanent erosion control systems, the owner shall be responsible for dismantling and removing temporary erosion control practices once the soil on the site is stabilized. A disturbed site is considered stabilized by vegetation when a perennial cover has been established with a density of at least 70 percent.

Sec. 32-111. Site drainage and post-construction storm water management.

- (a) Site drainage: Measures shall be implemented to ensure proper site drainage, prevent property damage and protect health and safety. Site grading shall ensure positive flows away from buildings and septic systems and minimize adverse impacts to any adjacent environmental resources or properties.
- (b) The village erosion control inspector may require a site drainage plan performed by a professional engineer licensed in the state when the following site limitations or alterations have been noted:
 - (1) Aquic conditions or saturation of a horizon of the soil.
 - (2) Proposed plan indicates drainage conditions will be altered.
 - (3) Historic or chronic drainage problems have been formally noted by the local municipality.
- (c) Post-construction storm water management: Storm water management practices, consistent with village conservation standards, shall be planned, implemented and maintained, in accordance with article I, chapter 32, of the Village Code of Ordinances and § NR 151.12, of the Wisconsin Administrative Code when the land disturbing construction activities involves one or more acres.

DIVISION 3. ADMINISTRATION, PERMIT AND PLAN REQUIREMENTS AND ENFORCEMENT

Sec. 32-112. General administration.

- (a) The village board of trustees designates the Village Building Inspector to administer and enforce the provisions of this article.
- (b) There is hereby created the position of a soil erosion control inspector to administer and enforce this article
- (c) The soil erosion control inspector shall be certified by the state to engage in the administration and enforcement of this article and chapter SPS 320 and chapter SPS 321 of the Wisconsin Administrative Code.
- (d) The soil erosion control inspector shall keep a record of all plan reviews, permit and inspection activities.

Sec. 32-113. Permit and plan requirements.

No person shall commence with land disturbing activities and cause soil to be disturbed for construction within the scope of this article without first obtaining a permit and approval of an erosion and sediment control plan for that work, from the soil erosion control inspector.

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Sec. 32-114. Permit application procedures and erosion and sediment control plan requirements.

At least one responsible party desiring to undertake a land disturbing activity subject to this ordinance shall submit the following information to the village:

- (1) Permit application. An application for a permit, on a form provided by the Village shall be submitted to the Village. By submitting a permit application form, the applicant is authorizing the Village to enter the site to obtain information. No application shall be accepted that does not contain all the information requested on the application form or does not include the information listed in 32-114 (2), (3), (4) and (6).
- (2) A soil erosion and sediment control plan with the following information:
 - a. A site plan, drawn to scale, with all of the following information:
 1. The proposed dwelling location and any other proposed or existing buildings, driveways, wells, sanitary disposal systems, surface waters, wetlands, drainage-ways, 100-year floodplains on the site with respect to property lines. Surface waters adjacent to the site shall be drawn and labeled on the site plan. On waterfront parcels, draw and label the shoreyard setback line on the site plan.
 2. Delineate and label the areas of any land disturbing activities proposed on the parcel. Label and show the location of all erosion and sediment control practices, to be employed to comply with SPS. 321.125 and division 2 of this article. Label and show the location and dimensions of all temporary soil stockpiles.
 3. The pre-construction ground surface slope and direction of runoff flow within the proposed areas of land disturbance shall be marked and labeled on the site plan. Land disturbing activities on slopes greater than 12 percent shall include a grading plan drawn at a two-foot contour interval.
 - b. A written plan shall include:
 1. A project schedule and sequencing plan with the anticipated starting and completion date of each land disturbing activity and the installation date of erosion and sediment control measures, including temporary and permanent seeding.
 2. A final site stabilization plan, with specifications for temporary and permanent seeding and mulching, density, diversity and maturity of plant materials planting dates and maintenance needs.
 3. The name of the initial downstream receiving water from the dwelling site shall be identified.
- (3) Data required. All required plans submitted for approval should be accompanied by sufficient data, calculations and information to determine if the plan will meet the erosion and sediment control standards contained in division 2 of this article and SPS 321.125 of the Wisconsin Administrative Code.

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- (4) Storm water management plan and permit. A village-approved storm water management plan and permit shall be obtained for a site where one or more acres of land disturbing construction activity is to occur. The storm water management plan shall comply with the standards contained in NR 151.12, SPS 320.09(4)(b)(10) and (2) and chapter 20 of the Village Code of Ordinances.
- (5) Federal, state and local permits. The landowner or the responsible party is responsible for securing all other permits and approvals required by federal, state, village and local agencies. This includes, but is not limited to:
- a. A permit required under chapter 30 of the Wisconsin Statutes.
 - b. Notice of intent, consistent with SPS 320.085 (1), for sites which have one or more acres of land disturbing construction activities occur during the construction of buildings and structures serving as public buildings or places of employment.
 - c. A WDNR storm water permit, pursuant to NR 216, Wis. Adm. Code, for sites which have one or more acres of land disturbing construction activities occur, and not covered in (2).
 - d. A village storm water management permit, pursuant to article 1, on a project site when one or more acres of land disturbing construction activities occur.
 - e. A village zoning permit.
 - f. County, Town, village or state road access approvals.
- (6) Permit application fees. A permit application fee in accordance with Section 32-32 shall be submitted to the village with the permit application. Permit application fees which defray the village cost of plan review, permit administration, inspection and code enforcement, shall be determined by resolution of the village board.

Sec. 32-115. Approval or denial of erosion and sediment control plans, issuance of permits, permit conditions and permit duration.

- (a) Approval of an erosion and sediment control plan and issuance of a permit subject to this article will comply with procedures contained in SPS 320.09(5) of the Wis. Adm. Code. Action to approve or deny an erosion and sediment control permit application and plan shall be completed within ten working days of receipt of an erosion and sediment control plan complying with section 32-114, all forms, fees and documents required to process the application, including other village and local permitting requirements.
- (b) Denial of an application: A copy of a denied application, accompanied by a written statement specifying the reasons for denial shall be sent to the responsible party and to the owner as specified on the application. Any person aggrieved by a determination made by the village, may appeal the decision to the department of safety and professional services following the procedures contained in SPS 320.19 and SPS 320.21 of the Wis. Adm. Code.

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- (c) Permit conditions: The conditions of approval of a permit subject to this article will be indicated by a letter, on the permit application or on the permit. All conditions of the approval shall be met during construction.
- (d) Permit duration: A permit issued pursuant to this article will expire 24 months after issuance.

Sec. 32-116. Notice of termination.

The owner or the owner's agent shall submit a notice of termination to village when land disturbing construction activity involves one or more acres and all of the following have occurred:

- (1) All land disturbing construction activities have ceased.
- (2) All disturbed areas have been stabilized with a uniform perennial cover with a density of at least 70 percent of cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- (3) All temporary erosion and sediment control practices have been removed.

Sec. 32-117. Enforcement, violations and penalties.

An owner or the owner's agent is subject to the following enforcement actions and penalties, if land disturbing construction activities are found to be in violation with this article.

- (1) Notice of compliance and noncompliance. A notice of compliance or noncompliance with this code shall be written on the building permit and posted at the job site. Upon finding of noncompliance, the village soil erosion inspector shall notify the applicant of record and the owner, in writing, of the violations to be corrected. The time period allowed for compliance with the erosion and sediment control provisions of this code shall be based on the severity of the noncompliance in relation to soil loss or potential damage to the waters of the state or adjacent properties.
- (2) Stop-work and cease and desist orders. The village may issue a special order directing the immediate cessation of work on a one- or two-family dwelling until the necessary plan approval is obtained or until the site complies with the erosion and sediment control provisions of this code. Any person who continues to work on a one- or two-family dwelling after being given written notice to stop-work or cease and desist order shall be in violation of this article. Construction may resume once the erosion and sediment control compliance corrections are completed.
- (3) Ordinance citations. Any person violating any provisions of this article shall be subject to forfeiture in accordance with Section 32-32 of the Village Code of Ordinances for each violation. Each day a violation exists shall constitute a separate offense.
- (4) Injunction. Compliance with the provisions of this article may also be enforced by injunction, or other legal proceedings.
- (5) Suspension or revocation of permit. The village may suspend or revoke any state uniform building permit where it appears that the permit was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order, or where the village soil erosion inspector is denied access to the premises.

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Sec. 32-118. Compliance inspection fees.

- (a) The village may assess an inspection fee in accordance with Section 32-32, to cover the cost to conduct a site inspection performed by the village staff to assess the status of a project site in violation of this article.
- (b) The inspection fee shall be established by the village board of trustees. Responsible parties subject to an inspection fee, are limited to those where formal enforcement action has been undertaken and the responsible party has been issued a notice of non-compliance, an ordinance citation, a cease and desist order, or is under an order or judgment issued by a court with jurisdiction.

Sec. 32-119. Appeals.

The Village board of appeals created pursuant to Wis. Stats. § 61.35, and chapter 27, village zoning of the Village Code of Ordinances, and functioning in accordance with Wis. Stats. Chapter § 68, shall hear and decide appeals where it is alleged that there is error in an order, decision or determination made by the village in administering this article. Upon appeal, the board may authorize variances from the provisions of this article that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the article will result in unnecessary hardship.

Sec. 32-120. Severability.

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

Secs. 32-121—32-160. Reserved.

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ARTICLE III. SPECIAL EVENTS, PUBLIC ASSEMBLIES AND MASS GATHERINGS

Sec. 32-161. Applicability.

This article shall apply to all public gatherings, rallies, assemblies or festivals, at which attendance is greater than 5,000 persons.

Sec. 32-162. Application; notice and hearing.

- (a) Any property owner or person having a contractual interest in any land in the village may file an application for a special sanitary permit. If more than one event is scheduled in a calendar year, an annual permit may be applied for. Except as provided in (c), the application shall be filed with the director of the land use and resource management department at least 30 days in advance of the date of the scheduled event or the first scheduled event of a series, on forms furnished by him and shall include the following:
- (1) Names and addresses of the applicant, owner of the site, promoter or sponsor of the gathering.
 - (2) Description of the site by metes and bounds or other legal description, address of the site, type and date or dates of proposed gathering and proposed method of operation, maximum number of persons to attend such gatherings and any special or unusual conditions anticipated.
 - (3) Plat of survey to a scale of one inch equals 100 feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, soil mapping unit lines, existing or proposed wells, building, fences, woods, streams, lakes or watercourses, as well as the vertical contour interval two feet above the high water level.
 - (4) Fee receipt from the village treasurer in the amount of \$2000.00 for a Concert and Event in excess of 5,000 persons.
- (b) Upon receipt of the completed application the executive committee shall call a public hearing thereon. Notice of the time and place of the hearing shall be given by publication in the village of a class 1 notice under Wis. Stats. ch. 985. A copy of such notice shall be sent by first class mail. The hearing shall be conducted in accordance with the rules of the executive committee. After the hearing the committee shall, if it finds that the standards set forth in section 32-164 have been or will be met, direct the director of the land use and resource management department to issue a special sanitary permit and may attach such conditions thereto as are reasonably necessary to insure compliance with, and fulfill the purposes of, this article, including a limitation on the number of persons permitted to attend an event and the imposition of an additional fee based on the estimated actual cost to the village of policing and inspecting the premises and of enforcing the conditions attached to the permit.

Sec. 32-163. Determination by Village Board.

The executive committee shall make a finding based on evidence presented at the hearing of the number of persons expected to attend the event. Such findings shall be final and conclusive on the applicant for the purpose of determining the applicability of those standards set forth in this article which are dependent upon the number of persons attending the event.

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Sec. 32-164. Sanitary facilities.

Adequate sanitary facilities shall be provided in full compliance with this article. Unsanitary, unsealed or open types of portable toilets, outdoor toilets, privies or cesspools are prohibited except that sanitary privies may be permitted provided they are constructed as watertight vault-type privies in accordance with the Wisconsin Administrative Code, and further provided that flush-type toilets shall be provided for any gathering in excess of 10,000 persons. The number of water closets, urinals and lavatories shall be in full compliance with Chapter SPS 377 of the Wisconsin Administrative Code, or other applicable codes. The use of sanitary privies or sanitary portable toilets may be allowed if approved by the village board.

Sec. 32-165. Medical facilities and services.

Physicians and nurses licensed to practice in the state shall be present in sufficient numbers to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled, together with an enclosed first aid station or stations where medical treatment may be rendered. At least one emergency ambulance shall be available for use at all times.

Sec. 32-166. Solid waste disposal.

Adequate refuse containers shall be available to prevent accumulation of solid waste, garbage and rubbish on the ground.

Sec. 32-167. Permit required.

No person shall conduct a public gathering, rally, assembly or festival at which attendance is greater than 5,000 persons without first having obtained a special sanitary permit.

Secs. 32-168—32-180. Reserved.

CHAPTER 20
STORM WATER MANAGEMENT

20.01	Purpose
20.02	Definitions
20.03	Discharge Prohibited
20.04	Waiver of Requirements
20.05	Storm Water Management Plan
20.06	Financial Guarantee
20.07	Maintenance
20.08	Enforcement
20.09	Permit Requirements
20.10	Pre-Existing Storm Water Management Violations
20.11	Penalty

20.01 PURPOSE. The purpose of the ordinance shall be to regulate new and existing developments, so as to minimize flooding, require adequate drainage systems, and ensure compliance with the storm water management plan articulated herein.

20.02 DEFINITIONS. For the purposes of this Chapter, the following words have the following meanings:

(1) "Agricultural activities" means the planting, growing, cultivating, and harvesting of crops, including sod; growing and tending of gardens and trees; harvesting of trees; pasturing or yarding of livestock.

(2) "Detention facility" means a structure designed to temporarily store storm water runoff for later release in order to delay and reduce peak flow rates and pollutant concentrations. The most common detention facilities include dry basins, although wet ponds may also be used for detention storage, and vehicular parking lots, depressed landscaped areas, rooftops, and underground storage chambers.

(3) "Existing conditions" means the extent and distribution of land cover, native soils, and natural storm water retention that existed under pre-settlement conditions. Curve numbers for existing conditions shall be no greater than 30, 58, 71 and 78 for hydrologic soil classes A, B, C, and D, respectively. Time of concentration calculations shall assume healthy stands of high, dense grasses when computing overland or shallow concentrated flow.

(4) "Gross aggregate area" means the total area, in acres, of all land located within the interior property boundary containing a proposed land development, redevelopment, or property subdivision activity.

(5) "Hypsometry" means those parts of a map which represent, usually by contour lines, the physical distance of the surface of the earth above a specified reference surface.

(6) "Infiltration" means the process by which rainfall or surface runoff percolates or penetrates into the underling soil.

(7) "Land development or redevelopment activity" means any construction or reconstruction of buildings, roadways, parking lots, paved and unpaved storage areas, and similar facilities.

(8) "Offsite" means located outside the exterior property boundaries described in the permit application for a proposed land development or redevelopment activity, or outside the exterior boundaries of a proposed property subdivision.

(9) "Onsite" means located within the exterior property boundaries described in the permit application for a proposed land development or redevelopment, or within the exterior boundaries of a proposed property subdivision.

(10) "Planimetry" means those parts of a map which represent the horizontal location and extent of man-made and natural features.

(11) "Post-development and redevelopment condition" means the extent and distribution of land cover and storm water management facilities and measures anticipated to occur under conditions of full site development, redevelopment, or property subdivision that will influence storm water runoff and infiltration.

(12) "Property subdivision" means a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or building development and redevelopment where the act of division creates a number of parcels or building sites of a minimum size, as defined in the Town land subdivision control ordinance.

(13) "Retention facility" means a storage structure designed to reduce or eliminate the surface discharge of storm water through evaporation and infiltration. Wet ponds are the most common type of retention storage, although wet ponds may also be used for detention storage.

(14) "Site" means the entire area of proposed land development, redevelopment, or property subdivision.

(15) "Site-specific storm water management plan" means a plan that identifies what actions should be taken to reduce storm water quantity and pollutant loads from land development, redevelopment, or property subdivision activities to levels meeting the purpose and intent of this Ordinance.

(16) "Storm water management facilities" means a structure designed to control or convey storm water runoff pollutant loads, discharge volumes and peak flow discharge rates.

(17) "Storm water management measure" means a practice or technique to reduce storm water runoff flow rate, volumes or pollutant loadings.

(18) "Storm water management system plan" is a plan developed to address storm water drainage and non-point source pollution control problems under both existing and planned conditions within a logical planning area such as on a watershed or subwatershed, and which meets the purpose and intent of this Ordinance.

(19) "Storm water runoff" means that portion of the precipitation falling during a rainfall event, or that portion of snow melt, that runs off the surface of the land and into the natural or artificial drainage system.

(20) "Wetland" means an area where the groundwater elevation is at, near, or above the land surface, characterized by both hydric soils and the presence of hydrophytic plants. For the purpose of this Ordinance, a wetland shall have a minimum area of 2.5 acres. It should be noted that wetlands having a smaller area than 2.5 acres may be regulated for other purposes by the Federal, State, county and municipal governments.

(21) "Wetland functional value" means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.

20.03 DISCHARGE PROHIBITED.

(1) PROHIBITIONS. No person shall discharge, spill, or otherwise deposit substances or materials which are not entirely composed of storm water into receiving bodies of surface water, storm sewers, or other drainage facilities, or onto driveways, sidewalks, parking lots or other impervious or pervious areas that drain into the streams and watercourses of the area. No person shall connect a building wastewater sewer or drain to storm sewers or other storm water drainage facilities.

(2) EXEMPTIONS. The following discharges are exempt from the provision of this Ordinance:

(a) Discharge authorized by a permit issued by the Wisconsin Department of Natural Resources.

(b) Discharges resulting from fire fighting activities.

(c) Discharges from uncontaminated ground water, potable water sources, roof drains, foundation drains, and foundation drain sump pump discharges, air conditioning condensation, lawn watering, water main and hydrant flushing, and swimming pools, if the pool water has been dechlorinated.

(d) Discharges from individual automobile washing by automobile owners.

(e) Agricultural activities not associated with development and redevelopment; such activities, however, being subject to good soil and water conservation practices.

(f) Facility maintenance activities undertaken by any federal, state, county or municipal agency; such activities, however, being subject to construction erosion control measures.

20.04 WAIVER OF REQUIREMENTS.

(1) **WAIVER.** The Town Engineer or its designee may waive the requirements of this Ordinance in part or in whole. A request for waiver shall be submitted to the Town Engineer and shall include a narrative description and drawings of the proposed development or redevelopment or subdivision for which the waiver is being requested. The Town Engineer may grant a waiver if the Town Engineer finds that the development or redevelopment or subdivision is not likely to:

(a) Significantly increase or decrease the rate or volume of storm water runoff from the development, redevelopment or subdivision site.

(b) Have a significant adverse impact on a wetland or other environmentally sensitive area.

(c) Significantly contribute to the degradation of surface or ground water quality.

(d) Otherwise significantly impair attainment of the purpose of this Ordinance; or

(e) The applicable, adopted storm water management system plan does not indicate the need for any site-specific storm water management measures on the site concerned.

20.05 STORM WATER MANAGEMENT PLAN.

1) **APPLICABILITY.** This Ordinance applies to land use development, redevelopment, and property subdivision activities which meet any of the following criteria:

a) Land use development, redevelopment, or property subdivision occurring within a gross aggregate area of more than five acres.

b) Residential land use development or redevelopment occurring within a gross aggregate area of more than three acres, if 1.5 acres or more of impervious surfaces are proposed.

c) Nonresidential land use development, redevelopment, or property subdivision occurring within a gross aggregate area of more than 1.5 acres if 0.5 acres or more of impervious surfaces are proposed.

d) Land use development, redevelopment or property subdivision of any size area that in the opinion of the Town Board or its designee is likely to result in storm water runoff which exceeds the safe capacity of existing drainage facilities or receiving watercourse; which causes undue channel erosion; which increases surface water pollution; or which endangers property or public health and safety, any of which may increase flooding of public highways and streets.

2) STORM WATER MANAGEMENT PLAN REQUIRED. No person shall proceed with any residential, commercial, industrial or institutional land use development or redevelopment or with the subdivision of property without providing appropriate storm water management facilities that adequately control storm water runoff from such development or redevelopment or subdivided property. A site-specific storm water management plan must be submitted and approved by the Town Engineer or its designee before any required new storm water management facilities are constructed, unless exempted or waived pursuant to the provisions of this Ordinance. An approved site-specific storm water management plan is also required before an existing drainage system is relocated, deepened, widened, enlarged, filled, obstructed or otherwise altered in preparation for land use development and redevelopment or subdivision of property. The plan must be submitted and approved before any land use development and redevelopment is commenced or a land subdivision plat or certified survey map approved and recorded.

3) EXEMPTIONS. The following development and redevelopment activities are exempt from the requirement of this Ordinance:

a) Maintenance, alteration, improvement or use of existing structure which does not significantly affect the water quality or hydrologic and hydraulic conditions of the surface water resources of the subwatershed concerned as determined by the Town Engineer.

b) Maintenance activities undertaken by any Federal, State or municipal governmental agency.

c) Storm water management facilities to be constructed or measures to be undertaken by the Town when the Town or its designee has determined that a storm water management plan is not required.

d) Agricultural activities not associated with development and redevelopment.

e) The Town Board, in its discretion, may exempt preparation of a storm water management plan by a registered professional engineer for matters described in (1) (d) and (2) herein.

4) SITE-SPECIFIC STORM WATER MANAGEMENT PLAN CONTENT. The site-specific storm water management plan required by this Ordinance shall meet the following requirements;

a) General. The storm water management plan shall be prepared by a registered professional engineer and shall contain all of the information required to evaluate the adequacy of the plan and the probable impacts of implementation of the plan on the quality and quantity of storm water discharges, on existing drainage facilities, and on surface and ground water quality. The plan shall contain the name, address and telephone number of the owner or developer of the site concerned; of the registered professional engineer preparing the plan, of the person responsible for installation of the storm water management facilities recommended in the plan; and of the person responsible for the maintenance of those facilities. The plan shall consist of narrative descriptions and explanations; maps, charts and graphs; tables; photographs; supporting calculations; and references to recognized engineering text and manuals as may be necessary to provide a clear and concise description of the plan. The sources of maps and data presented in the plan shall be identified.

b) Existing Site Conditions. The plan shall include a map and description of the existing conditions of the site concerned, including:

i) A map of the site at a scale of 1 inch equals 100 feet or larger showing the property boundaries referenced to the U.S. Public Land Survey system or to a lot and block of a recorded subdivision plat; the topography of the site, including contours shown at an interval of 2 feet or less, together with such spot elevations as may be necessary; the contours and spot elevations shall be referenced to the National Geodetic Vertical Datum of 1929.

ii) The hydrologic and hydraulic characteristics of the site, including drainage flow paths and directions of flow onto, through and out of the site; related drainage basin boundaries; times of concentration; and rates and volumes of flow.

iii) The location of areas where storm water may collect or percolate into the ground.

iv) Ground water elevations referred to the National Geodetic Vertical Datum of 1929.

- v) Soils by hydrologic group.
 - vi) Cover type and condition.
 - vii) Location and extent of impervious surfaces, including type and condition of the surfaces.
 - viii) Locations and outlines and elevation of lowest opening of all buildings or other structures.
 - ix) Location of all receiving bodies of surface water on or adjacent to the site into which storm water flows.
 - x) Location and extent of the 100-year recurrence interval flood hazard area associated with any perennial stream or watercourse on or adjacent to the site.
 - xi) Locations of points of discharge of storm water runoff from adjacent tributary areas together with the size of those areas expressed in acres.
 - xii) Locations, sizes and elevations of all existing storm sewers, channels, ditches, detention or retention ponds, or other engineered drainage facilities on or adjacent to the site; the elevations being referred to the National Geodetic Datum of 1929.
 - xiii) Locations of any existing water supply wells and wellhead protection areas.
- c) Proposed Post-Development and Redevelopment Site Conditions. The plan shall describe the alterations proposed to be made to the site and the resulting proposed post-development and redevelopment conditions. The description shall include:
- i) Proposed changes in the topography of the site, and in the hypsometry of the site by contours having the same contour interval and referred to the same datum as used to present the hypsometry of the existing site conditions. The proposed and existing hypsometry shall be overlaid on the same map.
 - ii) The location, outline and elevation of all proposed building or other structures.
 - iii) Changes in the location, extent and type of impervious surfaces.
 - iv) The location and extent of areas where vegetation is to be disturbed or planted.

v) Changes in the drainage flow paths into, through and out of the site, and related changes in drainage basin boundaries.

vi) The location, elevations, and sizes of all proposed minor and major storm water management facilities; the former, including all storm sewers and inlets, and the latter, including curbed roadways, roadway ditches, culverts, storage facilities and interconnected flow paths for run off up to and including the 100-year recurrence internal peak flow rate; all elevations being referred to the National Geodetic Vertical Datum of 1929.

vii) Any changes to lakes, streams, watercourses or wetlands on or adjacent to the site concerned.

viii) The location and widths of required public rights-of-way or easements needed to accommodate the recommended storm water management facilities. All flow paths up to the 100-year recurrence internal peak flow rate must be located in the public right-of-way or easements.

d) Anticipated Impacts. The plan shall contain a description of the following anticipated impacts of storm water runoff from the proposed development, redevelopment or property subdivision as managed by the facilities and measures recommended in the plan:

i) Increases or decreases in the rates and volumes of storm water runoff.

ii) Changes in the locations and conveyance capacities of points of discharge of storm water from and to the site concerned.

iii) Adequacy of receiving storm sewer, engineered storm water management facility or watercourse to convey or store the anticipated peak rate of storm water discharge from the site concerned, giving due consideration to existing flows.

iv) Changes in the location and extent of the 100-year recurrence interval flood hazard area of any perennial watercourse location within or through, or adjacent to, the site concerned.

v) Impacts on municipal wellhead protection areas.

e) Proposed Storm water Management Facilities and Measures. The plan shall include a definitive description of the storm water management facilities and measures to be used for the control of the quantity and quality of the anticipated storm water runoff from the proposed development, redevelopment or property subdivision. The measures and descriptions may include:

(i) For detention and retention facilities: locations, areas, depths, volumes, inlet and outlet configurations, elevation of the bottoms and of key inlet and outlet control structures; all elevations being referred to National Geodetic Vertical Datum of 1929.

(ii) For conveyance facilities: locations of inlets and manholes and associated rim and invert elevations and pipe sizes; locations, elevations, and cross sections of ditches, swales and channels; and culvert sizes, inlet and outlet configurations and elevations; all elevations being referred to National Geodetic Vertical Datum of 1929.

(iii) Plans and details for engineered systems and areas to be used for percolation into the ground water reservoir.

(iv) Provisions for the control of erosion and sedimentation; including control of offsite impacts.

(v) Measures to abate any potential pollution of surface and ground waters.

f) Hydrologic Computations. The plan shall include computations of peak flow rates and discharge volumes for the two-year, 10-year and 100-year recurrence interval rainfall events for each point of discharge into and out of the site concerned under existing and planned development and redevelopment conditions. The data shall include times of concentration to key junctions in flow paths and to points of discharge into and out of the site.

g) Construction Schedule and Costs. The plan shall include a schedule for the construction of the recommended storm water management facilities and estimates of attendant capital and operation and maintenance costs.

5) DESIGN METHODOLOGY. The site-specific storm water management system plan required herein shall be designed in accordance with good engineering practice. The specific methods to be used in the calculation of peak rates of discharge, volumes and water quality conditions and of the hydraulic capacities of storage and conveyance facilities shall be left to the judgment of the professional engineer preparing the plan subject, however, to the approval of the Town Engineer. The site-specific storm water management system shall be designed such that the natural topography and land cover, including such features as high-quality woodlands, wetlands, swales, natural depressions, native soil infiltration capacity, and natural groundwater recharge areas, are protected and preserved to the maximum extent practicable.

6) WATER QUALITY CRITERIA. The storm water management facilities and measures required to serve land use development, redevelopment and property subdivision activities subject to this Ordinance shall be designed to meet the following minimum standards:

a) Storm water discharges shall be treated to minimize the levels of pollutants. Storm water measures shall be designed with the general goal of removing, on average annual basis, 80 percent of the suspended solids load that may be expected in the absence of control. To achieve this level of removal, the storm water management measures shall be designed to accommodate, at a minimum, the runoff volume resulting from a 1-year, 24 hour rainfall event.

b) Discharge of urban storm water pollutants to wetlands shall be minimized to the extent practicable. Significant degradation of wetland functional values due to storm water pollutant loading shall be avoided.

c) Storm water discharges shall be pretreated prior to infiltration to prolong maintenance of the infiltration capacity and to prevent discharge of storm water pollutants and concentrations that would result in exceedences of ground water quality standards established by the Wisconsin Department of Natural Resources.

d) Storm water detention, retention and infiltration facilities shall not be located closer than 100 feet from a well serving a private water system; or 1,200 feet from a well serving a municipal public water supply system; or within the wellhead protection area of a well serving a municipal public water supply system, if such a protection area has been delineated.

e) In the design of the storm water facilities and measures, due consideration shall be given to the design criteria and standards set forth in The Wisconsin Storm Water Manual, prepared and published by the Wisconsin Department of Natural Resources, and may be amended from time to time.

(7) STORM WATER DISCHARGE CRITERIA. The conveyance and storage facilities incorporated into the site-specific storm water management system plan required herein shall be designed as an integral part of complementary minor and major subsystem. The minor subsystem shall be designed to avoid nuisance flooding of streets and yards and shall accommodate the peak rate of runoff from rainfall events up to and including the 10-year recurrence interval event. The rainfall intensity shall be determined based upon appropriate times of concentration from relationships established and published by the Southeastern Wisconsin Regional Planning Commission. The complementary major subsystem shall

consist of the public streets and interconnected flow paths to the streets and from the streets to receiving streams and watercourses. The major system shall be designed to accommodate peak rates of discharge from rainfall events up to and including the 100-year recurrence interval event without inundation of building basement window wells, basement entryways, or the first floors of buildings, utilizing a one foot freeboard. Unless otherwise specified in the Town storm water management system plan or where determined by the Town Engineer to be not needed, the peak flow discharge rates of storm water runoff from the site under post-development conditions shall not exceed the rates under existing conditions, as calculated under Sec. 20.03(4)(f).

(8) STORM WATER VOLUME CRITERIA. Water quality control facilities included in the storm water management system plan required under this Ordinance shall be designed in conformance with the adopted Town storm water management system plan. In areas for which the Town has not prepared a storm water management system plan, the facilities shall be designed to accommodate a storm water runoff volume specified by the Town Engineer based upon due consideration of recommendations contained in the adopted regional water quality management plan and priority watershed plans. When the development directly or ultimately discharges to an undrained or poorly drained area, the Town Engineer or designee, at its discretion, may require retention or infiltration so that runoff volume does not increase over existing conditions.

(9) EXCEPTIONS. The Town Engineer may establish storm water management requirements either more or less stringent than those set forth in this Ordinance provided that the Town Engineer finds that one or more of the following conditions applies:

(a) A higher level of quality in the storm water discharge is required to protect sensitive environmental resources.

(b) A higher level of protection from ponding or flooding is required to protect the public health and safety.

(c) Provisions are available to manage the storm water runoff by offsite facilities provided that all of the following conditions are met for the offsite facilities: the facilities are in place; the facilities are adequately sized to provide a level of storm water runoff control equal to or greater than that which would be afforded by onsite facilities and measures meeting the requirements of this Ordinance; and a legal entity exists that is responsible for the maintenance of the facilities.

20.06 FINANCIAL GUARANTEE. An irrevocable letter of credit, certified check or surety bond shall accompany the plan to guarantee implementation of the proposed storm water management measures recommended in the plan. The amount of the guarantee shall be based upon the estimated initial construction costs. Upon completion of the recommended measures and submittal of As-built plan required under Section 20.08(D)(5) herein, any portion of the guarantee not utilized shall be released or returned.

20.07 MAINTENANCE. If the Town Board or Town Engineer at any time finds that the storm water management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Town shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter upon private property as may be necessary to carry out the needed maintenance. The cost of such maintenance shall be levied as a special assessment against the property concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments levied by the Town for the public improvements.

20.08 ENFORCEMENT.

(1) PUBLIC NUISANCE. The following shall be deemed to constitute public nuisances and may be prosecuted as such pursuant to the Town of Bloomfield Municipal Ordinances by the Town:

(a) Any development, redevelopment or property subdivision that is commenced without an approved storm water management plan as required by this Ordinance.

(b) Any storm water drainage facility which is not constructed in accordance with the Storm water Management Plan required under this Ordinance.

(c) Any drainage facility not maintained in accordance with Sec. 20.06 of this Ordinance.

(d) Any activity which adversely impacts on surface or ground water quality.

(2) COMPLIANCE ORDER. When the Town Board or Town Engineer finds that a willful violation of the provisions of this Ordinance exists, the Town Engineer, the Police Department or the Town Board may order the owner of the site concerned to correct the violation by issuing a Notice of Violation or Stop Work Order.

(a) Any person who commences any site improvements without an approved plan, as required by this Ordinance, may be required to restore the land to its original condition within a period of 30 days.

(b) If the owner fails to take corrective action after being noticed, the Town may take whatever steps necessary to correct the violation, including but not limited to, using Town forces or engaging contractors.

(c) If the owner concerned has filed an irrevocable letter of credit, certified check, or surety bond under Sec. 20.05, herein, the appropriate Guarantee shall be executed.

(d) If the owner has not filed an irrevocable letter of credit, certified check or surety bond, the cost shall be levied as a special assessment against the property concerned.

(e) Notwithstanding any other remedy available to the Town, any person who does not comply with the provisions of this Ordinance shall be subject to a forfeiture pursuant to Sec. 25.04 of the Town of Bloomfield Municipal Ordinances, together with the costs of prosecution. Each day a violation exists shall be deemed to constitute a separate offense.

20.09 PERMIT REQUIREMENTS.

(1) PERMIT REQUIRED. No person shall undertake a land development, redevelopment or property subdivision activity subject to the requirements of this Ordinance without receiving a permit from the Town Engineer prior to commencing the proposed land development, redevelopment or property subdivision activity.

(2) PERMIT APPLICATION AND FEE. Any person desiring a permit shall submit to the Town Engineer a permit application made on a form provided by the Town. The application must be accompanied by the site-specific storm water management plan required under the provisions of this Ordinance; the financial guarantee required under the provisions of this Ordinance; and a nonrefundable permit administration fee of \$200.00. The applicant shall also be required to pay engineering fees associated with the review of the storm water management plan, and inspection of the constructed facilities for conformance with plan requirements.

(3) APPLICATION REVIEW. The Town Engineer shall, within 30 calendar days of the receipt of a permit application or re-submittal, review the application for compliance with the requirements of this Ordinance and shall inform the applicant whether the application plan and financial guarantee are approved or disapproved. If the application is approved, the permit shall

be issued by the Town. If the application is disapproved, the applicant shall be advised in writing of the reasons for disapproval.

(4) PERMIT CONDITIONS. All permits issued under this Ordinance shall be subject to the following conditions and holders of permits issued under this Ordinance shall be deemed to have accepted these conditions. The Town Board may suspend or revoke a permit for violation of a permit condition following written notification to the permit holder.

(a) Compliance with a permit issued under this Ordinance does not relieve the permit holder of responsibility to comply with other applicable Federal, State and municipal laws and regulations.

(b) The permit holder shall properly install all structural and nonstructural storm water management measures recommended in the approved site-specific storm water management plan.

(c) The permit holder shall notify the Town Engineer at least three working days before commencing any work to implement the approved site-specific storm water management plan, and within the next working day upon completion of the work.

(d) Upon completion of the storm water management facilities and other measures required by the approved plan, the Town Engineer shall conduct an inspection of those facilities and measures to determine if they were constructed in accordance with the approved plan and the requirements of this Ordinance. The Town Engineer shall notify the permit holder in writing of any changes required in the facilities and measures to bring them into compliance with the approved plan and the requirements of this Ordinance.

(e) Upon final approval of the constructed storm water management facilities, the developer or subdivider shall have an As-built plan prepared by a licensed professional engineer or registered land surveyor correctly showing the locations, configurations, and elevations of the completed facilities and measures. The As-built plan shall be prepared to the same scale, contour interval and vertical datum as the approved site-specific storm water management plan and shall be subject to the approval of the Town Engineer.

(f) If so directed by the Town Engineer, the permit holder shall repair at the permit holder's own expense any and all damage to adjoining municipal facilities and drainageways caused by storm water runoff where such damage was caused by activities not in compliance with the approved site-specific Storm Water Management Plan.

(g) The permit holder shall permit access to the site and property concerned by the Town Engineer for the purpose of inspecting the storm water management facilities and measures for compliance with the approved site-specific Storm Water Management Plan.

(h) Where a site-specific storm water management plan proposes changes in the direction, in the peak rates, or in the total volume of runoff from a site, the Town Engineer may require the permit holder to make appropriate legal arrangements with adjacent property owners concerning the prevention of damage to property or danger to public health and safety.

(5) Permits issued under the Ordinance shall be valid from the date of issue through the date upon which the Town Engineer notifies the permit holder that all storm water management facilities and measures have satisfactorily met final inspection by the Town Engineer.

20.10 PRE-EXISTING STORM WATER MANAGEMENT VIOLATIONS.

(1) CONDITIONS CONSTITUTING A NUISANCE. It is hereby declared that the following conditions in existence prior to the adoption of this Ordinance hereby constitute a public nuisance which affects the health, safety and property values within the Town of Bloomfield:

(a) Any bodies of water existing for longer than 12 hours as a direct and proximate result of human intervention in the natural diversion or drainage of storm water or snowmelt water.

(2) EXCEPTIONS. Nuisance conditions as described above shall not include the following:

(a) Natural occurring water courses or bodies of water.

(b) Any bodies of water protected and/or regulated by the United States or the State of Wisconsin.

(c) Any body of water existing less than 12 hours before such body of water drains away, evaporates, or otherwise dissipates.

(d) Intentionally created man-made bodies of water including, but not limited to swimming/wading pools, decorative ponds, man-made ponds/lakes, man-made waterfalls or other water courses or any other container of water capable of being moved.

(e) Any naturally occurring permanent or temporary bodies of water, including, but not limited to flood plains, depressions,

kettles, wetlands, marshes, swamps, lakes, ponds, creeks, rivers, or springs, so long as such body of water is not substantially created to the man-made divergence or diversion of storm water, or unless otherwise accepted herein.

(3) NOTICE TO ABATE. The Town, in its discretion, may give notice to any owner of property on which is found a pre-existing storm water violation. Such notice shall be in written form in a format created by the Town, notifying the property owner of the nature of the violation and of procedures for contesting the alleged violation, remediation, penalties, and including references to appropriate municipal ordinances.

(a) Any person alleged to be the property owner of an alleged pre-existing storm water nuisance violation shall be given the above stated notice, and shall be afforded an opportunity to personally speak to the Town Board at a formal hearing to contest or otherwise discuss the alleged violation. Such hearing shall be afforded the property owner if the property owner files a written request for such a hearing within 10 days of receiving notice of the alleged pre-existing storm water management violation. The notice to the property owner shall include notice of each of these rights and procedures.

(b) If the property owner fails to remedy the storm water nuisance condition or to submit a plan to the Town detailing how the condition will be remedied in a timely manner, then the Town may, with the permission of the property owner, enter upon the property and remedy the nuisance condition therein. Any costs incurred by the Town in correcting the nuisance condition shall be paid by the property owner, and upon failure to do so within 30 days of written notice of those costs, then the Town may add such costs to the subject property=s tax bill as a special assessment. If the property owner submits a remediation plan in a timely manner, but the Town deems it unacceptable, then the property owner shall be afforded and notified of the right to appeal the decision of the Town Board to the County Circuit Court by the filing with the Town a notice of appeal of the Town Board=s decision, within 30 days of such decision.

(c) If a property owner fails to remedy a nuisance condition or provide a plan for timely remediation of such condition, and also refuses to allow the Town or its designee to enter the subject property to remedy such condition, then the Town may apply to any Court of competent jurisdiction for an order declaring that the Town may, with the assistance of law enforcement if necessary, enter upon the subject property and remedy the nuisance condition therein, with such costs of remediation to be assessed as a special assessment against the property taxes on the subject property.

20.11 PENALTY. Unless otherwise stated herein, any violation of this Chapter may be punished pursuant to Ch. 25.04 of these Ordinances.

Intergovernmental Agreement (County & Village)

Walworth County Stormwater Management and Pollution Prevention Program.

Walworth County Intergovernmental Stormwater Workgroup.

Mission Statement:

The Walworth County Stormwater Pollution Prevention Program is a county-wide collaborative effort of the cities, villages, towns, lake districts and sanitary districts within Walworth County. The goal of this consortium is to share knowledge, skills, experiences and deliver cooperative, effective and fiscally responsible programs and services to:

- Prevent stormwater pollution in existing and future urban areas.
- Improve and enhance the water quality and beneficial uses of Walworth County lakes, creeks and wetlands.
- Protect the quality and abundance of groundwater resources.
- Comply with State and Federal stormwater regulations.

The stakeholders of the Walworth County Storm Water Pollution Prevention Program will prepare a storm water pollution strategy based on the following guiding principles:

1. Local government leads the way.
2. The watershed approach is paramount to water quality protection.
3. Pollution prevention is necessary for all new developments.
4. Pollution prevention must be practiced at work.
5. Pollution prevention must be practiced at home.
6. Public education and involvement for all ages must be emphasized.
7. Cultivate choices based on interdisciplinary science and ongoing assessment.
8. Improve or modify actions based on monitoring and observable trends.
9. Everyone has an important role in achieving success.
10. Diversity of skills, coordination and partnerships brings multiple perspectives to the table.

Municipalities that agree to join the Walworth County Stormwater Pollution Prevention Program will "sign-on" by adopting a "Cooperative Agreement". The "Cooperative Agreement" will clearly identify the rolls and responsibilities of each local unit of government. Initially Walworth County will volunteer to lead the consortium and enter into the grant agreement with the WDNR to finance the activities supported by the Walworth County Intergovernmental Stormwater Pollution Prevention Workgroup.

Walworth County Stormwater Workgroup

Intergovernmental Cooperative Agreement

Village of Bloomfield and Walworth County enter into this Agreement for the establishment of a Walworth County Intergovernmental Stormwater Workgroup.

I. **Agreement Title:** Walworth County Stormwater Workgroup Agreement.

WHEREAS, storm water pollution can degrade the water quality and beneficial uses of Walworth County lakes, streams, wetlands and groundwater and impair drinking water, degrade fishing, and other water related recreational activities.

WHEREAS, Village of Bloomfield and Walworth County desire to cooperatively prepare and implement a County-wide Stormwater Pollution Prevention Program to identify and plan activities to prevent stormwater pollution.

WHEREAS, this Intergovernmental Cooperative Agreement, is entered into by and between the Village of Bloomfield and Walworth County.

NOW, THEREFORE, the Village of Bloomfield and Walworth County agree jointly as follows:

II. **Agreement Purpose:** The purpose of this Agreement is to formally establish a Walworth County-wide Storm Water Workgroup for the purpose of sharing knowledge, skills, and experience in stormwater management and prepare and deliver cooperative plans, programs and initiatives to:

- Prevent stormwater pollution in existing and future urban areas within Walworth County.
- Improve and enhance the water quality and beneficial uses of Walworth County lakes, creeks and wetlands.
- Protect the quality and abundance of groundwater resources.
- Comply with State and Federal stormwater regulations.

This Agreement serves to formalize the intergovernmental cooperation by Walworth County municipalities and enable the municipalities to apply for grant funding through the WDNR Urban Nonpoint Source Pollution and Storm Water Management Grant Program and other State and Federal Grants that will advance programs, projects and initiatives sponsored by the Walworth County Stormwater Workgroup.

III. **Term**

This Agreement shall become effective upon execution by the last signature hereto and shall continue in effect until terminated by either party. Any party to this Agreement may terminate the Agreement as it applies to that party upon notice in writing to the other parties at least sixty days (60) days prior to the date of termination.

IV. **Assignment of Responsibilities:**

Walworth County has entered into a Urban Stormwater Planning Grant Agreement with the WDNR for the purpose of funding activities to carry out a County-wide stormwater pollution prevention program. Walworth County will:

1. Assign Land Conservation Division Staff to coordinate the grant funded stormwater planning activities.
2. Prepare and submit grant work products and final report to the WDNR.
3. Establish protocol for implementation of planning recommendations.
4. Retain records as required by s. NR 155.29, WI. Adm. Code.
5. Walworth County will assist municipalities, regulated pursuant to subchapter I, of NR 216, of the Wisconsin Administrative Code.

Intergovernmental Cooperative Agreement
Walworth County Stormwater Workgroup
Page Two

The Village of Bloomfield will participate as a cooperating municipality on the Walworth County Stormwater Workgroup and will:

1. Assign staff to serve on the Walworth County Stormwater Workgroup.
2. Contribute to the preparation and implementation of the Walworth County Stormwater Pollution Prevention Work Plan.
3. Adopt new ordinances or ordinance amendments, if needed, to include the Non-agricultural Performance Standards for Construction Site Erosion Control and Storm Water Management, consistent with NR 151.
4. Submit documentation of "in-kind" contributions and other expenditures, when applicable, to Walworth County related to the Walworth County Stormwater Management Workgroup activities, such as staff costs to attend meetings, copying costs, mailings, other tasks related to completing the work products identified in the WDNR Stormwater Planning Grant Agreement.

V. Amendments. Any party may request an amendment or revision to this Agreement by notifying the other party in writing of the nature and purpose of the requested amendment.

VI. Signatures.

This Agreement is entered into between the Village of Bloomfield and Walworth County.

This agreement is effective: _____ (Date)

Louise A. Olson
Deputy Director, County Conservationist
Walworth County Land Use and Resource Management Department

Signature

Date

_____, Authorized Representative
Village of Bloomfield

Signature

Date

Fiscal Accountability/Financial Information

STATE OF WISCONSIN
VILLAGE OF BLOOMFIELD
WALWORTH COUNTY

RESOLUTION NO. 2014-R-14

GOVERNMENT RESPONSIBILITY RESOLUTION
FOR RUNOFF MANAGEMENT GRANTS

WHEREAS, the Village of Bloomfield, Walworth County, Wisconsin, hereinafter referred to as the "applicant" is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban stormwater runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153, and 155); and

WHEREAS, a cost-sharing grant is required to carry out the project:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Bloomfield hereby authorizes Greg Governatori, Kapur & Associates to act on behalf of the Village of Bloomfield to:

- 1) Submit and sign an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; and
- 2) Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
- 3) Submit reimbursement claims along with necessary supporting documentation;
- 4) Submit signed documents; and
- 5) Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the Village of Bloomfield shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Adopted this 7th day of April 2014.


Kenneth A. Monroe
Village President

Attest:


Cynthia L. Howard
Village Clerk



I hereby certify that the foregoing resolution was duly adopted by the Village Board at a legal meeting on the 7th day of April, 2014.


Authorized Signature/Title

Community Support



April 10, 2015

Ken Monroe
Village President
Village of Bloomfield
P.O. Box 609
Pell Lake, WI 53157

Re: Wisconsin Urban Nonpoint Source Water Pollution Abatement & Storm Water Management Grant Application

Dear Village President Monroe,

The Walworth County Land Use and Resource Management Department strongly supports the approval of an *Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Planning Grant* for the Village of Bloomfield. If awarded, this Grant will help the Village of Bloomfield fund specific and timely storm water management planning activities required under the Wisconsin Department of Natural Resources Municipal Storm Water Permit, issued to the Village of Bloomfield.

The storm water management planning activities proposed by the Village of Bloomfield are consistent with goals of the *Walworth County Land and Water Resource Management Plan*, adopted by the Wisconsin Land and Water Conservation Board and the Walworth County Board of Supervisors on April 6, 2010. Most importantly, the storm water planning activities proposed by the Village of Bloomfield are essential to protecting the water quality and recreational use of Nippersink Creek, White River and Pell Lake.

The Walworth County Land Use and Resource Management Department will continue to work collaboratively with the Village of Bloomfield to advance beneficial storm water management programs, including public education and outreach programs to inform and inspire the community to take actions to protect and improve the quality of the local water resources.

Respectfully,

Michael P. Cotter
Director
Walworth County Land Use and Resource Management Department

cc. Fay Amerson, Urban Conservation Specialist, LURM
Kathryn M. McNelly Bell, Kapur and Associates, Inc. 1124 S. Pine Street, Burlington, WI 53105

100 West Walworth Street
P O Box 1601
Room 222
Elkhorn, WI 53121

Planning Zoning Sanitation

Conservation Divisions

262.741.4972 tel

262.741.4973 fax



Project Name:
Village of Bloomfield Storm Water Management Plan

UNPS&SW Program - Planning Grant
Application

Page 9 of 99

April 7, 2014

Land Use and Resource
Management Department

Ken Monroe
President
Village of Bloomfield
N1100 Town Hall Road
P.O. Box 609
Pell Lake, WI 53157

**RE: Wisconsin Urban NPS Water Pollution Abatement & Stormwater Management Grant Application
Village of Bloomfield**

Dear Village President Monroe:

The Walworth County Land Conservation Division strongly supports and encourages the approval of a *2014 Urban Nonpoint Source Water Pollution Abatement and Stormwater Management Grant* for the Village of Bloomfield. If awarded, this Grant will help the Village Board of Trustees fund specific stormwater management planning activities to assist the Village comply with the requirements of the Wisconsin Department of Natural Resources Municipal Storm Water Permit Program, pursuant to chapter NR 216 and chapter NR 151 of the Wisconsin Administrative Code.

The stormwater management planning project activities proposed by the Village of Bloomfield are timely and will enable the Village Board of Trustees launch stormwater management program that will result in protecting Pell Lake, Powers Lake, and the North and East Branches of Nippersink Creek.

The Village recently adopted Construction Site Erosion Control and Storm Water Management Ordinances that are consistent with NR 151 of the Wisconsin Administrative Code, addressing the State non-agricultural runoff management performance standards.

The Walworth County Land Conservation Division staff is available to assist the Village of Bloomfield comply with the municipal storm water permit requirements. Fay Amerson, Walworth County Urban Conservation Specialist, will be available to assist the Village. Partnerships, such as one between the Village of Bloomfield and Walworth County to educate and inform residents, businesses and visitors about their role in protecting the County's water resources, including Pell Lake, Potters Lake and Nippersink Creek, are essential to meeting the municipal permit requirements for the Village and the County.

Respectfully,

Louise A. Olson
Walworth County Conservationist
Deputy Director, Walworth County Land Use and Resource Management Department

cc. Fay Amerson, Urban Conservation Specialist, LURM
Gregory Governatori, Kapur and Associates, Inc.

100 West Walworth Street
P.O. Box 1001
Room 222
Elkhorn, WI 53121

Planning Zoning Sanitation

Conservation Divisions

262.741.4972 tel
262.741.4974 fax



April 14, 2014

State of Wisconsin
Runoff Management Section-WT/3
101 S. Webster Street
Madison, WI 53707

To whom it may concern:

It is my pleasure to write a letter in support of the Urban Nonpoint Source & Storm water Program Grant being submitted to the Wisconsin Department of Natural Resources on behalf of Village of Bloomfield.

As the Village Clerk/Treasurer, I understand that this grant opportunity would be most beneficial to the Village and show the Board's fiscal responsibility to our constituents while encouraging improvements to our quality of life through programs that will assist us in managing storm water runoff to our lakes and streams. Community Storm water Management and runoff pollution programs and education will help in improving the conditions of Pell Lake, Tombeau Lake and the various rivers and streams that this committee has oversight of maintaining.

I fully support the efforts of the Village as they seek external funding to support a program designed to improve the quality of our lakes and rivers. Any programs that can help our community improve storm water quality while providing education to the residents about runoff pollution and its consequences will benefit our citizens and the community at large.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia L. Howard'. The signature is fluid and cursive.

Cynthia L. Howard
Village Clerk-Treasurer
Village of Bloomfield

Building Our Future Together

PO Box 609 | N1100 Town Hall Road | Pell Lake, WI 53157
(262) 279-6039 | Fax: (262) 279-3545
www.bloomfield-wi.us

April 14, 2014

State of Wisconsin
Runoff Management Section-WT/3
101 S. Webster Street
Madison, WI 53707

It is my pleasure to write a letter in support of the Urban Nonpoint Source & Storm water Program Grant being submitted to the Wisconsin Department of Natural Resources on behalf of Village of Bloomfield.

As the former engineer for both the village and town, I have firsthand knowledge of the impacts of storm water runoff to our lakes and streams. Community Storm water Management and runoff pollution programs and education will help in improving the conditions of Pell Lake, Tombeau Lake and the various rivers and streams that this committee has oversight of maintaining.

I fully support the efforts of the Village as they seek external funding to support a program designed to improve the quality of our lakes and rivers. Any programs that can help our community improve storm water quality while providing education to the residents about runoff pollution and its consequences will benefit our citizens and the community at large.

Sincerely,

Douglas J. Mushel, P.E.