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2 **Corrected to incl corp counsel comments 01/10/03**  
3 **COMBINED VERSION**  
4 **01/30/03**

5 01/23/02 s.10(2)(a) & (b) dnr para's added  
6 01/29/03 hearing comments included

7 **WINNEBAGO COUNTY CONSTRUCTION SITE EROSION CONTROL AND**  
8 **STORMWATER MANAGEMENT ORDINANCE**  
9

10 AN ORDINANCE TO CREATE CHAPTER 17.31, SECTION A, OF THE GENERAL CODE OF THE  
11 COUNTY OF WINNEBAGO RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION  
12 AND SECTION B OF THE GENERAL CODE OF THE COUNTY OF WINNEBAGO RELATING TO  
13 THE CONTROL OF STORM WATER RUNOFF FROM LAND DEVELOPMENT AND LAND  
14 REDEVELOPMENT  
15

16 The Winnebago County Board does hereby ordain that Chapter 17.31, Section A and Section B are  
17 created to read as follows:  
18

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1 S.ii GENERAL SECTION PROVISIONS

- 2
- 3 1. Although Section 17.31 may be printed, and/or used as a separate ordinance, it is part of the
- 4 Winnebago County Town/County Zoning Ordinance and provisions of other sections not in
- 5 conflict with this section remain applicable.
- 6 2. This Ordinance shall be in force and effect upon the date following its date of publication
- 7 3. Where a permit may be required under either Section A, or Section B, or both, the administering
- 8 authority shall determine whether a separate or combined permit shall be required.
- 9 4. Any permit required by this section shall be issued prior to the issuance of any other zoning
- 10 permit, building permit, or sanitary permit.
- 11 5. Intergovernmental agreements pursuant to State Statutes regarding the administration of this
- 12 ordinance may be approved by the Winnebago County Board of Supervisors provided (a) that the
- 13 prospective administering body has an ordinance at least as restrictive as this ordinance as
- 14 determined by Winnebago County, and/or (b) that the prospective administering body provides
- 15 satisfactory evidence, as determined by Winnebago County, to Winnebago County of an ability
- 16 to administer this ordinance, or an equally restrictive ordinance. Evidence of “an ability to
- 17 administer” may include contractual arrangements, and shall also provide that a contractual or
- 18 employment arrangement prohibits a contractor or employee from reviewing their own work.

19  
20 S. 01 AUTHORITY

21  
22 This ordinance is adopted by the Winnebago County Board under the authority granted by S. 59.693, S  
23 101.65(1)(a) and S. 101.651(3m), and S. 101.653, Wisconsin Statutes. This ordinance supersedes all  
24 conflicting and contradictory storm water management regulations previously enacted under S. 59.69  
25 and S. 236 Wisconsin Statutes. Except as specifically provided for in S. 59.693, Wisconsin Statutes, S.  
26 59.69 and 59.99, Wisconsin Statutes applies to this ordinance and to any amendments to this ordinance.

- 27
- 28 (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of
- 29 the Winnebago County Board of Supervisors.
- 30 (2) The Winnebago County Board hereby designates the Planning & Zoning Committee, in
- 31 cooperation with the Land Conservation Committee, to administer and enforce the provisions of
- 32 this ordinance.
- 33 (3) The requirements of this ordinance do not pre-empt more stringent storm water management
- 34 requirements that may be imposed by any of the following:
- 35 (a) Department of Natural Resources administrative rules, permits or approvals including,
- 36 but not limited to, those authorized under S. 283.33 Wisconsin Statutes.
- 37 (b) Targeted non-agricultural performance standards promulgated in rules by the Department
- 38 of Natural Resources under Chapter NR 151.003, Wisconsin Admin. Code.
- 39 (c) Technical standards for implementing non-agricultural performance standards developed
- 40 by the Department of Natural Resources under Subchapter IV of Chapter NR 151,
- 41 Wisconsin Admin. Code.

42  
43 S. 02 FINDINGS, PURPOSE and INTENT

44  
45 FINDINGS.

46  
47 The Winnebago County Board of Supervisors finds that runoff from land-disturbing construction  
48 activity carries a significant amount of sediment and other pollutants to the waters of the State  
49 and Winnebago County; and,

1 Further finds that uncontrolled storm water runoff from land development and land redevelopment  
2 activity has a significant impact upon water resources and the health, safety and general welfare of the  
3 community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled  
4 storm water runoff can:

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

19  
20 **PURPOSE.**

- 21  
22 (1) It is the purpose of Section A of the ordinance to preserve natural resources; to protect the  
23 quality of the waters of the State and the County; and to protect and promote the health, safety  
24 and welfare of the people, to the extent practical, by minimizing the amount of sediment and  
25 other pollutants carried by runoff or discharge from land disturbing construction activity to lakes,  
26 streams and wetlands; and,
- 27 (2) It is the purpose of section B of the ordinance is to set forth long-term, post-construction storm  
28 water requirements and criteria which will diminish the threats to public health, safety, welfare,  
29 and the aquatic environment due to runoff of storm water from land development and land  
30 redevelopment activity. The specific purposes of this section of the ordinance are to:
  - 31 (a) Further the maintenance of safe and healthful conditions of the land and water resources  
32 of the County;
  - 33 (b) Prevent and control the adverse effects of storm water, prevent and control soil erosion,  
34 prevent and control water pollution, and protect spawning grounds, fish, and aquatic life;
  - 35 (c) Control exceedance of the safe capacity of existing drainage facilities and receiving  
36 water bodies; prevent undue channel erosion; control increases in the scouring and  
37 transportation of particulate matter; prevent conditions that endanger downstream  
38 property;
  - 39 (d) Control building sites, placement of structures, and land uses, and promote sound  
40 economic growth.

41  
42 **INTENT.** It is the intent of the Winnebago County Board of Supervisors that this ordinance manages  
43 the long-term, post-construction storm water discharges from land development and land redevelopment  
44 activities.

45  
46 **S. 03 APPLICABILITY OF ORDINANCE**

47  
48 This ordinance applies to land-disturbing construction activity, new land development, and all land  
49 redevelopment activity located within the boundaries and jurisdiction of the unincorporated portion of  
50 Winnebago County. The provisions of Section B do not apply to agricultural activity as defined

1 therein. Any area affected by the provisions of this ordinance shall not be exempt from applicability by  
2 reason of annexation or incorporation unless the annexing or incorporating municipality maintains and  
3 enforces an ordinance that is equally restrictive as this ordinance in accordance with the provisions of S.  
4 59.693(10), Wisconsin Statutes.

5  
6 MAPS. Where any map is referred to in this ordinance and said map is a digital compilation within the  
7 Winnebago County Geographic Information System (WINGS), said digital map shall be the regulatory  
8 map for purposes of enforcement of this ordinance.

9  
10 S. 04 FEE SCHEDULE / FINANCIAL GUARANTEE

- 11  
12 (a) The fees referred to in other sections of this ordinance shall be established by Winnebago County  
13 Board of Supervisors and may from time to time be modified by resolution. All “after the fact”  
14 fees shall be doubled.  
15 (b) Where more than one permit is required, the permittee shall be required to pay the amount  
16 required for each permit.  
17 (c) The financial guarantees referred to in other sections of the ordinance shall be as determined  
18 within the applicable section. Where a financial guarantee may be required in more than one  
19 section, the administering authority shall determine the total amount of the required guarantee,  
20 whether as a single or combined amount.

21  
22 S. 05 ENFORCEMENT

- 23  
24 (1) Any land-disturbing construction activity, land development, or land redevelopment activity,  
25 hereinafter activity, initiated after the effective date of this ordinance by any person, firm,  
26 association, or corporation subject to the ordinance provisions shall be deemed a violation unless  
27 conducted in accordance with the requirements of this ordinance. The term violation includes  
28 without limitation due to enumeration such things as failure to obtain a permit where required,  
29 failure to implement approved plans in a good faith manner, failure to comply with conditions of  
30 a permit issued, or failure to cease activity as required in a stop-work order posted under this  
31 ordinance.  
32 (2) The administering authority shall notify the responsible owner or operator by certified mail of  
33 any non-complying activity. The notice shall describe the nature of the violation, remedial  
34 actions needed, a schedule for remedial action, and additional enforcement action that may be  
35 taken.  
36 (3) Upon receipt of written notification from the administering authority under subsection (2), the  
37 permit holder, or landowner, shall obtain a permit where required, and/or correct work which  
38 does not comply with an approved plan or other provisions of a permit. The permit holder, or  
39 landowner, shall make corrections as necessary to meet the specifications and schedules set forth  
40 by the administering authority in the notice.  
41 (4) (a) The administering authority is authorized to post a stop work order on all activity in  
42 violation of this ordinance. When such a stop work order has been posted, it shall have  
43 the effect of causing the original permit to be revoked and in all cases, it shall be  
44 unlawful for any further work to proceed until the permit is either issued or reinstated. .  
45 It shall further be unlawful to remove such stop work order without the direct  
46 authorization of the administering authority.  
47 (b) After posting a stop-work order, the administering authority may issue a notice of intent  
48 to the permittee or landowner or land user of its intent to perform work necessary to  
49 comply with this ordinance. The administering authority may then go on the land and  
50 commence the work. The costs of the work performed by the administering authority,

1 plus interest at the rate authorized by administering authority shall be billed to the  
2 permittee or the landowner. Where the violation of the ordinance is likely to result in  
3 damage to properties, public facilities, or waters of the state, and after issuing the notice  
4 of intent, the administering authority may enter the land and take emergency actions  
5 necessary to prevent such damage, and bill such work in the manner previously  
6 described.

7 (c) In the event a permittee or landowner fails to pay the amount due, the clerk shall enter  
8 the amount due on the tax rolls and collect the amount plus any interest thereupon as a  
9 special charge against the property pursuant to Section 66.60(16), Wisconsin Statutes.

10 (5) The administering authority may revoke a permit issued under this ordinance for noncompliance  
11 with ordinance provisions.

12 (6) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless  
13 retracted by the administering authority or by a court with jurisdiction.

14 (7) If the landowner or land user where no permit has been issued does not cease the activity within  
15 10 days of being notified by the administering authority or if a landowner violates a stop-work  
16 order posed under sub. (1), the administering authority is authorized to refer any violation of this  
17 ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to  
18 the Corporation Counsel to obtain a cease and desist order or to commence further legal  
19 proceedings in any court with jurisdiction.

20 (8) Any person, firm, association, or corporation who does not comply with the provisions of this  
21 ordinance, or fails to cease activity as required in a stop-work order posted under this section, or  
22 fails to comply with any approved plan or permit, shall be subject to a forfeiture of not less than  
23 [500] dollars nor more than [1,000] dollars per offense, together with the costs of prosecution.  
24 Every violation of this ordinance is a public nuisance and each day that the violation exists shall  
25 constitute a separate offense.

26 (9) Compliance with this ordinance may be enforced by injunctive order by Winnebago County  
27 pursuant to S. 59.69(11), Wisconsin Statutes. It shall not be necessary to prosecute for forfeiture  
28 or a cease and desist order before resorting to injunctive proceedings.

## 30 S.06 APPEALS

31  
32 An appeal to the provisions of Section 17.31 shall be done in accordance with the provisions of Section  
33 17.32, Winnebago County Town/County Zoning Ordinance.

### 36 17.31, Section A 37 CONSTRUCTION SITE EROSION CONTROL

## 39 S. 07 DEFINITIONS

- 40  
41 (1) "Administering authority" means the governmental employees or their designees empowered  
42 under S. 59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this  
43 ordinance the administering authority is the Planning and Zoning Department under guidance  
44 from the Planning and Zoning Committee.
- 45 (2) "Agricultural activity" means planting, growing, and cultivating of crops, pasturing or yarding  
46 of livestock, tiling, and construction or expansion of facilities related to normal activities  
47 performed as part of a farming operation.
- 48 (3) "Best management practice" or "BMP" means a practice, technique or measure which is  
49 determined to be an effective means of preventing or reducing runoff pollutants to waters of the  
50 state, to a level compatible with the pollution control requirements in S. 10(2) of this ordinance.

- 1 (4) "Cease and desist order" means a court-issued order to halt land development and land  
2 redevelopment activity that is being conducted without the required permit.
- 3 (5) "Cleanup" means
- 4 (6) "COMM" means the Wisconsin Department of Commerce.
- 5 (7) "Construction site" means an area upon which one or more land-disturbing construction  
6 activities are occurring, including areas that are part of a larger common plan of development or  
7 sale where multiple separate and distinct land-disturbing construction activities may be taking  
8 place at different times on different schedules but under one plan.
- 9 (8) "De-watering" means
- 10 (9) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water,  
11 wind, ice, or gravity.
- 12 (10) "Erosion and sediment control plan" means a comprehensive plan developed to address  
13 pollution caused by soil erosion and sedimentation during construction.
- 14 (11) "Final stabilization" means the completion of all land disturbing construction activities at a  
15 construction site and that a perennial vegetative cover has been established with a density of  
16 70% of the cover for the unpaved areas and areas not covered by permanent structures. If a  
17 perennial vegetative cover has not been used, an equivalent permanent stabilization measure  
18 must have been approved for use by the administering authority and installed as required.
- 19 (12) "Land disturbing construction activity" means any man-made disturbance of the land surface  
20 resulting in a change in the topography, existing vegetative and non-vegetative soil cover or the  
21 existing soil topography which may result in storm water runoff and lead to increased soil  
22 erosion and movement of sediment into waters of the state. Land-disturbing construction activity  
23 includes, but is not limited to clearing and grubbing, demolition, excavating, pit trench  
24 dewatering, filling and grading activities, but does not include agricultural or silviculture  
25 activities. Specific applicability is noted at S.10(1).
- 26 (13) "Landowner" means any person holding title to land.
- 27 (14) "Land user" means any person operating, leasing, renting, or having made other arrangements  
28 with the landowner by which the landowner authorizes use of his or her land.
- 29 (15) "Extent practical" means a level of implementing best management practices in order to achieve  
30 a performance standard, which takes into account the best available technology, cost  
31 effectiveness and the degree, or extent to which best management practices can be implemented.  
32 Extent practical allows flexibility in the means to meet the performance standards and will vary  
33 based upon the performance standard and site conditions.
- 34 (16) "Municipal storm sewerage facility" means catch basins, storm sewer pipes, pumps, and lift  
35 stations.
- 36 (17) "Municipality" means a town, county, village, or city.
- 37 (18) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 38 (19) "Site" means the entire area included in the legal description of the land upon which the land-  
39 disturbing construction activity is proposed in the permit application and further includes the  
40 entire tax parcel and deed area affected.
- 41 (20) "Stop work order" means an order issued by the administering authority that requires that all  
42 construction activity on the site be stopped.
- 43 (21) "Street cleaning" means
- 44 (22) "Waters of the State" means those portions of Lake Michigan and Lake Superior within the  
45 boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding  
46 reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater,  
47 natural or artificial, public or private, within Wisconsin or its jurisdiction.
- 48
- 49

1 S. 08 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR BEST  
2 MANAGEMENT PRACTICES (BMPs).

3  
4  
5 All BMPs required to comply with this ordinance shall meet the design criteria, standards and  
6 specifications for the BMPs based on accepted design criteria, standards and specifications identified in  
7 the following documents, or the most recently adopted version thereof:

- 8  
9 (1) Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222  
10 November 1993 Revision,  
11 (2) Section IV of the Field Office Technical Guide, published by the USDA-Natural Resources  
12 Conservation Service as adopted and maintained by the Winnebago County Land Conservation  
13 Committee and Land & Water Conservation Department,  
14 (3) Technical standards developed and disseminated by the Department of Natural Resources under  
15 subchapter V of Chapter NR 151, Wisconsin Admin. Code. and  
16 (4) Other technical standards published or adopted by the above noted agencies, the Wisconsin  
17 Standards Oversight Council or the Winnebago County Land Conservation Committee and Land  
18 & Water Conservation Department.

19  
20  
21 S. 09 MAINTENANCE OF BMPs

22  
23  
24 All BMP measures necessary to meet the requirements of this ordinance shall be maintained by the  
25 applicant for a permit issued under S. 11 or subsequent landowner throughout the duration of the  
26 construction activities until the site has undergone final stabilization.

27  
28  
29 S. 10 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBING  
30 CONSTRUCTION ACTIVITY

- 31  
32  
33 (1) GENERAL APPLICABILITY. These general applicability provisions apply to the following  
34 land-disturbing construction activities, excluding that otherwise regulated under Chapter COMM  
35 21.125 and COMM 50.115 Wisconsin Admin. Code.  
36 (a) Those involving grading, removal of protective ground cover or vegetation, excavation,  
37 land filling or other activity affecting a surface area of 4,000 square feet or more;  
38 (b) Those involving excavation or filling or a combination of excavation and filling  
39 affecting 400 cubic yards or more of soil, sand, or other excavation or fill material.  
40 (c) Those involving public or private access drives, street, highway, road, or bridge  
41 construction, enlargement, relocation or reconstruction longer than 125 feet;  
42 (d) Those involving the laying, repairing, replacing or enlarging of an underground  
43 pipe or facility for a continuous distance of 100 feet or more. The term pipe or facility  
44 includes, but is not limited to, utilities such as telephone, electric, gas, sanitary, storm  
45 water, etc.; NOTE: see S.11(5);  
46 (e) Those involving the construction or reconstruction of a continuous distance of 100  
47 lineal feet of road ditch, non-agricultural grass waterway, or other non-agricultural land  
48 area where drainage occurs in an open channel; NOTE: see S.11(5)  
49 (f) Other land development activities, including access drives, that the administering  
50 authority determines have a significant impact.

1 (2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. An erosion control  
2 plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation, and other  
3 offsite impacts from land-disturbing activities are minimized through installation of BMPs  
4 pursuant to S. 05 of this ordinance. The BMPs may be located on or off the construction site. In  
5 addition, the erosion control plan shall:  
6

7 (a) **BMPs that, by design, achieve to the maximum extent practicable, a reduction of**  
8 **80% of the sediment load carried in runoff, on an average annual basis, as**  
9 **compared with no sediment or erosion controls until the construction site has**  
10 **undergone final stabilization. No person shall be required to exceed an 80%**  
11 **sediment reduction to meet the requirements of this paragraph. Erosion and**  
12 **sediment control BMPs may be used alone or in combination to meet the**  
13 **requirements of this paragraph. Credit toward meeting the sediment reduction**  
14 **shall be given for limiting the duration or area, or both, of land disturbing**  
15 **construction activity, or other appropriate mechanism.**  
16

17 **Note to Users: Soil loss prediction tools that estimate the sediment load leaving the**  
18 **construction site under varying land and management conditions, or methodology**  
19 **identified in subch. V. of ch. NR 151, Wis. Adm. Code, may be used to calculate**  
20 **sediment reduction.**  
21

- 22 (b) **Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce**  
23 **the sediment load by 80%, on an average annual basis, the plan shall include a**  
24 **written and site-specific explanation as to why the 80% reduction goal is not**  
25 **attainable and the sediment load shall be reduced to the maximum extent**  
26 **practicable.**  
27
- 28 (c) Minimize tracking of sediment from the site onto roads and other paved surfaces. Each  
29 site shall have graveled roads, access drives, and parking areas of sufficient width and  
30 length to prevent sediment from being tracked onto public or private roadways. Any  
31 sediment reaching a public or private road shall be removed by street cleaning (not  
32 flushing) before the end of each workday. Sediment tracked by construction equipment  
33 from a site onto a public or private paved road or sidewalk shall be minimized by  
34 providing a non-tracking access roadway. The access roadway shall be installed as  
35 approved on the plan. The sediment cleanup provisions of (d) below are unaffected by  
36 the presence or absence of an access roadway.
- 37 (d) Assure proper use, storage and disposal of chemicals, cement, and other compounds  
38 used on construction sites. All building material waste shall be properly managed and  
39 disposed of to prevent pollutants and debris from being carried off site by runoff.
- 40 (e) Minimize the discharge of sediment as part of site de-watering. Discharge of sediment  
41 as a result of dewatering shall be treated using BMPs.
- 42 (f) Provide for the clean up of sediments deposited on roadways. By the end of the next  
43 working day following the occurrence, clean up off-site sediment deposition occurring  
44 as a result of a storm event shall be completed. All other off-site sediment deposition  
45 occurring as a result of construction activities shall be cleaned up at the end of the  
46 workday.
- 47 (g) Provide storm sewer inlet protection from sedimentation. All downslope storm sewer  
48 inlets shall be protected from the intake of sedimentation by filter fabric, hay-type bales,  
49 or other suitable measures as may be approved.  
50

1 S. 11 PERMIT - APPLICATION, EROSION AND SEDIMENT CONTROL PLAN, AND  
2 PERMIT ISSUANCE

3  
4 No landowner or land user may commence a land-disturbing construction activity subject to this  
5 ordinance without receiving prior approval of an erosion and sediment control plan for the site and a  
6 permit from the administering authority. At least one landowner or land user controlling or using the  
7 site and desiring to undertake a land-disturbing construction activity subject to this ordinance shall  
8 submit an application for a permit and an erosion and sediment control plan and pay an application fee.  
9 By submitting an application, the applicant is authorizing the administering authority to enter the site to  
10 obtain information required for the review of the erosion and sediment control plan, to inspect the  
11 property for permit compliance, and to authorize permanent on-site inspection authority for the duration  
12 of the permitted activity.  
13

14 (1) CONTENT OF THE EROSION AND SEDIMENT CONTROL PLAN FOR LAND  
15 DISTURBING CONSTRUCTION ACTIVITIES COVERING ONE OR MORE ACRES.

16  
17 (a) The erosion and sediment control plan shall be prepared in accordance with good  
18 engineering practices and the design criteria, standards and specifications outlined in the  
19 *Wisconsin Construction Site Best Management Practice Handbook* (WDNR Pub.  
20 WR-222 November 1993 Revision).

21 (b) The erosion and sediment control plan shall address pollution caused by soil erosion and  
22 sedimentation during construction and up to final stabilization of the site. The erosion  
23 and sediment control plan shall include, at a minimum, the following items. Other  
24 information may be required as needed by the permitting authority:

- 25 1. Description of the site and the nature of the construction activity, including  
26 representation of the limits of land disturbance on a Winnebago County G.I.S.  
27 Map.
- 28 2. Description of the intended sequence of major activities that disturb soils for  
29 major portions of the site, such as grubbing, excavation or grading.
- 30 3. Estimates of the total area of the site and the total area of the site that is  
31 expected to be disturbed by construction activities.
- 32 4. Existing data describing the surface soil as well as subsoils.
- 33 5. Depth to groundwater, as indicated by natural resources conservation service  
34 soil information where available.

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

- 38 1. Existing topography, vegetative cover, natural and engineered drainage systems,  
39 roads and surface waters. Lakes, streams, wetlands, channels, ditches and other  
40 watercourses on and immediately adjacent to the site shall be shown. Any  
41 identified 100-year flood plains, flood fringes and flood ways shall also be  
42 shown.
- 43 2. Boundaries of the construction site.
- 44 3. Drainage patterns and approximate slopes anticipated after major grading activities.
- 45 4. Areas of soil disturbance.
- 46 5. Location of structural and non-structural BMPs identified in the plan.
- 47 6. Location of areas where stabilization practices will be employed.
- 48 7. Areas that will be vegetated following construction.

- 1 8. Area extent of wetland acreage on the site and locations where storm water is
- 2 discharged to a surface water or wetland.
- 3 9. Locations of all surface waters and mapped wetlands within one mile of the
- 4 construction site.
- 5 10. Any other features required by the administering authority for a proper
- 6 evaluation of the site.

7  
8 (d) Each erosion and sediment control plan shall include a plan view sheet and a description  
9 of appropriate controls and measures that will be performed at the site to prevent  
10 pollutants from reaching waters of the state. The plan shall be at the same scale as the  
11 existing site map and shall clearly show the site changes. The plan shall clearly describe  
12 the appropriate control measures for each major activity and the timing during the  
13 construction process when the measures will be implemented. The description of  
14 erosion controls shall include, when appropriate, the following minimum requirements:

- 15 1. Description of interim and permanent stabilization practices, including a
- 16 practice implementation schedule. Site plans shall ensure that existing
- 17 vegetation is preserved where attainable and that disturbed portions of the site
- 18 are stabilized.
- 19 2. Description of structural practices to divert flow away from exposed soils,
- 20 store flows or otherwise limit runoff and the discharge of pollutants from the
- 21 site.
- 22 3. Management of overland flow at all sites, unless otherwise controlled by
- 23 outfall controls.
- 24 4. Trapping of sediment in channelized flow.
- 25 5. Staging construction to limit bare areas subject to erosion.
- 26 6. Protection of down slope drainage inlets where they occur.
- 27 7. Minimization of tracking at all sites.
- 28 8. Clean up of off-site sediment deposits.
- 29 9. Proper disposal of building and waste materials at all sites.
- 30 10. Stabilization of drainage ways.
- 31 11. Control of erosion from soil stockpiles.
- 32 12. Installation of permanent stabilization practices as soon as possible after final
- 33 grading.
- 34 13. Minimization of dust to the extent practical.

35  
36 (e) Velocity dissipation devices shall be placed at discharge locations and along the length  
37 of any outfall channel as necessary to provide a non-erosive flow from the structure to a  
38 watercourse so that the natural physical and biological characteristics and functions are  
39 maintained and protected.

40  
41 Note: The plan requirements of this subsection will meet the plan requirements of  
42 Chapter NR 216.46, Wisconsin Admin. Code, when prepared in accordance with good  
43 engineering practices and the design criteria, standards and specifications outlined in the  
44 *Wisconsin Construction Site Best Management Practice Handbook* (WDNR Pub.  
45 WR-222 November 1993 Revision). This is important for municipalities seeking to  
46 develop a "Qualifying Local Program" under phase 2 of the federal storm water permit  
47 program. Qualifying local programs will also be required to impose, either through this  
48 ordinance or a storm water management ordinance, storm water management plan  
49 requirements consistent with Chapter NR 216.47, Wisconsin Admin. Code.

- 1 (2) CONTENT OF THE EROSION AND SEDIMENT CONTROL PLAN STATEMENT  
 2 FOR LAND DISTURBING CONSTRUCTION ACTIVITIES COVERING LESS THAN ONE  
 3 ACRE. A control plan statement (with simple map) that briefly describes the site and best  
 4 management practices (including the site development schedule) that will be used to meet the  
 5 requirements of the ordinance shall be submitted to the administering authority.  
 6
- 7 (3) REVIEW OF THE EROSION AND SEDIMENT CONTROL PLAN. The administering  
 8 authority shall review any permit application that is submitted with an erosion and sediment  
 9 control plan or control plan statement, and the required fee. The following approval procedure  
 10 shall be used:
- 11 (a) Within 30 working days of receipt of the application, erosion and sediment control plan  
 12 or control plan statement, and fee, the administering authority shall review the  
 13 application and control plan and inform the applicant whether the application is  
 14 approved, conditionally approved, or disapproved.
  - 15 (b) If the requirements of this ordinance are met, the administering authority shall issue the  
 16 permit.
  - 17 (c) If the conditions are not met, the administering authority shall inform the applicant in  
 18 writing and may either require additional information or disapprove the plan.
  - 19 (d) The administering authority may request additional information from the applicant. If  
 20 additional information is submitted, the administering authority shall have 10 working  
 21 days from the date the additional information is received to inform the applicant that the  
 22 application is approved, conditionally approved, or disapproved.
  - 23 (e) Failure by the administering authority to inform the permit applicant of a decision within  
 24 the specified number of business days of a required submittal shall be deemed to mean  
 25 approval of the submittal, and the applicant may proceed as if a permit had been issued.  
 26 In this instance the applicant shall comply with the plan as submitted.  
 27
- 28 (4) PERMITS.
- 29 (a) Duration. Permits issued under this section shall be valid for a period of 1 year,  
 30 from the date of issuance. The administering authority may extend the permit one time  
 31 for up to an additional 180 days. The administering authority may require additional  
 32 BMPs as a condition of the extension if they are necessary to meet the requirements of  
 33 this ordinance.
  - 34 (b) Financial Guarantee. As a condition of approval and issuance of the permit, the  
 35 administering authority may require the applicant to submit a financial guarantee, the  
 36 form, and type of which shall be acceptable to the administering authority. The  
 37 financial guarantee shall be in an amount determined by the administering authority to  
 38 be the estimated cost of implementing the approved erosion control plan and any permit  
 39 conditions for the duration of the construction activity and until final site stabilization.
  - 40 (c) Release of Financial Guarantee. The administering authority shall release the portion of  
 41 the financial guarantee established under this section, less any cost incurred by the  
 42 administering authority to implement erosion control measures, following the final site  
 43 stabilization and verification of said stabilization by the administering authority.
  - 44 (d) Permit conditions. All permits shall require the permittee to:
    - 45 1. Notify the administering authority within 3 days of commencing any land  
 46 disturbing construction activity.
    - 47 2. Notify the administering authority of completion of any BMPs within 3 days  
 48 after their installation.
    - 49 3. Obtain permission in writing from the administering authority prior to  
 50 modifying the erosion and sediment control plan

4. Install all BMPs as identified in the approved erosion and sediment control plan;
5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
7. Inspect the BMPs after each rain of 0.5 inches or more and at least once each week, make needed repairs and document the findings of the inspections in a siteerosion control log with the date of inspection and the name of the person conducting the inspection.
8. Allow the administering authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan;
9. Keep a copy of the erosion and sediment control plan at the construction site; and
10. Notify the administering authority upon completion of construction phase of a project and that the final site stabilization is in place.

(5) GENERAL PERMITS FOR MUNICIPAL MAINTENANCE OF PUBLIC ROAD DITCHES AND PRIVATE UTILITY WORK PROJECTS

General permits may be issued by the [administering authority] to a municipality for road ditch maintenance along public roads and to private utilities for utility maintenance and siting . The following conditions apply to the issuing of general permits for these purposes:

- (a) General permits may only be issued for a one year period. Road ditch maintenance and utility work shall only take place during the period between April 1 and September 1. After September 1, work must be approved on a case by case basis by the [administering authority]. Permit fees for utility work may differ from those charged per S.08 of this ordinance as determined by the administering authority. No permit fees shall be charged for road ditch maintenance.
- (b) A list of planned road ditch maintenance and utility work must be provided to the administering authority no less than 10 business days prior to work.
- (c) Listed sites must be accompanied with an erosion control plan. The erosion control plan may include generic erosion control practices that are applicable to the proposal.
- (d) The erosion control plan must incorporate erosion control measures for road ditch maintenance and utility work, and be designed using criteria defined in the Wisconsin Department of Transportation *Facilities Development Manual*.

S. 12 INSPECTION

- (1) The administering authority shall inspect any construction site that holds a permit under S. 11 at least once a month during the period starting March 1 and ending October 31 and at least twice during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.
- (2) If land-disturbing construction activities are being carried out without a permit required by this ordinance, the administering authority may enter the land pursuant to the provisions of ss. 66.0119, Wisconsin Statutes.

17.31, Section B  
STORM WATER MANAGEMENT

S. 13 DEFINITIONS

- (1) “Administering authority” means the governmental employees or their designees empowered under S. 59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance the administering authority shall be the Winnebago County Planning and Zoning Department under guidance from the Planning and Zoning Committee.
- (2) “Agricultural activity” means planting, growing, cultivating and harvesting of crops for human or livestock consumption and the pasturing or yarding of livestock. The term also includes sod farms and tree nurseries.
- (3) “Best management practice” or “BMP” means a practice, technique or measure which is determined to be an effective means by the Planning & Zoning Department of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the performance standards in S. 15 of this ordinance.
- (4) “Business day” means a day the office of the Planning & Zoning Department is routinely and customarily open for business.
- (5) “Cease and desist order” means a court-issued order to halt land development and land redevelopment activity that is being conducted without a required permit.
- (6) “Common plan of development or sale” means an area where multiple separate and distinct land developing activities may be taking place at different times on different schedules but under one plan.
- (7) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total rainfall depth.
- (8) “Detention Pond” means a depression in the land surface designed to temporarily detain or hold back storm water and release the water at a specified flow rate or rates. A detention pond may also be designed to reduce nonpoint source pollution.
- (9) “Discharge volume” means the quantity of runoff discharged from the land surface as the result of a rainfall event.
- (10) “Extra-territorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1½ miles of a fourth class city or village.
- (11) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted by the permit holder to the administering authority, in an amount and format approved by the administering authority, to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (12) “Impervious surface” means a land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.
- (13) “Infiltration” means the process by which rainfall or surface runoff passes into or through the underlying soil.
- (14) “Land development activity” means the act or process of changing land through the construction of buildings, parking lots, roads, landscaping, etc. which causes a change in the amount, rate, or quality of storm water runoff from the land.

- 1 (15) “Maintenance agreement” means a legal document that is filed with the County Register of  
2 Deeds as a property deed restriction, and which provides for long-term maintenance of storm  
3 water management practices.
- 4 (16) “Municipality” means a town, county, village, or city.
- 5 (17) “Non-domestic agricultural structure” means a building or impervious surface designed to store  
6 machinery and/or harvested crops in any form, including machine sheds, grain bins, and silage  
7 pads. This definition does not include vertical silos, dairy barns, or any other building  
8 categorized as an “animal lot” as defined in the Livestock Waste Management Ordinance,  
9 Chapter 13, Winnebago County General Code.
- 10 (18) “Non-storm discharge” means a discharge to the storm sewer system created by some process  
11 other than storm water runoff.
- 12 (19) “Non-structural measure” means a practice, technique, or measure to reduce the volume, peak  
13 flow rate, or pollutants in storm water that does not require the design or installation of fixed  
14 storm water management facilities.
- 15 (20) “Off-site” means located outside the property boundary described in the permit application for  
16 land development or land redevelopment activity.
- 17 (21) “Other than residential development” means development that is not one or two family  
18 residential. This includes the following land uses: multi-family residential (more than 2 dwelling  
19 units on a single property) commercial, industrial, government and institutional, recreation,  
20 transportation, communication, and utilities, and the construction or expansion of facilities  
21 related to normal activities performed as part of a farming operation including but not limited to  
22 buildings, paved areas, etc.
- 23 (22) “On-site” means located within the property boundary described in the permit application for the  
24 land development or land redevelopment activity including the entire area of the tax parcel  
25 wherein the activity will occur.
- 26 (23) “P8” means a model for predicting the generation and transport of stormwater runoff pollutants  
27 in urban watersheds.
- 28 (24) “Peak flow discharge rate” means the maximum unit volume of storm water discharged during a  
29 specified unit of time.
- 30 (25) “Performance standard” means a measurable number or measurable narrative for a pollution  
31 source specifying the acceptable outcome for a facility or practice.
- 32 (26) “Permit” means a written authorization made by the administering authority to the applicant to  
33 conduct land development or land redevelopment activities.
- 34 (27) “Permit administration fee” means a sum of money paid to the administering authority by the  
35 permit applicant for the purpose of recouping the expenses incurred by the authority in  
36 administering the permit, including but not limited to application review, issuance where  
37 appropriate, and inspections.
- 38 (28) “Pervious surface” means a surface that infiltrates rainfall. Lawns, fields and woodlands are  
39 examples of pervious surfaces.
- 40 (29) “Post-construction storm water discharge” means any storm water discharged from a site  
41 following the completion of land disturbing construction activity and final site stabilization.
- 42 (30) “Post-development condition” means the extent and distribution of land cover types anticipated  
43 to occur under conditions of full development, which will influence storm water runoff and  
44 infiltration.
- 45 (31) “Pre-development condition” means the extent and distribution of land cover types present  
46 before the initiation of land development or land redevelopment activity.
- 47 (32) “Redevelopment” means new development that is replacing older development. Redevelopment  
48 in this ordinance only applies when the activity will increase the impervious area.
- 49 (33) “Site restriction” means any physical characteristic, which limits the use of a storm water best  
50 management practice or management measure.

- 1 (34) "SLAMM" means Source Loading and Management Model, a stormwater evaluation technique,  
2 developed for the Environmental Protection Agency(EPA), and used to evaluate the effectiveness  
3 of stormwater control
- 4 (35) "Stop work order" means an order issued by the administering authority that requires that all  
5 construction activity on the site be stopped.
- 6 (36) "Storm water management plan" means a document that identifies what actions must be taken to  
7 reduce storm water quantity and pollutant loads from land development and land redevelopment  
8 activity to levels that meet the purpose and intent of this ordinance.
- 9 (37) "Storm water management system plan" is a comprehensive plan developed to address storm  
10 water drainage and nonpoint source pollution control problems on a watershed or sub-watershed  
11 basis, and which meets the purpose and intent of this ordinance.
- 12 (38) "Storm water runoff" means that portion of the precipitation falling during a rainfall event, or  
13 that portion of snowmelt, that runs off the surface of the land and into the natural or artificial  
14 conveyance or drainage network.
- 15 (39) "Structure", as used in the context of construction or building, means any manmade object with  
16 form, shape and utility, either permanently or temporarily attached to, placed upon or set into the  
17 ground which includes but is not limited to such objects as roofed and/or walled buildings, non-  
18 domestic agricultural structures, storage tanks, bridges, culverts, etc. and may include such things  
19 as fences or signs. The term also includes fill or filling which is the act by which earth, sand,  
20 gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled,  
21 transported or moved by man to a new location and shall include the conditions resulting there  
22 from.
- 23 (40) "Structural measure" means any physical practice or conveyance measures and end-of-pipe  
24 treatment that are designed to control storm water runoff pollutant loads, discharge volumes,  
25 and/or peak flow discharge rates.
- 26 (41) "Storm sewer system" means a conveyance or system of conveyances including roads with  
27 drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm  
28 drains which is designed for collecting water or conveying storm water.
- 29 (42) "TR-55" means the United States Department of Agriculture Natural Resources Conservation  
30 Service(formerly Soil Conservation Service), Urban Hydrology for Small Watersheds, Second  
31 Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.
- 32 (43) "Watercourse" means a natural or artificial channel through which water flows and is identified  
33 on the official Winnebago County watercourse map, dated January 1, 2002 or subsequent  
34 revisions thereto and new channels that are created as part of a development that may not be on  
35 the existing map. The term watercourse includes waters of the state as herein defined. Additions  
36 or deletions to the map must be field verified by the administering authority. Additionally, when  
37 a watercourse is moved, any requirements related to the watercourse move with the water. The  
38 watercourse map is on file and maintained by Winnebago County Geographic Information  
39 System (WINGS).
- 40 (44) "Watershed" means an area bounded by a divide in which water drains to a specific point on the  
41 land.
- 42 (45) "Waters of the state" means those portions of Lake Michigan and Lake Superior within the  
43 boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding  
44 reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater,  
45 natural or artificial, public or private, within Wisconsin or its jurisdiction.
- 46 (46) "Wetland functional value" means the type, quality, and significance of the ecological and  
47 cultural benefits provided by wetland resources, such as: flood storage, water quality protection,  
48 groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral  
49 diversity, aesthetics, recreation, and education.

1 (47) "Wetlands" means an area where water is at, near, or above the land surface long enough to be  
2 capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet  
3 conditions. These wetlands include but are not limited to natural, mitigated, and restored wetlands.  
4 Some wetlands are graphically shown on the DNR Wetland Inventory Maps dated July 5, 1986 or  
5 subsequent revisions.

6 (48) "WPDES Storm Water Permit" means a permit issued by the Wisconsin Department of Natural  
7 Resources under S. 283.33 Wisconsin Statutes that authorizes the point source discharge of storm  
8 water to waters of the state.

9  
10 S. 14 TECHNICAL STANDARDS

11  
12 The following methods shall be used in designing the water quantity, water quality, and peak  
13 flow shaving and infiltration components of storm water practices needed to meet the water quality  
14 standards of this ordinance:

- 15 (1) Technical standards developed and disseminated by the Department of Natural Resources under  
16 subchapter V of Chapter NR 151, Wisconsin Admin. Code.
- 17 (2) Section IV of the Field Office Technical Guide, published by the United States Dept. of  
18 Agriculture (USDA)-Natural Resources Conservation Service, as adopted and maintained by the  
19 Winnebago County Land Conservation Committee and Land & Water Conservation Department.
- 20 (3) Where technical standards have not been developed and disseminated by the Wisconsin  
21 Department of Natural Resources, other technical standards may be used provided that the  
22 methods have been approved by the administering authority.
- 23 (4) Where the administering authority determines that more stringent standards are required than  
24 those listed in (1) of this section in order to meet the provisions of this ordinance, the more  
25 stringent standards may be required to be used.

26  
27 S. 15 STORM WATER PERFORMANCE STANDARDS

- 28  
29 (1) **STORM WATER DISCHARGE QUANTITY.** Unless otherwise provided for in this ordinance,  
30 all new land development and land redevelopment activities subject to this ordinance shall  
31 establish on-site best management practices(BMP) to control the peak flow rates of storm water  
32 discharged from the site and to preserve base flow in streams. The BMPs shall be designed,  
33 installed or applied, and maintained to the maximum extent practicable in accordance with a  
34 storm water management plan submitted in accordance with Section S.08 of this ordinance. All  
35 of the following standards shall apply to the storm water management plan.
- 36 (a) By design, maintain or lower peak runoff discharge rates as compared to pre-settlement  
37 (meadow) conditions for the 2-, 10- and 100-year, 24-hour design storms applicable to  
38 the site, using the Runoff Curve Numbers designated on Table 1 for the appropriate site  
39 soil hydrologic group. If TR-55 methodology is not used for the hydrologic calculations,  
40 the local administering authority must approve an equivalent methodology.

41

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	30	58	71	78

42 NOTE: Source of Table 1 is: "Urban Hydrology for Small Watersheds" USDA Technical Release  
43 55; June, 1986

- 44  
45 (b) Discharge velocities must be non-erosive to discharge locations, outfall channels, and  
46 receiving streams.

- 1 (c) Infiltration of storm water, to reduce the volume of runoff, will be encouraged where  
2 technically feasible. If storm water infiltration can be demonstrated, the reduced volume  
3 may be taken into account when designing practices to meet the peak flow control, and  
4 pollution control requirements of this ordinance.
- 5 (d) If infiltration is employed on a site, groundwater quality shall be protected from  
6 pollutants in the storm water. Storm water runoff from industrial manufacturing and  
7 fueling and vehicle maintenance areas shall not be directed to infiltration structures.  
8

9 (2) **STORM WATER DISCHARGE QUALITY.** Unless otherwise provided for in this ordinance, all  
10 land development and land redevelopment activities subject to this ordinance shall establish on-  
11 site management practices to control the discharge of storm water pollutants. The BMPs shall be  
12 designed, installed or applied and maintained, in accordance with a storm water management  
13 plan for the long-term control of post-construction storm water discharges, to control total  
14 suspended solids and other pollutants carried in runoff. All of the following apply:  
15

- 16 (a) **Sediment Control:** By design, reduce the annual average total suspended solids load in  
17 runoff by 80% for new development and 40% for redevelopment as compared to no  
18 controls for the site. The sediment reduction shall be accomplished in one of the  
19 following ways:
- 20 (1) For new development, a wet detention basin may be installed to receive storm  
21 water runoff from the entire site. The wet detention pond shall be designed to  
22 meet standards contained in the Wisconsin DNR Wet Detention Standard Code  
23 1001 (06/99) or a subsequently adopted version.
- 24 (2) By any other alternative method acceptable to the approving authority. If a  
25 discrepancy exists between the developer and approving authority regarding  
26 ability to reach the required sediment reduction using alternative methods, the  
27 developer shall use Source Loading and Management Model (SLAMM), P8, or  
28 an equivalent methodology to determine percentage of sediment removal. If the  
29 administrative authority finds that SLAMM shows that the required reduction  
30 will be met with the proposed design then the developer will have reached the  
31 sediment control requirements of this ordinance.  
32

33 If 80% of the total suspended solids load for new development, or 40% of the total  
34 suspended solids load for redevelopment will not be controlled from the site by design, then  
35 the storm water management plan shall include a reasonable justification for not controlling  
36 80% of the total suspended solids load for new development, or 40% of the total suspended  
37 solids load for redevelopment, from the site as compared to no sediment controls.  
38

- 39 (b) **Petroleum and Hydrocarbon Control:** Fueling and vehicle maintenance areas shall have  
40 BMP's designed, installed or applied, and maintained to reduce petroleum within runoff,  
41 in order that the runoff that enters the waters of the state contains no visible petroleum  
42 sheen after the point of treatment. Storm water management devices do not substitute for  
43 emergency action spill control plans if required under different regulations.
- 44 (c) **Setback Areas:**
- 45 (1) A setback shall be provided along all watercourses. Permanent vegetative cover will  
46 provide for bank stability, maintenance of fish habitat, and filtering of pollutants from up  
47 slope overland flow areas (cover can be mowed lawn). The setback will keep the  
48 watercourse open to convey runoff and to provide some flood storage. No structures will  
49 be allowed in the buffer/setback area except road and utility crossings, boathouses where

1 adjacent to navigable water, structures which are part of the storm water management  
2 plan, and structures allowed by S. 59.692(1v), i.e., the “Gazebo Rule”, when adjacent to  
3 navigable water.

4 (2) Fill will not be allowed except where approved by the administering authority based  
5 on an engineering study of the watercourse that has assessed the impact of the fill on  
6 flood storage and flow conveyance. The above-mentioned study must show that the flow  
7 from a 100-year rain event is contained within the watercourse setback area.

8 (3) The buffer area shall be provided on each side of the watercourse and the minimum  
9 width on each side of the watercourse is as follows. Zoning provisions and Wis Admin  
10 Code Chapter NR 151 (if adopted) may require a greater setback from navigable water.

11 (a) For watercourses within watersheds less than 81 acres, 25 feet from the  
12 watercourse centerline.

13 (b) For watercourses within watersheds of between 81 and 350 acres, 35  
14 feet from the watercourse centerline.

15 (c) For watercourses within watersheds over 350 acres, 50 feet from the  
16 Ordinary High Water Mark of navigable waters,

17 (4) Setbacks from Wetlands

18 (a) For 1 and 2 family residential development, 25 feet from wetlands,  
19 except in cases when the administering authority deems a larger buffer is  
20 necessary.

21 (b) For other than residential development, 50 feet from wetlands except in  
22 cases when the administering authority deems a larger buffer is  
23 necessary.

24 (c) A larger buffer may be required if deemed necessary by the  
25 administering authority based on site characteristics.

26  
27 (d) Existing wetlands shall not be used to meet any of the setback requirements of this  
28 ordinance unless permitted by the WDNR and/or Army Corp of Engineers.

29 (e) Storm water shall not be injected underground through excavations or openings in a  
30 manner that would violate Chapter NR 812.05 Wisconsin Admin. Code.

31 (f) Storm water ponds and infiltration devices shall not be located closer to water supply  
32 wells than as indicated below without first notifying and obtaining approval from the  
33 administering authority:

34 (1) 100 feet from a well serving a private water system or a transient, non-  
35 community public water system;

36 (2) 1,200 feet from a well serving a municipal public water system, an other-than  
37 municipal public water system, or a non-transient non-community public water  
38 system,

39 (3) within the boundary of a recharge area to a wellhead identified in a wellhead  
40 area protection plan.

41  
42 (3) ALTERNATE REQUIREMENTS. The administering authority may establish storm water  
43 management requirements either more stringent or less stringent than those set forth in subs. (1)  
44 and (2) above provided that at least one of the following conditions applies.

45  
46 (a) The administering authority determines that an added level of protection is needed to  
47 protect sensitive resources.

48 (b) The administering authority determines that the land development and land  
49 redevelopment activity is covered by an approved storm water management system plan

1 or existing conditions allow for management consistent with the purpose and intent of  
2 this ordinance.

- 3 (c) Provisions are made to manage storm water by an off-site facility, provided that all of the  
4 following conditions for the off-site facility are met:
- 5 (1) The facility is in place,
  - 6 (2) The facility is designed and adequately sized to provide a level of storm water  
7 control equal to or greater than that which would be afforded by on-site practices  
8 meeting the performance standards of this ordinance, and
  - 9 (3) The facility has a legally obligated entity responsible for its long-term operation  
10 and maintenance.
- 11 (d) The administering authority finds that meeting the minimum on-site  
12 management requirements of this ordinance is not feasible due to space or site  
13 restrictions, or other unique conditions, provided that where this section is deemed  
14 applicable the maximum possible requirements shall be met.
- 15 (e) The application is for a non-domestic agricultural structure, or, a structure classified as  
16 an animal lot as defined in the Livestock Waste Management Ordinance, Chapter 13,  
17 Winnebago County General Code.
- 18 (f) The permit application is for land development activity on a single lot and the  
19 administering authority determines that less stringent requirements are needed for review  
20 and approval.

21  
22 S. 16 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

- 23
- 24 (1) PERMIT REQUIRED. No land owner or land operator may undertake a land development or  
25 land redevelopment activity subject to this ordinance without receiving a permit from the  
26 administering authority prior to commencing the proposed activity. Minor land development  
27 activities such as the construction of a fence, minor landscaping, or construction of minor  
28 structures (10 x 10 or smaller) may be considered exempt from permit requirements if the  
29 administering authority determines that no, or very minimal, adverse impacts will result. The  
30 determination of impact shall be based, without limitation, upon criteria such as ponding of  
31 water, backing up of water, or a threat to neighboring property.
- 32
- 33 (2) PERMIT APPLICATION AND FEE. Unless specifically excluded by this ordinance, any land  
34 owner or operator desiring a permit shall submit to the administering authority a permit  
35 application made on a form provided by the administering authority for that purpose.
- 36 (a) Unless otherwise exempted by this ordinance, a permit application must be accompanied  
37 by the following in order that the permit application may be considered for approval by  
38 the administering authority: a storm water management plan, a maintenance agreement,  
39 and a non-refundable permit administration fee established in S. 04 of this ordinance.
  - 40 (b) The storm water management plan shall be prepared to meet the requirements of S. 15  
41 and 17 of this ordinance; the maintenance agreement shall be prepared to meet the  
42 requirements of S. 18 of this ordinance; the financial guarantee shall meet the  
43 requirements of S. 19 of this ordinance; and fees shall be those established by the  
44 Winnebago County Board of Supervisors as set forth in S. 04 of this ordinance.
- 45
- 46 (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The administering authority shall  
47 review any permit application that is submitted with a storm water management plan,  
48 maintenance agreement, and the required fee. The following approval procedure shall be used:
- 49 (a) Within 30 business days of the receipt of a complete permit application, including all  
50 items as required by S. 16(2)(a), the administering authority shall inform the applicant

1 whether the application, plan and maintenance agreement are approved, approved  
2 conditionally, or disapproved. The administering authority shall base the decision on  
3 requirements set forth in S. 15, S. 16, and S. 18 of this ordinance.

4 (b) If the storm water permit application, plan and maintenance agreement are approved, the  
5 administering authority shall issue the permit.

6 (c) If the storm water permit application, plan or maintenance agreement are disapproved,  
7 the administering authority shall detail in writing of the reasons for disapproval.

8 (d) The administering authority may request additional information from the applicant. If  
9 additional information is submitted, the administering authority shall have 10 business  
10 days from the date the additional information is received to inform the applicant that the  
11 plan and maintenance agreement are either approved, approved conditionally, or  
12 disapproved.

13 (e) Failure by the administering authority to inform the permit applicant of a decision within  
14 the specified number of business days of a required submittal shall be deemed to  
15 constitute an approval of the submittal, and the applicant may proceed as if a permit had  
16 been issued. In this instance the applicant shall comply with the plan as submitted.

17  
18 (4) PERMIT CONDITIONS. All permits issued under this ordinance shall be subject to the  
19 following conditions, and holders of permits issued under this ordinance shall be deemed to have  
20 accepted these conditions. The administering authority may suspend or revoke a permit for  
21 violation of a permit condition, following written notification to the permittee

22 (a) Compliance with the permit does not relieve the permit holder of the responsibility to  
23 comply with other applicable federal, state, and local laws and regulations.

24 (b) The permit holder shall design and install all structural and non-structural storm water  
25 management measures in accordance with the approved storm water management plan  
26 and the permit.

27 (c) The permit holder shall notify the administering authority at least three (3) business days  
28 before commencing any work in conjunction with the storm water management plan, and  
29 within three (3) business days upon completion of the storm water management  
30 practices. If required as a special condition under par. (d), the permit holder shall make  
31 additional notification according to a schedule set forth by the administering authority so  
32 that practice installations can be inspected during construction.

33 (d) Permits issued under this subsection may include any special conditions needed to meet  
34 the performance standards in S. 15 or a financial guarantee as provided for in S. 19 of  
35 this ordinance. Permits issued as a result of a violation notice may contain conditions  
36 necessary to correct the violation, including specifying a timeframe within which certain  
37 actions need to be taken.

38 (e) Storm water management practices that are constructed as part of this ordinance shall be  
39 certified, "as built" by a professional engineer licensed in Wisconsin. Completed storm  
40 water management practices must pass a final inspection by the administering authority  
41 or its designee to determine if they are in accordance with the approved storm water  
42 management plan and ordinance. The administering authority or its designee shall notify  
43 the permit holder in writing of any changes required in such practices to bring them into  
44 compliance with the conditions of the permit.

45 (f) The permit holder shall notify the administering authority of any modifications it intends  
46 to make to an approved storm water management plan. The administering authority may  
47 require that the proposed modifications be submitted for approval prior to incorporation  
48 into the storm water management plan and execution.

49 (g) The permit holder shall maintain all storm water management practices in accordance  
50 with the storm water management plan until the practices either become the

responsibility of a municipality, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

- (h) If so directed by the administering authority the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and watercourses caused by storm water runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
- (i) The permit holder shall permit property access to the administering authority or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit. Permission so granted shall remain in place as specified in the recorded maintenance agreement.
- (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the administering authority shall require the permittee to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (k) The permit holder is subject to the enforceable actions detailed in S. 05 of the storm water management ordinance if the permit holder fails to comply with the terms of this permit.

- (5) PERMIT DURATION. Permits issued under this section shall be valid for one (1) year from the date of issuance. The administering authority may extend the period one time for up to an additional 180 days. Additional conditions may be imposed as a result of the extension as are necessary to achieve compliance with the originally approved plan.

#### S. 17 STORM WATER MANAGEMENT PLAN

- (1) PLAN REQUIREMENTS. The storm water management plan required under S. 16(2)(a) of this ordinance shall contain any information the administering authority requires to evaluate the environmental characteristics of the area affected by land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of storm water discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain at a minimum the following information:

- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (b) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat as well as the correct tax parcel number, and where applicable, the correct address.
- (c) Pre-development site conditions, including:
  - (1) One or more site maps at a scale of not less than 1 inch equals 100 feet unless otherwise required by the approving authority. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; existing 2 foot contours; proposed elevations; benchmark(s) as required by the approving authority; topography and drainage network including enough of the contiguous properties to

1 show runoff patterns onto, through, and from the site; watercourses that may affect  
2 or be affected by runoff from the site; flow path and direction for all storm water  
3 conveyance sections, including time of travel and time of concentration applicable  
4 to each; watershed boundaries used in determinations of peak flow discharge rates  
5 and discharge volumes from the site; lakes, streams, wetlands, channels, ditches,  
6 and other watercourses on and immediately adjacent to the site; limits of the 100  
7 year floodplain; location of wells located within 1,250 feet of storm water  
8 detention ponds, infiltration basins, or infiltration trenches; wellhead protection  
9 areas covering the project area and delineated pursuant to Chapter NR 811.16  
10 Wisconsin Admin. Code.

11 (2) Computations of peak flow discharge rates and discharge volumes for the 2-year,  
12 10-year, and 100-year/24 hour storm events. All major assumptions used in  
13 developing input parameters shall be clearly stated. The computations shall be  
14 made for each discharge point in the development, and the geographic areas used  
15 in making the calculations shall be clearly cross-referenced to the required  
16 map(s).

17 (d) Post-development site conditions, including:

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

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

24 (3) One or more site maps at a scale of not less than 1 inch equals 100 feet, or as  
25 otherwise required by the approving authority, showing the following: post-  
26 construction pervious land use including vegetative cover type and condition;  
27 impervious land use including all buildings, structures, and pavement; post-  
28 construction elevations; post-construction drainage network including enough of  
29 the contiguous properties to show runoff patterns onto, through, and from the  
30 site; locations and dimensions of drainage easements; locations of maintenance  
31 easements specified in the maintenance agreement; flow path and direction for  
32 all storm water conveyance sections, including time of travel and time of  
33 concentration applicable to each; location and type of all storm water  
34 management conveyance and treatment practices, including the on-site and off-  
35 site tributary drainage area; location and type of conveyance system that will  
36 carry runoff from the drainage and treatment practices to the nearest adequate  
37 outlet such as a curbed street, storm drain, or natural drainage way; watershed  
38 boundaries used in determinations of peak flow discharge rates and discharge  
39 volumes; any changes to lakes, streams, wetlands, channels, ditches, and other  
40 watercourses on and immediately adjacent to the site.

41 (4) Computation of the inches of initial runoff that will be infiltrated across the site  
42 if infiltration practices are employed.

43 (5) Computations of peak flow discharge rates for the 2-year, 10-year, and 100-  
44 year/24 hour storm events. All major assumptions used in developing input  
45 parameters shall be clearly stated. The computations of peak flow discharge rates  
46 shall be made for each discharge point in the development, and the geographic  
47 areas used in making the calculations shall be clearly cross-referenced to the  
48 required map(s).

49 (6) Results of investigations of soils and groundwater required for the placement and  
50 design of storm water management measures.

- (7) Results of impact assessments on wetland functional values
  - (8) Design computations and all applicable assumptions for the storm sewer system.
  - (9) Design computations and all applicable assumptions for storm water quality practices as needed to show that practices are appropriately sized to meet the performance standards of this ordinance.
  - (10) Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in S. 15.
  - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
  - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
  - (h) Other information requested in writing by the administering authority to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
  - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a Registered Professional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have been prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under S. 15(3) of this ordinance.

S. 10 MAINTENANCE AGREEMENT

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required for storm water management practices under S. 16(2) of this ordinance shall be an agreement between the administering authority and the permittee to provide for on-site inspection of construction allowed by the permit both during and after construction, and to inspect and enforce maintenance of storm water practices beyond the duration period of this permit. The agreement or recordable document shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the storm water management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions:

- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
- (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under S. 16(2). An annual or more frequent schedule for maintenance and inspection shall be contained in the agreement.
- (c) Identification of the landowner(s), organization or municipality responsible for long term maintenance of the storm water management practices identified in the storm water plan required under S. 16(2).
- (d) Requirement that the landowner(s), organization, or municipality shall maintain storm water management practices in accordance with the schedule included in par. (b).

- 1 (e) Authorization for the administering authority to access the property to conduct  
2 inspections of storm water practices as necessary to ascertain that the practices are being  
3 maintained and operated in accordance with the agreement.
- 4 (f) Agreement that the administering authority notify the party designated under the  
5 maintenance agreement of maintenance problems that require correction and time frame  
6 for correction as determined by the administering authority.

7  
8 S. 19 FINANCIAL GUARANTEE  
9

- 10 (1) ESTABLISHMENT OF THE GUARANTEE. The administering authority may require the  
11 submittal of a financial guarantee, the form and type of which shall be acceptable to the  
12 administering authority. The financial guarantee shall be in an amount determined by the  
13 administering authority to be the estimated cost of construction and the estimated cost of  
14 maintenance of the storm water management practices during the period which the designated  
15 party in the maintenance agreement has maintenance responsibility. The financial guarantee  
16 shall give the administering authority the authorization to use the funds to complete the storm  
17 water management practices if the landowner defaults or does not properly implement the  
18 approved storm water management plan, upon written notice to the landowner by the  
19 administering authority that the requirements of this ordinance have not been met.  
20
- 21 (2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as  
22 follows:
  - 23
  - 24 (a) The administering authority shall release the portion of the financial guarantee established  
25 under this section, less any costs incurred by the administering authority to complete  
26 installation of practices, upon submission of “as built plans” by a licensed professional  
27 engineer licensed to practice in the State of Wisconsin. The administering authority may  
28 make provisions for a partial pro-rata release of the financial guarantee based on the  
29 completion of various development stages.
  - 30 (b) The administering authority shall release the portion of the financial security established to  
31 assure maintenance of storm water practices, less any costs incurred by the administering  
32 authority, at the time that the responsibility for practice maintenance is passed on to  
33 another entity via an approved maintenance agreement.