

Notice: Pursuant to ss. 283.33 and 283.37, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, this form is used to apply for coverage under Wisconsin Pollutant Discharge Elimination System (WPDES) Municipal Separate Storm Sewer System (MS4) General Permit No. WI-S050181-1. This form and any required attachments constitute the permit application. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Laws (ss. 19.31-19.39, Wis. Stats.).

Instructions: Complete all sections of this permit application. If additional space is needed to respond to a question, attach additional pages. Provide descriptions below that explain the program activities that you expect to develop and implement to comply with the MS4 general permit. Information on the MS4 general permit and the MS4 storm water program are available at: <http://dnr.wi.gov/topic/stormwater/municipal/>. Section 3 of the MS4 general permit contains the compliance schedule that directs when the individual program activities need to be developed and submitted to the Department for review. The detailed programs that are developed and submitted to the Department for review may deviate from the program activities described below if necessary. The descriptions provided below are necessary for the Department to verify that the municipality's program activities comply with the permit.

Section I: Applicant Information

Name of Municipality
TOWN OF WEST BEND

Mailing Address 6355 CTH Z	City WEST BEND	State WI	ZIP Code 53095
County(s) in which Applicant is located WASHINGTON	Type of Municipality: (check one) <input type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town <input type="checkbox"/> Other (specify)		

Section II: Local Contact Information

Name of Municipal Contact Person
REBECCA SCHUSTER

Title
Clerk

Mailing Address 6355 CTH Z	City WEST BEND	State WI	ZIP Code 53095
Email address clerk@townofwestbend.com	Phone Number (incl. area code) 262-338-3417	Website address, if available www.townofwestbend.com	

Section III: Water Quality Concerns

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s. NR 102.10 or 102.11, Wis. Adm. Code? (A list of ORWs and ERWs may be found on the Department's Internet site at: http://dnr.wi.gov/topic/surfacewater/orwerw.html)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C)? (A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: http://dnr.wi.gov/topic/impairedwaters/)

Section IV: Potential Permit Exemption

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section NR 216.023, Wis. Adm. Code, allows certain MS4s that have less than 1000 people residing in an urbanized area to be waived from municipal storm water permit coverage. Do you believe that the MS4 may be eligible for this potential exemption as described in s. NR 216.023, Wis. Adm. Code?

If yes, please provide documentation supporting a permit exemption including the following (Attach additional pages if necessary):

- Total municipal area in square miles
- Total municipal population (2010 U.S. census)
- MS4 service area within Urbanized Area in square miles
- Municipal population within Urbanized Area (2010 U.S. census)
- Additional information supporting an exemption under s. NR 216.023, Wis. Adm. Code

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WT/3 - WY/3 - OGL/3

Note: Urbanized Area information is available from the USEPA at:

<http://water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm>

Section V: Summary of Municipal Storm Water Program Activities

Describe the programs or activities the municipality is doing or will do to comply with the requirements of the MS4 general permit. Attach additional pages if necessary.

A. Public Education and Outreach

Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 general permit.

Web site, postings in recycle center
work with Washington County for Shoreland Permits

B. Public Involvement and Participation

Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.

Will work on program for this

C. Illicit Discharge Detection & Elimination

Describe the illicit discharge detection and elimination program authority and activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.

State of WI inspects salt sheds every year
municipal code 9.17 (Accidental Spills of Hazardous or Detrimental Substances)
Uniform Building Codes

D. Construction Site Pollution Control

Describe the construction site pollutant control program authority and activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.

Section 18 stormwater management controls

E. Post-Construction Site Storm Water Management

Describe the post-construction storm water management program authority and activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.

F. Pollution Prevention

Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.

Municipal Code 9.11 (Littering) Ordinance 99-04
10.03 (Public Nuisances affecting Health) 11.02 (Garbage - Refuse Dispose
11.03 (Sanitary Districts) 13.22 (Littering Waters - Ice Prohibited) 13.50 (PRD's)

Section VI: Certification

I hereby certify that I am an authorized representative of the municipality that is the subject of this application for general permit coverage, and that the information provided is true and complete, to the best of my knowledge. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Name <i>Rebecca Schuster</i>	Title <i>Clerk</i>
Signature <i>Rebecca Schuster</i>	Date Signed <i>1-20-15</i>
Email address <i>Clerk@townofwestbend.com</i>	Phone Number (incl. area code) <i>262-338-3417</i>

Return this completed form to: Wisconsin Department of Natural Resources
Storm Water Program - WT/3
PO Box 7921
Madison, WI 53707-7921

I have included
copies of zoning &
Municipal codes
regarding these items as
a start.

SECTION 11.00 PERFORMANCE STANDARDS**11.01 COMPLIANCE**

This Ordinance permits specific uses in specific Districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or District. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

11.02 AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.

11.03 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

11.04 GLARE AND HEAT

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their District. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

11.05 WATER QUALITY PROTECTION

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. All stormwater runoff should be free of sediment, chemicals, or other contaminants to protect water quality in the Town.

In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code.

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.10 CONSTRUCTION SITE EROSION CONTROL

11.101 FINDINGS AND PURPOSE

The Town of West Bend finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of this State and the waters of the Town.

It is the purpose of this Ordinance to preserve the natural resources; to protect the quality of the waters of the State and the Town of West Bend; and to protect and promote the health, safety, and general welfare of the people of the Town of West Bend, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

11.102 APPLICABILITY

Any land disturbing activity shall be subject to the erosion and sediment control provisions of this Ordinance, if:

- A. A Subdivision Plat requiring review and approval by the Town of West Bend would result, or if construction of buildings on platted lots results;
- B. A Certified Survey Map requiring review and approval by the Town of West Bend would result, or if construction of buildings on certified survey map lots results;
- C. An Area of 4,000 square feet or greater will be disturbed by excavation, grading, filling, or other earth-moving activities, resulting in a loss or removal of protective ground cover, vegetation; or
- D. Excavation, fill, or any combination thereof, will exceed 400 cubic yards; or
- E. Any Public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed; or
- F. Any Water Course is to be changed, enlarged, or materials are removed from a stream or lake bed; or
- G. Any Utility Work in which underground conduits, piping, wiring, waterlines, sanitary sewers, storm sewers, or similar structures will be laid, repaired, replaced or enlarged, if such work involves more than 300 linear feet of earth disturbance.

11.103 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT

Any landowner, land occupier, or land user performing an activity described in Section 11.102 of this Ordinance shall comply with the following standards and criteria:

- A. General Erosion Control Standard. All erosion control measures required to comply with this Ordinance shall meet the design criteria, standards, and specifications identified by the Town of West Bend.
- B. Maintenance of Control Measures. All sediment basins and other control measures necessary to meet the requirements of this Ordinance shall be maintained by the applicant or subsequent

Performance Standards

landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

- C. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upslope chambers, hydrocyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Town Plan Commission. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
- D. 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 allowed to be carried by runoff into a receiving channel or storm sewer system.
- E. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private roadway shall be removed by street cleaning (not flushing) before the end of each workday.
- F. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- G. Site Erosion Control. The following criteria apply only to land development and land disturbing activities that result in runoff leaving the site:
 - 1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the set one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. Guidelines of the U. S. Soil Conservation Service for allowable velocities in different types of channels should be followed.
 - 2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare ground exposed at any one time.
 - 3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subparagraphs (a) and (b) below, or subparagraphs (a) and (c) below:
 - a. All disturbed ground left inactive for 7 or more calendar days shall be stabilized by seeding or sodding, or by mulching or covering, or other equivalent control measure. Seeding or sodding should be done prior to September 15 to be effective.
 - b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1 percent of the area draining to the basin and at least 3 feet of depth, and shall be constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the

set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

- c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

4. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 calendar days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 calendar days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction dirt or soil storage piles located closer than 25 feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than 7 calendar days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

- H. In addition to the requirements of this Section, all activities must also comply with the applicable sections of the Stormwater Ordinance.

11.104 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE

No landowner or land user may commence a land disturbing or land development activity subject to this Ordinance without receiving prior approval of a control plan for the site and a Land Disturbing Permit from the Zoning Administrator. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land development activity subject to the terms of this Ordinance shall submit an application for a permit and a control plan and the permit fee required by Section 3.01 of this Ordinance to the Zoning Administrator. By submitting the application, the applicant is authorizing the Zoning Administrator or his agent to enter the site to obtain information required for review of the control plan.

- A. Contents of the Control Plan for Land Disturbing Activities Covering More Than One Acre. The control plan shall contain any information which the Zoning Administrator may need to determine soil erosion, sedimentation potential and control. The Zoning Administrator may require the following, as well as any other information which, in his judgment, is needed to evaluate the control plan:

1. Existing Site Map. A map of existing site conditions at a scale of not smaller than 1 inch equals 50 feet (or at other scale requested by the Zoning Administrator) showing the following:
 - a. Site boundaries and adjacent lands which accurately identify site location;
 - b. Location of lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site;
 - c. The limits and elevations of the 100-year recurrence interval floodplain, and, where applicable, floodway and flood fringe boundaries;

- d. Location of predominant soil types;
 - e. Vegetative cover;
 - f. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - g. Location and dimensions of existing utilities, structures, roads, highways, and paving; and
 - h. Site topography with a maximum contour interval of 5 feet.
2. Plan of Final Site Conditions. A plan of final site conditions at the same scale as the existing site map scale must be prepared which shows the proposed changes in the site.
 3. Site Construction Plan. A site construction plan of the site prepared at a scale of not smaller than 1 inch equals 50 feet (or at other scale requested by the Zoning Administrator) showing the following:
 - a. Locations and dimensions of all proposed land disturbing activities;
 - b. Locations and dimensions of all temporary soil or dirt stockpiles;
 - c. Location and dimensions of all construction site management control measures necessary to meet the requirements of this Ordinance;
 - d. A schedule of anticipated starting and completion dates of each land disturbing activity, including the dates of installation of construction site control measures necessary to meet the requirements of this Ordinance; and
 - e. Provisions for maintenance of the construction site control measures during construction.
- B. Contents of the Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre. Landowners and land users performing minor land disturbing activities (less than 1 acre) shall prepare an erosion control plan statement--with a simple sketch drawn to a scale not smaller than 1 inch equals 100 feet--which briefly describes the site erosion control measure that will be used to meet the requirements of this Ordinance. The erosion control plan statement shall also include a site development schedule.
- C. Review of the Control Plan. Within 45 calendar days of the receipt of the application, control plan or control plan statement, and fee, the Zoning Administrator shall review the application and control plan to determine if the requirements of this Ordinance have been met. The Zoning Administrator shall approve the plan and issue the permit. If the requirements of this Ordinance have not been met, the Zoning Administrator shall inform the applicant in writing and may either require resubmission of the plan with additional information or deny the permit. Within 30 calendar days of the submission of a revised plan, the Zoning Administrator shall again determine if the plan meets the requirements of this Ordinance. If the plan is disapproved, the Zoning Administrator shall inform the applicant in writing of the reasons for disapproving the plan.
- D. Permits.
1. Duration. Land Disturbing Permits shall be valid for a period of 180 calendar days, or the length of the Building Permit or other construction authorizations, whichever is longer, from the date of issuance. The Zoning Administrator may extend the permit period one or more times for up to an additional 180 days, The Zoning Administrator may require additional

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Town of West Bend Zoning Ordinance

- control measures as a condition of the extension if they are necessary to meet the requirements of this Ordinance.
2. **Surety Bond.** As a condition of approval and issuance of the Land Disturbing Permit, the Zoning Administrator may require the applicant to deposit an appropriate irrevocable letter of credit or cash bond to guarantee the faithful execution of the approved control plan and permit conditions. The form of the letter of credit or cash bond shall be such that it is readily available for Town use without any restrictions and as approved by the Town Attorney.
 3. **Permit Conditions.** All permits shall require the permittee to:
 - a. Notify the Zoning Administrator within 2 working days before commencing any land disturbing activity;
 - b. Notify the Zoning Administrator within 14 calendar days after completing any land disturbing activity and/or the completion of installation of any onsite detention facility;
 - c. Obtain written permission from the Zoning Administrator prior to modifying the approved control plan;
 - d. Install all control measures as identified in the approved control plan;
 - e. Maintain all road drainage systems, stormwater drainage systems, control measures, and other facilities identified in the control plan;
 - f. Repair any situation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing and land development activities;
 - g. Inspect the construction control measures after each rain of 0.5 inches or more or at least once each week, and make needed repairs;
 - h. Allow the Zoning Administrator or his agent to enter the site for the purpose of inspecting for compliance with the approved control plan or for performing any work necessary to bring the site into compliance with the approved control plan;
 - i. Keep a copy of the approved control plan on the site at all times.

11.105 INSPECTION

The Zoning Administrator shall inspect construction sites at least once each month during the period starting March 1 and ending October 31 and at least twice each month during the period beginning November 1 and ending February 28 to ensure compliance with the approved control plan. If land disturbing and land development activities are being carried out without a permit, the Zoning Administrator shall institute the appropriate enforcement action.

11.106 ENFORCEMENT

- A. The Town May Post a Stop-Work Order if any land disturbing or land development activity regulated by this Ordinance is undertaken without a permit; the control plan is not being implemented in a good faith manner; or the conditions of a permit are not being met.

- B. If the Permittee Does Not Cease the activity or comply with the control plan or permit conditions within 10 calendar days after being notified, the Town may revoke the permit.
- C. Where No Permit Has Been Issued and the landowner or land user fails to cease within 10 calendar days, the Zoning Administrator may request the Town Attorney to obtain a cease and desist order.
- D. The Town Board or the Zoning Board of Appeals may retract a stop-work order or a permit revocation.
- E. 10 Calendar Days After Posting a stop-work order, the Town may issue to the landowner or land user a notice of intent to perform work necessary to comply with the erosion control requirements of this Ordinance. The Town may enter onto the land and commence the required work after 14 calendar days from issuing the notice of intent. The costs of the work performed by the Town, plus interest at the rate authorized by the Town Board, shall be billed to the landowner or land user. In the event a landowner or land user fails to pay the amount due, the Town Clerk shall enter the amount due on the tax rolls and collect it as a special assessment against the property pursuant to Section 66.60(16) of the Wisconsin Statutes.
- F. Any Person Violating any of the erosion control provisions of this Ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 together with the costs of prosecution for each offense. Each day a violation continues to exist shall constitute a separate offense.
- G. Compliance with the erosion control provisions of this Ordinance may also be enforced by injunction.

11.107 APPEALS

The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the Zoning Administrator in administering this Section. Upon appeal, the Board of Appeals may issue variances from the provisions of this Section which are consistent with the findings required for variances in Section 12.07 of this Ordinance. The Board of Appeals shall use the rules, procedures, duties and powers authorized by law in hearing and deciding appeals and authorizing variances. Any applicant, permittee, landowner, or land user may appeal any order, decision, or determination made by the Zoning Administrator in administering this Section.

98-14

SECTION 18
STORMWATER MANAGEMENT
AND
EROSION CONTROL
ORDINANCE

Town of West Bend
Washington County
Wisconsin
December 1998

Town of West Bend
Erosion Control and Stormwater Management
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Town of West Bend

Erosion Control and Stormwater Management

18.01 AUTHORITY. (1) This ordinance is adopted by the West Bend Town Board under the authority granted by §60.627, Wis. Stats. This ordinance supersedes all conflicting and contradictory regulations previously enacted by the Town of West Bend relating to stormwater management and construction site erosion control.

18.02 FINDINGS OF FACT. (1) The Town Board finds that construction site erosion and uncontrolled stormwater runoff from land disturbing and land development activities have significant adverse impacts upon local water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- (a) Carry a significant amount of sediment, nutrients, bacteria/other pathogens, organic matter, toxins and other pollutants to local lakes, streams and wetlands;
- (b) Diminish the capacity of water resources to support recreational and water supply uses, and a natural diversity of plant and animal life;
- (c) Clog drainage systems with sediment, which in turn increases maintenance costs;
- (d) Overwhelm existing drainage ways with increased flows, causing bank and channel erosion, and increasing downstream flooding and property damage;
- (e) Reduce groundwater recharge, which may diminish stream base flows and/or lower water levels in local lakes, ponds and wetlands; and
- (f) Contaminate drinking water supplies.
- (g) Generate airborne particulate concentrations that are health threatening or may cause other off-site damage to property or the environment.

18.03 PURPOSE AND INTENT. (1) Purpose. The purpose of this ordinance is to set forth requirements for land development and land disturbing activities aimed to minimize sedimentation, water pollution, flooding and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction, in order to diminish the threats to public health, safety, welfare, and the natural resources of the Town of West Bend.

(2) **Intent.** This ordinance is intended to regulate construction site erosion and stormwater management under the authority granted in §60.627, Wis. Stats. This ordinance is not intended to limit activity or land divisions permitted under the applicable zoning and land division ordinances.

(3) Regional Stormwater Management. The Town Board recognizes that the preferred method of permanently managing stormwater runoff from land development activities is through the preparation and implementation of regional stormwater management plans by watershed areas which are designed to meet the requirements of this ordinance. Accordingly, provisions have been incorporated into this ordinance to allow for the implementation of this type of plan in lieu of complying with certain on-site stormwater management requirements.

18.04 JURISDICTION. (1) The provisions of this ordinance shall apply to all lands within the jurisdictional boundaries of the Town of West Bend.

(2) Under the authority of §60.627(9), Wis. Stats., this ordinance shall continue in effect in any area annexed by a city or village, unless the city or village enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the Wisconsin Department of Natural Resources and which is at least as restrictive as this ordinance.

18.05 APPLICABILITY, EXEMPTIONS AND WAIVERS. (1)
Construction Site Erosion Control. Unless otherwise exempted under sub.(3) below, or waived under sub.(4) below, an erosion and runoff control permit under sec. 18.06 of this ordinance shall be required, and all construction site erosion control provisions of this ordinance shall apply to all land disturbing activity that meet any of the following:

- (a) Disturbs 4,000 square feet or more of total land surface area;
- (b) Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;
- (c) Disturbs 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel at flow capacity;
- (d) Other land disturbing activities, including the installation of access drives, that the ordinance administrator determines to have a high risk of soil erosion or water pollution, or that may significantly impact an environmentally sensitive area. All determinations made by the ordinance administrator under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.

(2) Stormwater Management. Unless otherwise exempted under sub.(3) below, or waived under sub.(4) below, an erosion and runoff control permit under sec. 18.06 below, shall be required, and all stormwater management provisions of this ordinance shall apply to all land development activity that meet any of the following:

- (a) Divides an existing tax parcel into 5 separate parcels of 5 acres each or less in total area within a common plan of development;
- (b) Involves the construction of any new public or private roads;

(c) Ultimately results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development; or

(d) Other land development activities, including access drives, that the ordinance administrator determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area. All determinations made by the ordinance administrator under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.

(3) Exemptions. (a) The following sites shall be exempt from all of the requirements of this ordinance:

1. All activities directly relating to the planting, growing and harvesting of agricultural crops.
2. Any land disturbing or land development activity conducted by or contracted for any State agency, as defined under §227.01(1) Wis. Stats., including but not limited to road construction projects administered by the Wisconsin Department of Transportation. These activities must meet the erosion control and stormwater management requirements of the state.

(b) The following sites shall be exempt from sub.(1) above, which includes the construction site erosion control provisions of this ordinance only:

1. The construction of one and two family residential buildings under Wis. Admin. Code COM. 21.125, unless requested by the town building inspector or town board. These activities must meet the erosion control requirements of the Wisconsin Uniform Dwelling Code.
2. Any land disturbing activity within the shoreland/wetland/floodplain zone as defined by the Washington County Code that disturbs less than one acre of total land surface. These activities must meet the erosion control requirements of the Washington County shoreland/floodplain/wetland zoning ordinance(s).

(c) The following sites shall comply with all of the erosion control and stormwater management requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee or paying a fee under sec. 18.06 of this ordinance:

1. Any proposal that is designed and/or certified by the Washington County Land Conservation Department as part of a soil conservation or water pollution control project; and
2. Any road construction or other land disturbing or land development activity by the Town or Washington County where an approved working agreement with the ordinance administrator is in effect at the time of the activity.

(4) Waivers. (a) The ordinance administrator shall waive any requirement of this ordinance if the ordinance administrator, or the Board of Appeals under sec. 18.14 of this ordinance, determines that:

1. The site will have no appreciable off-site impact;
2. Compliance is impractical or impossible due to site conditions, urban street cross ordinance requirements, or other circumstances beyond the control of the applicant;
3. Compliance would be in direct conflict with other regulations or related objectives of this ordinance which would take precedent; or
4. The specific requirement is not necessary for a particular site to ensure compliance with the erosion control and stormwater management requirements of secs. 18.08 and 18.09 of this ordinance.

(b) Any waiver granted shall be in written or electronic form and shall comply with the general requirements under sec. 18.08(1)(a) of this ordinance relating to construction site erosion control and under sec. 18.09(1)(a) of this ordinance relating to stormwater management.

18.06 APPLICATION FOR EROSION AND RUNOFF CONTROL PERMIT OR PRELIMINARY APPROVAL LETTER. (1) Application. The applicant shall submit a completed application on a form provided by the ordinance administrator for that purpose, and indicate whether applying for a preliminary approval letter or an erosion and runoff control permit. By submitting an application, the applicant is authorizing the ordinance administrator to enter upon the site to obtain information needed to administer this ordinance.

(2) Erosion and Runoff Control Permit. An erosion and runoff control permit is required for all sites that meet the applicability provisions of secs. 18.05(1) or 18.05(2) of this ordinance and are not exempt under sec. 18.05(3) of this ordinance or waived under sec. 18.05(4) of this ordinance. To request an erosion and runoff control permit under this ordinance, the following information shall be submitted to the administering authority:

- (a) A completed application on a form provided by the ordinance administrator for that purpose;
- (b) The applicable fee(s);
- (c) A final erosion control plan in accordance with sec. 18.08 of this ordinance for those land disturbing activities that meet any of the applicability criteria in sec. 18.05(1) of this ordinance;
- (d) A final stormwater management plan in accordance with sec. 18.09(5) of this ordinance and a draft maintenance agreement in accordance with sec. 18.12 of this ordinance for those land development activities that meet any of the applicability criteria of sec. 18.05(2) of this ordinance; or the documentation required under sec. 18.09(2) of this ordinance related to a regional stormwater management plan; and

ORDINANCE NO. 2003- 04

ORDINANCE TO AMEND AND REPEAL AND RECREATE SECTION 18.06 (4)
OF THE STORMWATER MANAGEMENT AND EROSION CONTROL
ORDINANCE.

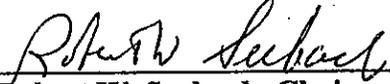
THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON
COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

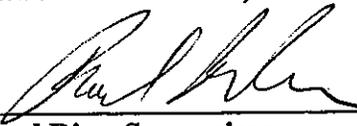
Section 1. That Section 18.06 (4) of the Stormwater Management and Erosion Control Ordinance be amended and repealed and recreated as follows:
Except as provided in sec. 18.09 (2) (c) of this Ordinance for regional stormwater management plans, all applications and review fees for this chapter shall be established by the Town Board. Fee amounts shall be designed to offset the costs to the Town for administration of this Ordinance and may be modified from time to time based on the records and recommendations of the administering authority. No fee shall exceed the actual and direct cost of this Ordinance.

Section 2. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in this decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

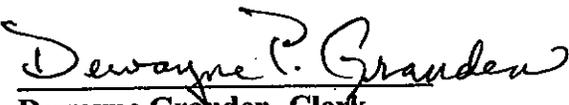
Section 3. This Ordinance shall take effect immediately upon passage and publication as provided by law.

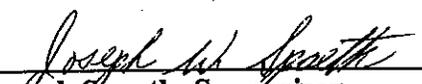
Passed and adopted by the Town Board of the Town of West Bend, Washington County, Wisconsin this 10th Day of December, 2003.


Robert W. Seebach, Chairman


Paul Rice, Supervisor

ATTEST:


Dewayne Grauden, Clerk


Joseph Spaeth, Supervisor

TOWN OF WEST BEND

(e) A financial guarantee, in accordance with sec. 18.11(3) of this ordinance.

(3) Preliminary Approval Letter. (a) Purpose and Intent. A preliminary approval letter is an optional step in the permit process that is strongly encouraged for subdivisions and other large or complex land development activities. It is designed to assist the applicant in preparing general site plans and obtaining other applicable permits or zoning approvals prior to finalizing detailed construction plans for a proposed project. It will also act to notify other review authorities that the applicant has agreed to meet the requirements of an erosion and runoff control permit and provides a preliminary plan of what will likely be required. An erosion and runoff control permit is still required prior to the start of any proposed land disturbing or land development activity. The ordinance administrator shall issue an erosion and runoff control permit after determining that the final erosion control and stormwater management plans are in substantial compliance with the preliminary plans and after the applicant has met all other requirements of sub.(2) above.

(b) Application. To request a preliminary approval letter, the following information must be submitted to the ordinance administrator:

1. A completed application, on a form provided by the ordinance administrator for that purpose;
2. The applicable fee(s);
3. A preliminary erosion control plan in accordance with sec. 18.08(5) of this ordinance; for those sites that meet any of the applicability criteria under sec. 18.05(1) of this ordinance; and
4. A preliminary stormwater management plan in accordance with sec. 18.09(6) of this ordinance, for those land development activities that meet any of the applicability criteria of sec. 18.05(2) of this ordinance.

(4) Fees. Except as provided in sec. 18.09(2)(c) of this ordinance for regional stormwater management plans, all application and review fees for this chapter shall be established by the Town Board. Fee amounts shall be designed to offset the costs to the Town for the administration of this ordinance and may be modified from time to time based on the records and recommendation of the administering authority. A schedule of the fees established by the Town Board shall be available for review and distribution through the office of the Town Clerk. No fee shall exceed the actual and direct costs of administering this ordinance. Those persons as defined in §32.01(1) Wis. Stats., shall be exempt from the fees in this ordinance.

18.07 PLAN REVIEW PROCEDURES. (1) For Applications That Only Involve Erosion Control Plans for Less Than One Acre of Disturbed Area. (a) The procedures under this subsection shall only apply to applications which meet all of the following criteria:

1. Meet one of the applicability criteria under sec. 18.05(1) of this ordinance relating to construction site erosion control;

2. Disturb less than one acre in total land surface area; and

3. Do not meet any of the applicability criteria under sec. 18.05(2) of this ordinance relating to stormwater management.

(b) Within 10 working days of receipt of a completed application form, fee and final erosion control plan, the ordinance administrator shall:

1. Determine if the requirements of this ordinance have been met, including sec. 18.08(4)(a) of this ordinance relating to the requirements of a final erosion control plan;

2. Determine if more information or additional review is needed; and

3. Notify the applicant of the results of pars. (b)1. and (b)2 above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.

(c) The ordinance administrator may request comments from other agencies or units of government within the 10-day review period. Unless determined by some other procedures, the other agency or unit of government shall have 10 working days to respond to such a request. The ordinance administrator shall notify the applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.

(d) If all of the applicable requirements of this ordinance have been met, the ordinance administrator shall issue an erosion and runoff control permit. If the requirements of this ordinance have not been met, the ordinance administrator shall notify the applicant what changes would be necessary to meet the requirements.

(e) For any resubmittal of plans and supporting information by the applicant, the ordinance administrator shall have 10 working days from the date of receipt to review the resubmitted information in accordance with pars.(b) through (d) above.

(f) If the ordinance administrator fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved, and the ordinance administrator shall issue an erosion and runoff control permit.

(2) For All Other Applications for an Erosion and Runoff Control Permit or Preliminary Approval Letter. (a) The procedures under this subsection shall apply to all other applications that meet at least one of the applicability criteria under sec. 18.05 of this ordinance, but do not meet all of the criteria under sub.(1) above, for erosion control plans for less than one acre.

(b) Within 20 working days of receipt of a completed application form, fee and applicable erosion control and/or stormwater management plan(s) in accordance with sec. 18.06 of this ordinance, the ordinance administrator shall:

1. Determine if the requirements of this ordinance have been met, including sec. 18.08(4)(b) of this ordinance and/or sec. 18.09(5) of this ordinance relating to the required contents of final erosion control and stormwater management plans; and

2. Determine if more information or additional review is needed; and

3. Notify the applicant of the results of pars. (b)1. and (b)2 above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.

(c) The ordinance administrator may request comments from other agencies or units of government within this 20-day review period. Unless determined by some other procedures, the other agency or unit of government shall have 20 working days to respond to such a request. The ordinance administrator shall notify the applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.

(d) If all of the applicable requirements of this ordinance have been met, the ordinance administrator shall provide a preliminary plan approval letter or an erosion and runoff control permit. If the requirements of this ordinance have not been met, the ordinance administrator shall notify the applicant what changes would be necessary to meet the requirements.

(e) For any resubmittal of plans and supporting information by the applicant, the ordinance administrator shall have 20 working days from the date of receipt to review the resubmitted information in accordance with pars. (b) through (d) above.

(f) If the ordinance administrator fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved, and the ordinance administrator shall issue a preliminary approval letter or erosion and runoff control permit.

18.08 EROSION CONTROL PLAN REQUIREMENTS. (1) General Requirements. (a) An erosion control plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation and other off-site impacts from land disturbing activities are minimized.

(b) All erosion control plans and best management practice designs prepared under this ordinance shall comply with the plan requirements of this section and the technical standards and specifications described in sec. 18.10 of this ordinance.

(2) Guiding Principles. To satisfy the requirements of this section, all proposed land disturbing activities shall, to the extent practical:

(a) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

(b) Minimize the loss of trees and other natural vegetation and the size of the disturbed area;

(c) Minimize, through project phasing and proper construction sequencing, the time the disturbed soil surface is exposed [Note: See sec. 18.11(2)(c) of this ordinance for special conditions relating to construction scheduling and the issuance of a permit.];

(d) Emphasize the use of erosion control measures that prevent soil detachment and erosion rather than trying to intercept its transport or repair damage done.

(3) Specific Erosion Control Requirements. Unless otherwise waived under sec. 18.05(4) of this ordinance, the following minimum requirements shall be met on all sites subject to the applicability criteria under sec. 18.05(1) of this ordinance and shall be addressed in the erosion control plan submitted by the applicant, if applicable. The ordinance administrator is authorized to exceed the minimum requirements stated below for any site that the ordinance administrator determines is a high risk of soil erosion or may significantly impact an environmentally sensitive area, and that further controls are practical.

(a) **Access Drives and Tracking.** Each site shall provide an access drive(s) and parking area, of sufficient dimensions and design, surfaced with a material that will prevent erosion and minimize tracking or washing of soil onto public or private roadways. All non-paved access drives shall be designed so that stormwater runoff from adjacent areas does not flow down the drive surface. Culverts shall be sized for calculated peak flows produced by the 10-year 24-hour design storm and shall meet all other state and local requirements relating to road access.

(b) **Diversion of Upslope Runoff.** Any significant amount of runoff from upslope land area, rooftops or other surfaces that drains across the proposed land disturbance shall be diverted around the disturbed area, if practical. Any diversion of upslope runoff shall be done in a manner that prevents erosion of the flow path and the outlet.

(c) **Cut and Fill Slopes.** Any cuts and fills shall be planned and constructed to minimize the length and steepness of slope, and stabilized in accordance with the approved erosion control plan timelines and technical standards of this ordinance.

(d) **Open Channels.** Any open channels shall be designed and constructed to carry the calculated peak flows for a 10-year 24-hour design storm, and stabilized in accordance with the approved erosion control plan timelines and technical standards of this ordinance.

(e) **Inlet Protection.** All inlets to storm drains, culverts and other stormwater conveyance systems shall be protected from siltation until final site stabilization.

(f) **Outlet Protection.** All outlets for site dewatering and stormwater conveyance systems, including pipe or open channels entering a stormwater management facility, shall be protected from erosion through channel lining or other stabilization measures.

(g) **Site Erosion Control.** Measures shall be taken, using approved best management practices, to minimize sediment from being carried off-site by water or wind during the construction phase, such as: diversions, silt fence, straw bales, downspout extenders, soil treatment, temporary mulch, sediment traps, sediment basins, etc. All temporary best management practices shall be maintained until the site is stabilized. Some best management

practices, such as sediment basins, may be designed to also serve as a permanent stormwater best management practice after the site is stabilized.

(h) **Site Dewatering.** Water pumped from the site shall be treated by sediment basins or other approved measures to prevent soil erosion and water pollution.

(i) **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 allowed to be carried off-site by runoff or wind.

(j) **Topsoil.** Enough topsoil from the disturbed area must be saved to ensure that a minimum of 4 to 6 inches is reapplied for all areas to be seeded or sodded. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported. If the disturbed area is to be used for the growing of agricultural crops in the future, the original depth of topsoil shall be restored.

(k) **Subsoil.** For disturbed areas that are to be used for the growing of agricultural crops, trees or other woody vegetation in the future, a minimum of 1 foot of original subsoil shall remain or be reapplied prior to the application of topsoil to provide an adequate root zone.

(l) **Soil Stockpiles.** Soil stockpiles shall be located no closer than 75 feet from lakes, streams, wetlands, ditches, drainage ways, curbs/gutters or other stormwater conveyance system, unless otherwise approved by the ordinance administrator. Measures shall be taken to minimize erosion and runoff from any soil stockpiles that will likely remain for more than 5 working days. Any soil stockpile that remains for more than 30 days shall be covered or treated with stabilization practices such as temporary or permanent seeding and mulching.

(m) **Sediment Cleanup.** All off-site sediment deposits occurring as a result of construction work or a storm event shall be cleaned up by the end of each day. Flushing shall not be allowed.

(n) **Final Site Stabilization.** All disturbed areas shall be treated with stabilization measures such as seeding, mulching, soil treatment, erosion netting, matting, sodding, etc. within 3 working days of final grading. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading and/or the application of stabilization measures must be repaired and the stabilization work redone.

(o) **Temporary Site Stabilization.** For any disturbed area that remains inactive for greater than 7 working days, or where grading work extends beyond the permanent seeding deadlines established by the Town board, the administering authority may require the site to be treated with temporary stabilization measures such as soil treatment, temporary seeding and/or mulching in addition to other erosion control measures as part of an approved erosion control plan.

(p) **Removal of Practices.** When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as silt fences, straw bales and sediment traps shall be removed and these areas stabilized.

(4) Final Erosion Control Plan Contents. (a) Sites of Less than One Acre of Total Land Disturbance. The following shall be the minimum requirements for items to be included in a final erosion control plan:

1. A scaled drawing of the site with a north arrow, delineation of the proposed land disturbance, existing and proposed buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, and other structures within 50 feet of the proposed land disturbance;

2. The direction and steepness of slopes before and after the proposed land disturbance;

3. A description and location of all temporary best management practices proposed to be used to minimize off-site impacts during the construction phase;

4. A description and location of all permanent best management practices proposed to be used to stabilize the site within 3 working days following construction; and

5. The name, address and day time phone number of the person(s) charged with installing and maintaining all best management practices and thus subject to the enforcement provisions of sec. 18.13 of this ordinance.

6. Other information determined to be necessary by the administering authority to ensure compliance with the requirements of this ordinance.

(b) Sites of One Acre or Greater in Total Land Disturbance. The following shall be the minimum requirements for items to be included in an erosion control plan:

1. Existing Site Map and Data. A map and supporting data of existing site conditions at a scale of one inch equals no more than 100 feet showing the following items on the site and within 50 feet in each direction of the site boundaries:

a. Ownership boundaries and other references that will accurately identify site location;

b. Name, address and daytime telephone number of the applicant;

c. Site topography at a contour interval not to exceed 2 feet;

d. Location and name, if applicable, of all lakes streams and other water bodies as defined on a 7.5 minute topographic map published by the U.S. Geological Survey;

e. Location and name, if applicable, of all other channels, ditches, and other water courses or areas of channelized flow;

f. Location and name, if applicable, of all wetlands, as defined on the official wetland zoning maps at the Washington County Land Use and Park Department and as defined by the USDA-Natural Resources Conservation Service (NRCS) under federal jurisdiction and definition;

g. Boundaries of shoreland zones, 100 year floodplains, flood fringes and floodways, as defined on the official shoreland and floodplain zoning maps at the Washington County Land Use and Park Department;

h. Boundaries and soil symbol for each soil mapping unit, as published in the Soil Survey of Washington County; *[Note: This item may be on a separate map at smaller scale showing key locations of proposed land disturbing or land development activity]*;

i. Location and description of trees and other vegetative cover types;

j. Location, dimensions and contributing watershed area delineations and flow calculations for all existing stormwater drainage systems and natural flow paths or channels entering and/or leaving the site;

k. Locations and dimensions of any buildings, roads, parking areas, fence lines, access lanes, rock outcrops, tile drains, utilities and other physical features or structures;

l. Location and support documentation for any well currently located on the site and/or delineation of any regulatory setback distances of other wells, as stated in Wis. Admin. Code NR Chs. 811 and 812;

m. Locations and dimensions of any easements, right-of-ways, building setbacks or other restrictions;

n. Location of primary environmental corridor boundaries, as defined by the Southeastern Wisconsin Regional Planning Commission;

o. Any other existing site information that the ordinance administrator determines to be necessary to ensure compliance with the requirements of this ordinance.

2. Site Development Plan. A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

a. Locations and dimensions of all proposed land development and land disturbing activities, including proposed cuts, fills and 2 foot contours of final grade;

b. Locations and dimensions of all temporary soil stockpiles, the estimated length of time they will exist and any applicable erosion control method;

c. Locations, dimensions and applicable design documentation for all temporary and permanent best management practices necessary to meet the requirements of this ordinance;

d. Location, dimensions, supporting flow calculations and stabilization plans for the proposed construction or modification of any open channels;

e. A construction schedule, including the sequence and anticipated starting and completion date for each construction step and the installation of best management practices needed to meet the requirements of this ordinance;

f. Description of maintenance responsibilities for all temporary best management practices;

g. The name(s) and daytime phone number(s) of the person(s) charged with the responsibility of installing and maintaining all best management practices until the completion of a satisfactory final inspection by the ordinance administrator under sec. 18.11(5) of this ordinance. *[Note: All persons so designated shall be subject to the enforcement provisions of sec. 18.13 of this ordinance should they fail to ensure compliance with this ordinance.]*

h. Location and description of individual trees greater than 8 inches in diameter at 4 feet above existing mean ground level, that are proposed to be lost and plans for replacement, if practical;

i. Description of site re-vegetation and stabilization plans, including topsoil and subsoil reapplication, seeding mixtures, fertilizer, rates of application, time schedule and maintenance responsibilities until the grass and/or other plants are well established; and

j. Detailed drawings, including profiles, cross-sections, and other information determined to be necessary by the ordinance administrator to ensure compliance with the requirements of this ordinance.

k. Certification, from a professional engineer registered in the State of Wisconsin, that all computations and designs included in the final erosion control plan have been reviewed and approved as being in accordance with the requirements of this ordinance. The name, address and daytime phone and FAX number of the engineer must also be included for contact during the plan review process.

(5) Preliminary Erosion Control Plan. Preliminary erosion control plans shall contain the same information listed under sub.(4)(b) above, with the exception of sub. (4)(b)2.b., f., g. above, the supporting documentation in sub.(4)(b)2.d. above, and the starting and completion dates in sub.(4)(b)2.e. above.

18.09 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (1) General Requirements. (a) A stormwater management plan, prepared in accordance with this ordinance shall maintain, as nearly as practical, the site's natural drainage patterns and assumed pre-development peak flows. In addition, measures shall be taken to prevent or minimize the pollution of surface waters and groundwater resources, damage to downstream property and local flooding as a result of permanent stormwater discharges from the proposed land development.

(b) All stormwater management plans and best management practice designs prepared under this ordinance shall comply with the plan requirements of this section and technical standards and specifications described in sec. 18.10 of this ordinance.

(2) Exception - Regional Stormwater Management Plans. (a) In lieu of submitting a preliminary or final stormwater management plan for an individual site, an applicant may submit documentation of the following:

1. A regional stormwater management plan, that:
 - a. Includes the entire area of the proposed land development activity;
 - b. Is prepared in accordance with the general requirements of sub.(1) above and the regional stormwater management planning technical guidelines adopted by the Town Board under sec. 18.10(3) of this ordinance; and
 - c. Is approved by the Town Board and all other applicable units of government included in the planning area.
2. A site development plan, in accordance with sub. (5)(b) below, for the planned development showing any on-site stormwater best management practices recommended in the regional stormwater management plan;
3. Certification, by a professional engineer registered in the State of Wisconsin, that any stormwater best management practice(s) planned to treat the runoff from the area of the proposed land development as part of a regional stormwater management plan, has been constructed in accordance with the technical standards and specifications under sec. 18.10 of this ordinance, if applicable; and
4. Documentation that there is an entity with the legal obligation for operation and maintenance of any applicable stormwater management facility in accordance with sec. 18.12 of this ordinance, if applicable.

(b) Upon certification by the ordinance administrator that all of the conditions of par.(a) above have been met, and the submitted materials are in compliance with the regional stormwater management plan, an application shall be deemed as meeting the stormwater management planning requirements of this ordinance.

(c) As a condition of an erosion and runoff control permit, the applicant may be required to pay a fee or meet other requirements, as determined by the applicable entity charged with the implementation of the regional stormwater management plan. Any fee would be based on an equitable distribution of the cost for land, engineering design, construction, and maintenance of stormwater management practices needed to serve the land development through the regional stormwater management plan.

(3) Guiding Principles. To satisfy the requirements of this ordinance, unless otherwise waived under sec. 18.05(4) of this ordinance, all proposed land development activities shall, to the extent practical:

(a) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

(b) Preserve natural watershed boundaries and drainage patterns;

(c) Maintain groundwater recharge areas and the infiltration capacity of native soils by avoiding the unnecessary filling of large natural depressions or compaction of upper soil horizons by construction equipment;

(d) Utilize natural or constructed vegetated swales or reinforced permeable open channels for stormwater conveyance and attenuation;

(e) Minimize impervious surfaces and have them drain to vegetated areas for flow attenuation, pollutant filtering and groundwater recharge; and

(f) Reserve adequately sized areas to allow for detention of flows and treatment of pollutants from stormwater before being discharged from the site.

(4) Specific Stormwater Management Requirements and Performance Standards. Except where provided for under sub.(2) above, or waived under sec. 18.05(4) of this ordinance, all land development activities subject to the provisions of this subsection shall provide on-site stormwater management plans, practices and facilities that meet the following minimum requirements:

(a) Peak Flows. To minimize streambank erosion and the failure of downstream conveyance systems, the 100-year post-development peak flow discharge rates of stormwater runoff shall not exceed the calculated pre-development discharge rates for the 2-year 24-hour design storm in accordance with the standards in sec. 18.10(1) of this ordinance. Additional peak flow controls may be required under sub.(4)(e)below.

[Note: This will require a multiple staged outlet in some stormwater management facilities.]

(b) Stormwater Quality. 1. The first 1/2 inch of stormwater runoff (commonly referred to as the " first flush ") shall, to the extent practical, be treated to remove suspended solids, nutrients, organic matter, trace metals, hydrocarbons and other pollutants associated with the planned land development activity. At a minimum, any best management practice that relies on ponding runoff and settling the suspended solids shall be designed for settling, on an average annual basis, 80 percent of the total estimated suspended solids load. The ordinance administrator may require a higher level of controls if the ordinance administrator determines that the site has a high risk of water pollution or may otherwise significantly impact an environmentally sensitive area, and that further controls are practical.

2. All stormwater ponds shall be constructed as "WET" Ponds unless the Town Engineer and Town Plan Commission determine a wet pond is not required. A wet pond must be

designed to meet the technical guidelines of the Wisconsin Department of Natural Resources Stormwater Manual Part II.

(c) Protection of Wetlands. Stormwater discharges shall minimize the hydrologic changes and pollutant loadings to wetlands, to the extent practical, in order to preserve the wetland functional values. All discharges to wetlands shall require the same protection as pars. (a) and (b) above, unless otherwise approved by any other applicable regulatory agency and the ordinance administrator in accordance with technical standards adopted under sec. 18.10 of this ordinance. If any land disturbing activity is proposed in a wetland as part of a final stormwater management plan, the ordinance administrator may require all other applicable permits to be obtained prior to the issuance of an erosion and runoff control permit.

(d) Protection of Groundwater Quality. 1. Stormwater discharges shall prevent the introduction of pollutants in the groundwater at concentrations that will likely exceed groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wis. Admin. Code NR 140. Pretreatment shall be provided for all stormwater management facilities that will likely violate this subsection, as determined by the Wisconsin Department of Natural Resources or stated in the technical standards adopted under sec. 18.10 of this ordinance.

2. Stormwater structures shall not be installed that meet the definition of an injection well under Wis. Admin. Code NR 812.05.

3. Stormwater ponds and infiltration devices shall not be located closer to water supply wells than allowed by the Department of Natural Resources in Wis. Admin. Code NR Chs. 811 and NR 812.

4. If a wellhead protection plan has been approved for any area included in the proposed land development, the administering authority shall consult with the appropriate authority to ensure compliance with any recommendations or regulations contained in that plan.

(e) Flooding. All stormwater management facilities shall have the capacity to safely handle the calculated peak flow rates for a 100-year 24-hour design storm without structural failure, bank erosion, loss of freeboard or other problems.

(f) Soil Investigations. Soil profile investigations shall be conducted at each site proposed for the construction of a stormwater management facility. Each excavation shall extend a minimum of 3 feet below the proposed bottom of the facility or any component of the facility, such as infiltration trenches. An adequate number of excavations shall be conducted to examine all soil types present in the immediate area of the proposed facility, as determined by the ordinance administrator. Each soil investigation site shall be located on the site development plan, under sub.(5)(b) below along with the elevation, to the nearest tenth of a foot, of the original ground surface. A soil tester, certified in the State of Wisconsin, or the ordinance administrator is required to log the soil profile and groundwater elevation(s). The ordinance administrator may require an inspection of the soil profile when it is logged by another party.

(5) Final Stormwater Management Plan Contents. The following shall be the minimum requirements for items to be included in a final stormwater management plan:

(a) Existing Site Map and Data. The requirements for the existing site map and data are the same as those listed under sub. 18.08(4)(b)1 of this ordinance.

(b) Site Development Plan. A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

1. Locations and dimensions of all proposed land development activities, including proposed cuts, fills and 2-foot contours;
2. Delineation and labeling of all proposed impervious areas and accompanying area computations;
3. Location of all proposed stormwater conveyance systems and grade stabilization structures, including grade lines, cross-sections, flow/velocity computations based on a 10-year 24-hour design storm, and the delineation of proposed subwatersheds for each reach; *[Note: For watershed areas that extend outside of the boundaries of the site map, other scaled maps may be used.]*;
4. Location of all proposed stormwater best management practices and facilities, including plan views, cross-sections, profiles, inlet/outlet and other detail drawings and supporting flow computations;
5. Summary of hydrologic and hydraulic computations prepared to meet the requirements of sub.(4) above, and for the design of all stormwater management facilities. All major assumptions used in developing input parameters shall be clearly stated, and all geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s);
6. Results of investigations of soils and groundwater required under sub.(4)(e) above, including location and elevation of each investigation site, for the placement and design of stormwater management facilities;
7. Location(s) and dimensions of all proposed easements or other methods used to ensure the preservation of flow paths and adequate access for maintenance purposes, in accordance with sec. 18.12 of this ordinance;
8. Certification, from a professional engineer registered in the State of Wisconsin, that all calculations and designs included in the final stormwater management plan have been reviewed and approved as being in accordance with the requirements of this section.
9. The name, address and daytime phone and FAX number of the contact person during the plan review process, the construction supervisor, and the engineer that will certify construction of all stormwater management facilities under sec. 18.11(4) of this ordinance;
10. For sites where changes are proposed in stormwater flow paths, or where proposed stormwater discharges may otherwise have a significant negative impact on

downstream property owner(s), the ordinance administrator may require the applicant to obtain written authorization or complete other legal arrangements with the affected property owner(s); and

11. Other items deemed necessary by the ordinance administrator to ensure compliance with the requirements of this ordinance.

(6) Preliminary Stormwater Management Plan Contents. Preliminary stormwater management plans shall contain the same information listed under sub.(5) above, with the following exceptions:

(a) No computations will be required for stormwater conveyance systems, water control structures or other individual system components; and

(b) No detail drawings, cross-sections or profiles will be required unless the ordinance administrator determines they are necessary to assess the general feasibility of the preliminary stormwater management plan.

18.10 TECHNICAL STANDARDS AND SPECIFICATIONS. (1) Hydrologic and Hydraulic Computations. (a) All computations of runoff volumes and peak flow rates used in the development of erosion control and stormwater management plans in accordance with this ordinance shall be based on the principles of Technical Release 55 (TR-55), "Urban Hydrology for Small Watersheds", published by the Natural Resources Conservation Service (NRCS), United States Department of Agriculture, June 1986 revision, using Type II design storms. To determine compliance with this ordinance (for Washington County), the following design storms values shall be used:

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.3 inches	2.7 inches	3.9 inches	5.5 inches

(b) All computations of pre-development conditions as required under sec. 18.09(4)(a) of this ordinance shall use those TR-55 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 TR-55 curve number values shall be used as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS Runoff Curve Number	56	70	78	82

(c) All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Mannings Formula.

(d) Flow routing, culvert design, weir and orifice flow and other related hydraulic computations used to design stormwater management facilities shall be based on standard applicable engineering formulas.

(e) Any data or design method proposed to be used for hydrologic or hydraulic computations other than those listed above shall be approved in advance in writing by the ordinance administrator.

(2) Best Management Practice Design Standards. The design of all best management practices used to meet the requirements of this ordinance shall comply with the following technical standards:

(a) The Wisconsin Construction Site Best Management Practice Handbook, published by the Wisconsin Department of Natural Resources;

(b) Section IV of the Field Office Technical Guide, published by the United States Department of Agriculture - Natural Resource Conservation Service; and

(c) Other technical standards published or adopted by the above noted agencies, the Wisconsin Standards Oversight Council or the Town Board.

(3) Technical Guidelines. The Town board may adopt technical guidelines to assist with the consistent administration of certain portions of this ordinance where more specific standards currently do not exist, are insufficient or are subject to rapid change. The Town Board shall seek the expertise of other agencies and organizations in the development and maintenance of technical guidelines under this subsection.

(4) Construction Specifications. The construction or installation of all best management practices and other structures shall comply with all the construction specifications adopted by the Town board, including standard seeding or sodding deadlines for site stabilization.

(5) Availability. Copies of all technical standards, guidelines and specifications adopted by the Town Board shall be available for review and distribution through the Town Clerk. Fees may be charged for copies of these items in accordance with a fee schedule established by the Town Board.

(6) Future Revisions or Updates. The technical standards, guidelines and specifications referenced in this section are made a part of the ordinance and shall be updated periodically in order to keep current with field experiences, research, technological advances and the development of related technical standards by other agencies and units of government. Any future revision or update of the technical standards or specifications incorporated herein are also made part of this ordinance unless otherwise acted upon by the Town board.

18.11 PERMIT REQUIREMENTS. (1) General Conditions. For all permits issued under this ordinance, the permit holder shall:

(a) Obtain all other applicable Federal, State, County or local permits and comply with all other applicable regulations. The ordinance administrator may require the applicant to obtain other permits or plan approvals prior to issuing an erosion and runoff control permit.

(b) Complete all activities in accordance with the plan(s) and construction schedule approved by the ordinance administrator. Any significant changes made during implementation without prior approval by the ordinance administrator shall be subject to enforcement action under sec. 18.13 of this ordinance.

(c) Notify the ordinance administrator at least 24 hours in advance of commencing any work associated with the permit. The ordinance administrator may require further notification of work on various stages of construction or upon completion of individual components for inspection purposes.

(d) Authorize the ordinance administrator access to the property to perform inspections and to carry out any necessary enforcement activities under sec. 18.13 of this ordinance.

(e) Inspect all best management practices after each rain event of 0.5 inch or more, or at least once each week, and make any needed repairs. The permit holder shall maintain best management practices until the financial guarantee under sub.(3) below is released by the ordinance administrator.

(f) Clean up all off-site sediment deposits and repair any erosion or other damage occurring as a result of construction work or a storm event at the end of each work day, or within any other time period approved by the ordinance administrator. Flushing of sediment is not allowed.

(2) Permit Issuance and Duration. (a) The ordinance administrator shall establish an expiration date for all permits issued under this ordinance. The expiration date shall not exceed 18 months and shall be based on the construction schedules submitted by the applicant under subs. 18.08(4)(b)1.e. and 18.08(4)(b)1.i. of this ordinance, and the technical standards and specifications adopted by the Town board under sec. 18.10 of this ordinance.

(b) The ordinance administrator may grant longer permit periods or grant extensions to existing permits if deemed necessary to ensure compliance with this ordinance or Town Board policy. The ordinance administrator may require additional erosion and runoff control measures as a condition of granting longer permit periods or permit extensions.

(c) In accordance with the technical standards and specifications in sec. 18.10 of this ordinance, the ordinance administrator may withhold issuance, suspend or revoke an erosion and runoff control permit, or require a change in the proposed construction schedule as a condition of a permit under sub. (1) above, if the ordinance administrator determines that all of the following apply:

1. The proposed or actual land disturbing activity will exceed standard deadlines for seeding and sodding;

2. Runoff or erosion from the site may significantly impact an environmentally sensitive area or cause other off-site environmental or property damage; and

3. The applicant or permit holder is unable or unwilling to provide other approved measures to minimize off-site impacts.

(3) **Financial Guarantee.** (a) Purpose and Type. A bond, escrow or letter of credit in a form approved by the ordinance administrator shall be required for all erosion and runoff control permits issued to ensure compliance with this ordinance.

(b) Amount. The amount of the financial guarantee shall be determined by the ordinance administrator and shall be based on the estimated costs of construction of the best management practices in the approved erosion control and/or stormwater management plan(s) plus any costs for best management practice maintenance that may be needed during the construction phase or immediately after the site is stabilized, such as sediment removal.

(c) Security. Each financial guarantee shall be accompanied by a written agreement outlining its purpose, applicable amounts and all of the conditions for release.

(d) Conditions for Release. 1. The ordinance administrator shall release the financial guarantee only after determining full compliance with the requirements of the permit and this ordinance, including the following:

a. Certification of construction by a professional engineer, in accordance with sub.(4) below;

b. Completion of a satisfactory final inspection by the ordinance administrator in accordance with sub (5) below;

c. Submittal of a copy of the recorded maintenance agreement, in accordance with sec. 18.12 of this ordinance.

2. The permit holder may apply for a prorated release of the financial guarantee based on the completion or partial completion of various construction components or satisfaction of individual requirements of par.(d) above.

3. The ordinance administrator shall withhold from the financial guarantee amount released to the permit holder, any costs incurred by the Town to complete installation or maintenance of best management practices through enforcement action, as described in sec. 18.13 of this ordinance, or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the Town associated with the administration of this section.

(e) Other Financial Guarantees. The financial guarantee provisions of this ordinance shall be in addition to any other financial guarantee requirements of the town board for other site improvements. Any arrangements made to combine the financial guarantee provisions of this

ordinance with other related requirements shall be made at the discretion of the ordinance administrator.

(4) **Construction Certification.** (a) A professional engineer, licensed in the State of Wisconsin, shall be in responsible charge and certify that the construction of all stormwater management facilities, and other best management practices as determined by the ordinance administrator, comply with the plan(s) approved by the ordinance administrator and the technical standards and specifications of sec. 18.10 of this ordinance.

(b) "As-built" plans shall be submitted for all stormwater management facilities and other permanent best management practices or practice components as deemed necessary by the ordinance administrator to ensure compliance with this ordinance. As-built plans shall document, on maps and drawings of the same scale and quality as the site development plan, actual location, elevations, materials, construction specifications and other items and be certified by the project engineer.

(5) **Final Inspection.** After completion of construction, the ordinance administrator shall conduct a final inspection of all sites regulated by this ordinance to assist in determining compliance with the approved plan(s) and other applicable requirements, the permit and this ordinance. If upon inspection, the ordinance administrator determines that any of the applicable requirements have not been met, the ordinance administrator shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the ordinance administrator shall provide notification of noncompliance or a report of final inspection in written or electronic form.

18.12 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES. (1) Maintenance Agreement Required. A maintenance agreement between the local municipality or other approved unit of government and the proposed property owner(s) shall be required for all stormwater management facilities installed to comply with the requirements of this ordinance. The agreement shall be independent of all other restrictions or covenants and shall be prepared in accordance with this section.

(2) **Agreement Provisions.** The maintenance agreement shall, at a minimum, contain the following information and provisions:

(a) Identification of the owner(s) of the land parcel where the stormwater management facility is located;

(b) Identification of each type of stormwater management facility and a general description of its purpose and design, including but not limited to facility dimensions, inlet and outlet design and dimensions and the drainage area served by the facility;

(c) A description of all long term maintenance activities that may or will be required for each stormwater management facility, and an estimated time interval between each activity;

(d) Granting of an access easement for access to all stormwater management facilities that is a minimum of 15 feet wide, not including drainage easements, right-of-ways or other

restricted areas, and a minimum 12 foot wide travel lane within this area that is capable of withstanding construction equipment loads for future maintenance work.

(e) Identification of the landowner(s), organization, municipality or other entity responsible for long term maintenance of the stormwater management facility;

(f) Authorization for access to the property by the Town Board, the ordinance administrator, and employees of the Washington County Land Conservation Department to conduct periodic inspections of the facility, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary; *[Note: Some or all of these activities may be carried out in accordance with a intergovernmental working agreement under §66.30, Wis. Stats.]*

(g) Recognition that, upon written notification, the designated entity shall, within a reasonable time period, complete any needed maintenance or repair work recommended as a result of an inspection of the facility;

(h) Authorization for the town, Washington County and/or other designated authority to carry out any maintenance activities if the designated entity does not perform the required maintenance or repair work within the time period specified in par. (g) above;

(i) Recognition that the applicable local government may exercise their statutory authority to levy and collect special assessments and charges under §60.60, Wis. Stats., for any services carried out relating to par. (h) above;

(j) Language confirming that the entire agreement shall remain binding among all parties to and within the agreement, until changes are mutually agreed to in writing by all parties. Any changes made to the agreement must maintain the minimum items listed in this subsection and the long term maintenance of the stormwater management facility.

(k) Other information as determined to be necessary by the ordinance administrator or the Town Board to ensure compliance with this ordinance.

(3) Agreement Approval and Recording. (a) The ordinance administrator shall ensure that all submitted maintenance agreements comply with sub.(2) above. If the agreement does not comply, the ordinance administrator shall notify the applicant or permit holder what changes are needed in order to comply.

(b) Upon certification of compliance with sub.(2) above by the ordinance administrator, the maintenance agreement shall be recorded at the Washington County Register of Deeds referencing any plat, certified survey or other ownership transfer device pertaining to land which contains a stormwater management facility or is subject to maintenance responsibility in the approved agreement. The agreement as recorded shall ensure that the maintenance requirements are binding on all subsequent owners of the property upon which the stormwater management facility is located and that the restrictions run with the land and on any other property which is subject to maintenance responsibility in the agreement.

(c) The permit holder shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the ordinance administrator.

(4) **Agreement Form.** The maintenance agreement requirements of this section may, at the discretion of the ordinance administrator, be a separate document or may be incorporated into a developers agreement. The form of the document proposed for recording shall be reviewed and approved by the ordinance administrator. Any method used shall comply with all of the requirements of this section.

(5) **Maintenance Responsibilities Prior to a Maintenance Agreement.** The permit holder shall be responsible for the maintenance of all stormwater management facilities prior to a satisfactory final inspection under sec. 18.11(5) of this ordinance and the release of a financial guarantee under sec. 18.11(3) of this ordinance.

18.13 ENFORCEMENT. (1) **Ordinance administrator.** The ordinance administrator is authorized to administer and enforce compliance with this ordinance. The ordinance administrator shall have the following powers and duties:

(a) Advise applicants as to the requirements of this ordinance and assist them in filling out forms and other related administrative procedures.

(b) Review applications, issue permits, and make all determinations stated in this ordinance.

(c) Conduct on-site inspections and investigate complaints in a timely manner to ensure compliance with this ordinance.

(d) Maintain records of all permits issued, inspections and determinations made, work approved, enforcement action and other official action.

(e) Make recommendations to the Town Board on any revisions or updates to this ordinance, including keeping all technical standards, construction specifications and administrative tools current and advising on policy issues.

(f) Assist the Board of Appeals with the appeal process by providing the necessary information for their consideration and action.

(g) Carry out duties relating to ensuring the long term maintenance of stormwater management facilities, such as site inspections and making recommendations for needed repairs or maintenance, in accordance with approved working agreements.

(2) **Prohibited Practices.** It shall be deemed a violation, and be subject to enforcement action, for any person, firm, association, corporation or other entity subject to the requirements of this ordinance to do in any of the following:

(a) Commence in any land disturbing or land development activity prior to:

1. Obtaining an erosion and runoff control permit;
2. Notifying the ordinance administrator a minimum of 24 hours in advance of commencement of the activity;
3. Installing those best management practices identified in the approved plan(s) to be installed prior to any land disturbing or land developing activity.

(b) Fail to follow the approved plan(s), or other permit conditions, including but not limited to the required construction sequence, practice installation and technical standards or specifications.

(c) Fail to maintain, repair or replace any best management practice deemed ineffective prior to the release of a financial guarantee.

(3) **Violations.** (a) The ordinance administrator is authorized to use the following methods of enforcement in any combination thereof against any person, firm, association, corporation or other entity that is found to be in violation of any provision of this ordinance:

1. **Forfeiture.** Any violator shall be subject to a forfeiture of not less than \$50 or more than \$500 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.

2. **Stop Work Order.** Any violator is subject to an order to stop all work except that which is needed as a corrective action to bring the site into compliance, or the Town attorney may be requested to obtain a temporary restraining order and such other remedial court orders as shall be necessary to ensure compliance.

3. **Permit Withholding and Revocation.** The ordinance administrator may revoke a permit issued under this ordinance, and the town may withhold other permits or approvals, if the ordinance administrator determines that the permit holder is not making a good faith effort to comply with the conditions of the permit. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the Town to be charged against the financial guarantee.

4. **Emergency Action.** The Town may enter upon the property and take any necessary emergency action if the ordinance administrator determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or offsite property, or if the permit holder or other violator refuses to take the corrective action as ordered by the ordinance administrator. Any cost incurred by the Town as a result of this action shall be billed to the permit holder or subtracted from the financial guarantee provided by the permit holder, or charged as a special assessment under the authority of §60.60, Wis. Stats. Failure to pay said costs on a timely basis shall constitute a violation of this ordinance.

(b) Any enforcement measures shall continue until compliance is achieved or as ordered by the court.

(c) The ordinance administrator shall notify the permit holder in writing of any violation. The written notice shall be hand delivered to the permit holder or sent by certified mail and shall describe the violation, remedial action(s) needed, a schedule for all remedial action to be completed, and additional enforcement action which may be taken.

(d) The schedule established by the ordinance administrator for required remedial action shall be based on a reasonable amount of time required to carry out the remedial action.

(e) Private Enforcement. Any person affected by activities regulated under this ordinance may enforce the provisions of this ordinance by private action seeking an injunction.

(4) **Responsible Party.** For purposes of determining the responsible party or parties for any enforcement action under this ordinance, the phrase "person, firm, association, corporation or other entity" as used in this ordinance shall include, as the context requires, any owner, lessee, tenant, mortgagee, trustee, land contract vendor or vendee, or other holder of any legal or equitable interest in the particular land subject to this ordinance and shall also include any contractor, subcontractor, engineer, consultant, agent or employee retained or acting on behalf of any of the preceding and having any material responsibility or having undertaken any activity with respect to the particular land subject to this ordinance.

18.14 APPEALS. (1) **Authority.** The Board of Appeals shall act as the review and appeal authority for any order, requirement, decision or determination by the ordinance administrator under this ordinance.

(2) **Procedure.** The rules, procedures, duties and powers of the Board of Appeals shall be as provided in the Town Code and the provisions of §60.651 Wis. Stats., shall apply to any review or appeal under this ordinance.

(3) **Variances.** Upon appeal, the Board of Appeals may authorize variances from the provisions of this ordinance which are not contrary to the public interest or the purpose of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.

(4) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by an officer, department or board of the Town affected by any decision of the ordinance administrator.

18.15 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.

18.16 DEFINITIONS. The terms used in this ordinance shall have the following meaning:

(1) "Affected" as used in sec. 18.13(3)(e) of this ordinance, means that a regulated activity has significantly:

(a) Caused negative impacts on water quality or the use or maintenance of one's property or business; or

(b) Endangered one's health, safety or general welfare.

(2) "**Agricultural crops**" means any plant grown for the purpose of harvest to support a business.

(3) "**Best management practice**" means a practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion and/or water pollution from runoff both during and after land development activities. These can include structural, vegetative or management practices.

(4) "**Common plan of development**" means all lands included within the boundary of one or more certified surveys or other land divisions where multiple, separate and distinct land development activity may occur at different times.

(5) "**Construction site erosion control**" means preventing or reducing soil erosion and sedimentation from land disturbing activity.

(6) "**Design storm**" means a hypothetical depth of rainfall that would occur for the stated return frequency (e.g. 2-year or 10-year) and duration (e.g. 24-hour). All values are based on the historical rainfall records for the area and are available for reference in many publications. *[Note: See sec. 18.10(1) of this ordinance for a table of applicable design storms for Washington County.]*

(7) "**Environmentally sensitive area**" means any area that, due to the natural resources present or the lack of filtering capacity, is significantly more susceptible to the negative impacts of sedimentation and other pollutants associated with erosion and urban runoff. Examples include direct hydrologic connections to lakes, stream, wetlands or other water resources, very coarse or shallow soils to groundwater or bedrock, or areas inhabited by endangered resources.

(8) "**Final grading**" means the placement of topsoil over disturbed areas in accordance with the requirements of sec. 18.08(3) of this ordinance.

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

(10) "**Impractical**" means that complying with a specific requirement would cause undue economic hardship and that special conditions exist which are beyond the control of the applicant and would prevent compliance.

(11) "**Infiltration**" means the process by which rainfall or runoff seeps into the soil.

(12) "**Intercept soil transport**" means the process of trying to prevent delivery of sediment by installing a silt fence or some other form of sediment trap in the flow path to slow flows and settle the suspended soil particles.

(13) "**Land Conservation Department**" means the County department that is charged with implementing the soil and water conservation policies and programs of the Washington County Land Conservation Committee under §92 Wis. Stats.

(14) "**Land disturbing activity**" means any construction related activity that exposes soil to the erosive forces of wind, rain and snow melt. Land disturbing activities include removing vegetative cover, grading, excavating and filling. It does not include the planting, growing and harvesting of agricultural crops or mining activity that is otherwise regulated through a local mine reclamation ordinance.

(15) "**Land development activity**" means any construction related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots and other structures.

(16) "**No appreciable off-site impact**" means that the impact of any land disturbing or land development activity on off-site property or natural resources would be negligible due to site conditions, such as internal drainage or a very large vegetative buffer area surrounding a small building project.

(17) "**Ordinance administrator**" means the [position title or agency reference, if under an intergovernmental working agreement] or their designee.

(18) "**Peak flow**" means the highest flow rate of runoff, measured in cubic feet per second, that would normally result from a given design storm.

(19) "**Permanent best management practice**" means any best management practice that is designed to remain in place after the development is complete. They are designed to stabilize the site or to permanently manage stormwater runoff.

(20) "**Practical**" means that complying with a specific requirement does not cause undue economic hardship and that special conditions do not exist which are beyond the control of the applicant and would prevent compliance.

(21) "**Pre-development condition**" means the conditions of the land surface, including vegetative cover and natural drainage patterns, prior to the proposed land development activity. For purposes of this ordinance, all pre-development conditions shall assume good land management and good hydrologic condition, as stated in TR-55.

(22) "**Regional stormwater management plan**" means a published document that establishes a planned course of action for managing stormwater runoff from an entire drainage area or watershed, including future land development activities within the watershed. A regional stormwater management plan will recommend the use of best management practices for

individual development sites and for selected points within the watershed to meet the goals and objectives of the plan.

(23) "**Roads**" as used in sec. 18.05(2)(b) of this ordinance, means any access drive that serves more than 2 residences or businesses.

(24) "**Runoff**" means any rain or melting snow that flows over the ground surface. (Also referred to as stormwater runoff.)

(25) "**Shoreland/wetland/floodplain zone**" means the land area that is within the districts identified as the shoreland/wetland/floodplain zone on the official zoning maps of the Washington County Land Use and Park Department. The shoreland zone generally includes all lands within 300 feet of a navigable stream or 1,000 feet from a lake shore. The wetland and floodplain zoning districts may extend beyond the shoreland zone.

(26) "**Soil detachment**" means the first step in the soil erosion process, or the dislodging of the soil particle from raindrop impact, water flow or wind. After detachment, the soil particle can be suspended and carried in runoff or wind to another site. Soil detachment is reduced by providing a vegetative or synthetic cover over the soil surface or through the application of soil treatment measures designed for this purpose.

(27) "**Stabilized**" means that vegetation is well established or other surfacing material is in place and the risk of further soil erosion is minimal.

(28) "**Stormwater management**" means any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality from urban areas after land development activities.

(29) "**Stormwater management facility**" means any structural best management practice, such as a retention pond, infiltration basin or other physical structure, that is designed to collect and permanently manage the quantity and/or quality of stormwater runoff.

(30) "**Subsoil**" means the "B" horizon in any natural soil profile. Natural soil profiles are described in detail in the Soil Survey of Washington County.

(31) "**Temporary best management practice**" means any best management practice that is intended to reduce soil erosion and/or sediment in runoff during the construction phase only, and is intended to be removed after the site is stabilized.

(32) "**Topsoil**" means the "A" horizon found in any natural soil profile not formed from organic material. Natural soil profiles are described in detail in the Soil Survey of Washington County.

(33) "**Total suspended solids load**" means the total weight of material, including sediment and other solids, that is assumed to be carried in the runoff water and discharged from the site based on runoff models for urban lands. For best management practice design purposes,

a 5 micron particle size is usually selected as a target to achieve 80% total suspended solids removal rate, as required in sec. 18.09(4) of this ordinance.

(34) "**Watershed**" means the total area of land where runoff drains to a specific point on the landscape. It is also referred to as the drainage area.

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

(36) "**Working day**" means a day when the administering authority and other local businesses are routinely and customarily open for business, not including Saturdays, Sundays or scheduled holidays. When used in sec. 18.08 of this ordinance, relating to specific erosion control requirements, the term working days shall not include any days that site stabilization activities could not reasonably be carried out due to inclement weather conditions.

the above described parcel intersects said shore, said point being 25' South and 660' West of the southeast corner of said Lot 24 "Mah Kee Nuc" subdivision; thence West 14'; thence N 10 degrees 04' E, 80.08' to a point on the east shore of the lake where the north line of the above described parcel intersects said shore; thence South 78' 10" to the place of beginning.

13.50 PUBLIC INLAND LAKES PROTECTION AND REHABILITATION DISTRICTS. (1) **BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT.** This district shall include all waters and lands within the boundaries of the Big Cedar Lake Sanitary District, as created and established by sec. 11.03 of this Code, as recorded in Vol. 400 of Records, at Pages 61-63, and Volume 425 of Records at Pages 67 and 68, Washington County Register of Deeds.

(2) **LITTLE CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT.** This district shall include all waters and lands within the boundaries of the Little Cedar Lake Sanitary District, as created and established by sec. 11.03 of this Code, as recorded in Vol. 383 of Records, at Pages 42-44, Washington County Register of Deeds.

(3) **SILVER LAKE PROTECTION AND REHABILITATION DISTRICT.** This district shall include all waters and lands within the boundaries of the Silver Lake Sanitary District, as created and established by sec. 11.03 of this Code, and as recorded in Vol. 355 of Records at Pages 111 and 112, Washington County Register of Deeds.

13.51 GOVERNING BOARD. Each public inland lake protection and rehabilitation district created by sec. 13.50 of this chapter shall be governed pursuant to §33.28, Wis. Stats.

13.52 POWERS AND DUTIES. Subject to the powers of the annual meeting, as set forth in §33.30, Wis. Stats., the commissioners shall have the power and duties granted by Ch. 33, Wis. Stats., which include, without limitation, the following:

Studying and planning remedial measures, accepting State financial assistance for approved projects, and levying special assessments and issuing bonds thereon in order to finance lake projects.

(2) **STANDARD MARKERS.** All markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources.

(3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall, without authority, remove, damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, this State or the Towns of West Bend or Polk, pursuant to the provisions of this chapter.

13.21 STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulation with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin statutes and in the rules and regulations of the Department of Natural Resources established pursuant to said statutory sections, now existing or established subsequent to the enactment of this chapter, exclusive of any provisions therein relating to the penalties to be imposed or violation of said statutes, rules and regulations that have not been specifically incorporated by reference in the foregoing sections hereof, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any said statute, rule or regulation incorporated by reference herein is required or prohibited by this chapter.

- 30.51 Operation of Unnumbered Boats Prohibited
- 30.52 Certificate of Number
- 30.53 Identification Number to be Displayed on Boat;
Certificate to be Carried
- 30.54(2) Transfer of Ownership of Numbered Boat
- 30.55 Notice of Abandonment or Destruction of Boat or
Change of Address
- 30.67 Accidents and Accident Reports

13.22 LITTERING WATERS AND ICE PROHIBITED. No person shall deposit, place or throw from any boat, vehicle, raft, pier, platform structure or shore any cans, paper, bottles, debris, refuse, garbage, or solid or liquid waste on or into the water or ice of the lake.

13.23 MOTOR VEHICLES ON ICE. No person shall drive or park any vehicle upon the ice of any lake except as hereinafter provided:

(1) **EMERGENCY VEHICLE.** Vehicles required to perform emergency services or construction work may be driven or parked on the ice for the sole purpose of performing such services or construction, provided the prior written approval of the Town Board having jurisdiction of the area adjacent to the place where such vehicle is to be used shall have been obtained.

11.01 REGULATION OF NUISANCE-TYPE BUSINESSES. (1) **PERMIT REQUIRED.** No person shall conduct within the Town any business which has a tendency to create a public nuisance, except upon a permit issued by the Town Board and subject to such conditions as the Board may impose.

(2) **DEFINITION.** A business which has a tendency to create a public nuisance is one which unless properly regulated may create conditions creating a public nuisance, as defined in sec. 10.02 of this Code.

No such statute 2003

(3) This section is enacted pursuant to §66.052, Wis. Stats.

11.02 GARBAGE AND REFUSE DISPOSAL REGULATED. It shall be unlawful for any person to accumulate, dump, transfer or deposit garbage or rubbish or other refuse of any kind in the Town. All garbage and refuse generated in the Town shall be disposed of in the Department of Natural Resources licensed landfills or incinerators.

11.03 SANITARY AND UTILITY DISTRICTS. (1) **SANITARY DISTRICTS.** The territories included within the following limits and boundaries shall constitute Town sanitary districts created and established pursuant to Ch. 60, Wis. Stats.:

(a) Big Cedar Lake Sanitary District. Those parts of the Towns of West Bend and Polk, Washington County, Wisconsin, described in the orders of the Town Board of the Town of West Bend dated February 15, 1939 and September 30, 1966, as filed in the offices of the Town Clerk and the Washington County Register of Deeds.

(b) Silver Lake Sanitary District. Those parts of the Town of West Bend described in the order of the Town Board of the Town of West Bend dated September 2, 1961, as filed in the offices of the Town Clerk and the Washington County Register of Deeds.

(c) Little Cedar Lake Sanitary District. Those parts of the Town of West Bend and the Town of Polk as described in the order of the Town Board of the Town of West Bend, dated November 26, 1963, as filed in the offices of the Town Clerk and the Washington County Register of Deeds.

(2) **UTILITY DISTRICTS.** The territories included within the following limits and boundaries shall constitute Town Utility Districts created and established pursuant to §66.072, Wis. Stats.

(a) West Silver Lake Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated August 27, 1955, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(b) Peters Beach Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated September 3, 1955, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(c) Big Cedar Lake Utility District No. 1. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated September 19, 1955, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(d) Birchwood Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated October 13, 1956, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(e) West Cedar Lake Road Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated February 13, 1970, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(f) Silver Lake Road No. 3 Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend dated April 11, 1970, as filed in the office of the Town Clerk and the Washington County Register of Deeds.

(g) Wickert's Subdivision Utility District. Those parts of the Town of West Bend and the Town of Polk described in the order of the Town Board of the Town of West Bend as filed in the office of the Town Clerk and the Washington County Register of Deeds.

11.06 PENALTY. Any person who shall be found guilty of violation of any of the provisions of this chapter shall be required to pay a forfeiture of not less than \$25 nor more than \$200 together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the County Jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.

TOWN OF WEST BEND

ORDINANCE NO. 98-5

ORDINANCE TO REPEAL AND RECREATE PART OF
CHAPTER 11 OF THE MUNICIPAL CODE RELATING TO
PENALTIES FOR VIOLATION OF THIS CHAPTER

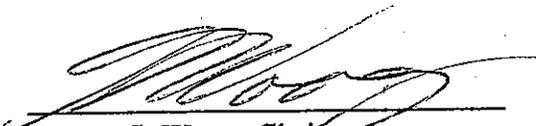
THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:

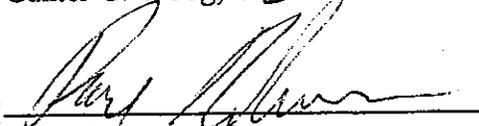
Section 1. That Section 11.06 of Chapter 11 of the Municipal Code of the Town of West Bend be repealed and recreated as follows:

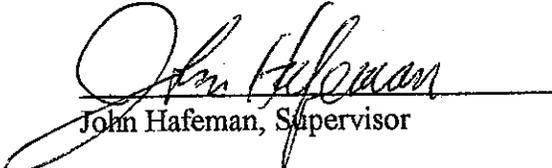
11.06 PENALTY. Any person who shall be found guilty of violation of any of the provisions of this chapter shall be required to pay a forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the County Jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding thirty (30) days.

Section 2. This Ordinance shall take effect upon passage and publication as provided by law.

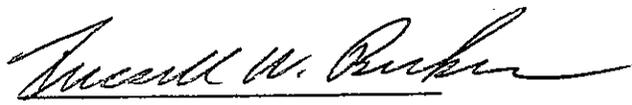
PASSED AND ADOPTED by the Town of West Bend, Washington County, Wisconsin, this 20th day of May, 1998.


Gunter G. Woog, Chairman

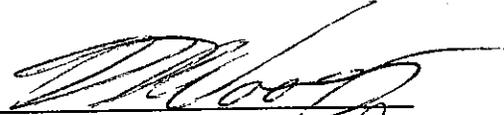

Paul Rice, Supervisor


John Hafeman, Supervisor

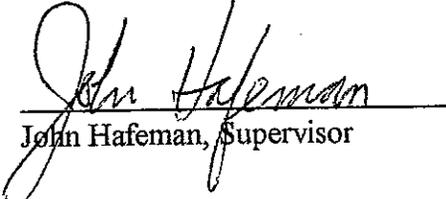
ATTEST:


Russell W. Becker, Clerk

PASSED AND ADOPTED by the Town of West Bend, Washington County Wisconsin,
this 20th day of May, 1998.


Gunter G. Woog, Chairman


Paul Rice, Supervisor


John Hafeman, Supervisor

ATTEST:


Russell W. Becker, Clerk

10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.02 of this chapter:

(1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) **BREEDING PLACES FOR VERMIN, ETC.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not flytight.

(6) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

PUBLIC NUISANCES 10.03 (7)

(7) NOXIOUS WEEDS. All noxious weeds, as defined in §66.96(1), Wis. Stats.

(8) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(9) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.

(10) STREET POLLUTION. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

(11) PESTICIDE APPLICATION. The application, or causing of the application, of any pesticide, as defined in §946.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the Town.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 10.02 of this chapter.

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code.

(4) CONTINUOUS VIOLATION OF TOWN ORDINANCES. Any place or premises within the Town where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.

TOWN OF WEST BEND

ORDINANCE NO. 99-04

AN ORDINANCE TO CREATE SECTION 9.19
OF THE TOWN OF WEST BEND RELATING
TO REMOVAL OF ANIMAL FECES

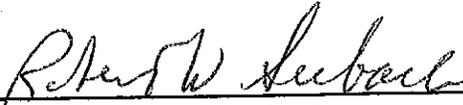
THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON
COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. That Section 9.19 of the Municipal Code of the Town of West Bend, Washington County, Wisconsin is hereby created to read as follows:

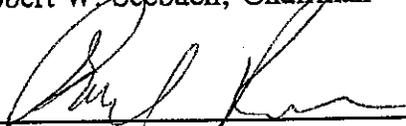
REMOVAL OF ANIMAL FECES. The owner or person in control of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, other than such person's property or property in the possession of such person, unless such fecal matter is immediately removed therefrom by said owner or person in control. This section shall not apply to a visually or physically handicapped person who is using such animal as an aid.

Section 2. This Ordinance shall take effect upon posting and publishing as provided by law.

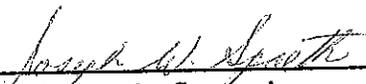
PASSED AND ADOPTED by the Town Board of the Town of West Bend, Washington County, Wisconsin, this 14 day of July, 1999.



Robert W. Seebach, Chairman

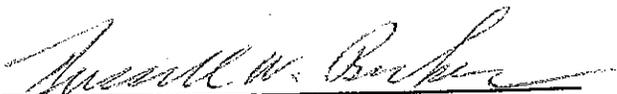


Paul Rice, Supervisor



Joseph Spaeth, Supervisor

ATTEST:



Russell W. Becker, Clerk

ORDERLY CONDUCT 9.08 (2)

(2) **CONDUCT PROHIBITED.** No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

(3) **CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES.** No person who has purchased opened fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(4) **EXCEPTIONS.** (a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to ch. 12 of this Code, or to picnics in the Town park, except that no glass beer bottles may be brought into the park; however, during licensed events located in the Town Park, no person shall carry in any alcohol beverage.

(b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.

(c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of §346.93, Wis. Stats.

9.09 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Town.

9.10 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any district except agricultural districts.

9.11 LITTERING. (1) **PROHIBITED.** No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Town or upon any private property or into or upon any body of water or stream within the Town.

(2) **PENALTY.** Any person found guilty of violating this section shall be subject to a forfeiture, as provided in sec. 25.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.12 BURNING REGULATIONS. See sec. 5.11 of this Code.

9.13 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings.

All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.14 ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.15 DESTRUCTION OF PROPERTY PROHIBITED. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Town or its departments or to any private person without the consent of the owner or proper authority.

9.16 UNLAWFUL REMOVAL OF PROPERTY. It shall be unlawful for any person to take and carry away the property of another without the owner's consent. This offense shall include, but not be limited to, the operation of a vehicle, whether or not motorized, without the owner's consent.

9.17 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES. (1) **HAZARDOUS SUBSTANCE SPILLS.** (a) DNR Notification Required. Any person who possesses or controls a "hazardous substance," as defined in §144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in §144.76, Wis. Stats.

(b) Town Notification. In addition to the notification required in par. (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Washington County Sheriff's Department of such spill or discharge.

(2) **DETRIMENTAL SUBSTANCE SPILLS; NOTIFICATION.** Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance," may be detrimental to the general, safety and welfare of Town residents shall immediately notify the Washington County Sheriff's Department. Such detrimental substances may include, without limitations, food products and nitrates.

(3) **CLEANUP REQUIRED.** Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the Town shall clean up and bill the person responsible.

(4) **PENALTY.** Any person responsible for a spill or discharge who does not provide the notification required under subs. (1)(b) and (2) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.18 UNIFORM CITATION METHOD ADOPTED. (1) **CREATION.** Pursuant to §66.119, Wis. Stats., the Town hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

(2) **CITATION.** The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or the municipal code violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator, as follows:

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., and the automation fee imposed by §814.635, Wis. Stats., not to exceed the amount of the deposit or,