

CHAPTER 15.56

STORM WATER MANAGEMENT

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15.56.010 Authority. (a) This ordinance is adopted by the common council under the authority granted by Section 62.234 of the Wisconsin Statutes. This ordinance supersedes all provisions of an ordinance previously enacted under Section 62.23 of the Wisconsin Statutes, relating to storm water management regulations. Except as otherwise specified in Section 62.234 of the Wisconsin Statutes, Section 62.23 of the Wisconsin Statutes, applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the common council.

(c) The common council hereby designates the storm water management administrator or appointee, to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33 of the Wisconsin Statutes.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Section NR 151.004 of the Wisconsin Administrative Code.

15.56.020 Findings of Fact. The common council finds that uncontrolled runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Uncontrolled runoff can:

(a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(d) Reduce the quality of groundwater by increasing pollutant loading.

(e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Section 15.56.030 Purpose and Intent.

(a) Purpose. The general purpose of this ordinance is to establish runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(b) Intent. It is the intent of the common council that this ordinance regulates post-construction storm water discharges to waters of the state and construction site erosion control. This ordinance may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16 of the Wisconsin Statutes, for regional storm water management measures and have been approved by the common council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

Section 15.56.040 Applicability and Jurisdiction.

(a) Applicability.

(1) Where not otherwise limited by law, this ordinance applies to land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (2).

(A) A post-construction site that had one or more acres of land disturbing construction activity.

(2) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

(A) A redevelopment post-construction site with no increase in impervious surface.

(B) A post-construction site with less than 10 percent connected imperviousness (which is an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path) based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

(C) Nonpoint discharges from agricultural facilities and practices. (Agricultural facilities and practices has the meaning given in Section 281.16 of the Wisconsin Statutes.)

(D) Nonpoint discharges from silviculture activities.

(E) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(F) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(3) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the storm water management administrator is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) Jurisdiction. This ordinance applies to land disturbing construction activities within the boundaries of the city of Wausau and to the platting of subdivisions within the city of Wausau

extraterritorial plat approval jurisdiction area and to land disturbing construction activities which may take place within said subdivisions unless the storm water runoff from the extraterritorial area does not enter the city of Wausau at any point.

(c) Exclusions. This ordinance is not applicable to activities conducted by a state agency, as defined under Section 227.01(1) of the Wisconsin Statutes, but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2) of the Wisconsin Statutes.

15.56.050 Definitions.

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

(b) “Business day” means a day the office of the storm water management administrator is routinely and customarily open for business.

(c) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(d) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(e) “Development” means residential, commercial, industrial or institutional land uses and associated roads.

(f) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(g) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(h) “Extraterritorial” means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

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

(j) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the storm water management administrator by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(k) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

(l) “Infiltration” means the entry of precipitation or runoff into or through the soil.

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

(n) “Maintenance agreement” means a legal document that is recorded with the county register of deeds as a property deed restriction and which provides for long-term maintenance of storm water management practices.

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

(p) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(q) “Off-site” means located outside the property boundary described in the permit application.

(r) “On-site” means located within the property boundary described in the permit application.

(s) “Ordinary high-water mark” has the meaning given in Section NR 115.03(6) of the Wisconsin Administrative Code.

(t) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(u) “Permit” means a written authorization made by the storm water management administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(v) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(w) “Pollutant” has the meaning given in Section 283.01(13) of the Wisconsin Statutes.

(x) "Pollution" has the meaning given in Section 281.01(10) of the Wisconsin Statutes.

(y) "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.

(z) "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(aa) "Redevelopment" means areas where development is replacing older development.

(bb) "Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

(cc) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(dd) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(ee) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(1) Is designed or used for collecting water or conveying runoff.

(2) Is not part of a combined sewer system, which is a system for conveying both sanitary sewage and storm water runoff.

(3) Is not draining to a storm water treatment device or system.

(4) Discharges directly or indirectly to waters of the state.

(ff) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(gg) "Stop work order" means an order issued by the storm water management administrator which requires that all construction activity on the site be stopped.

(hh) "Storm water management administrator" means a city employee that is designated by the director of public works and utilities to administer this ordinance.

(ii) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

(jj) “Technical standard” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(kk) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(ll) “Waters of the state” has the meaning given in Section 281.01 (18) of the Wisconsin Statutes.

15.56.060 Technical Standards. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

(a) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of Chapter NR 151 of the Wisconsin Administrative Code.

(b) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the storm water management administrator.

(c) In this ordinance, the following year and location has been selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29–Nov. 25). “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.

(d) Total suspended solids calculations shall utilize the United States Environmental Protection Agency (USEPA) National Urban Runoff Program (NURP) particle size distribution.

15.56.065 Construction Site Erosion.

(a) Performance Standards.

(1) Responsible Party. The responsible party shall implement an erosion and sediment control plan, developed in accordance with paragraph (c) that incorporates the requirements of this section.

(2) Plan. A written plan shall be developed in accordance with paragraph (c) and implemented for each construction site.

(3) Erosion and Other Pollutant Control Requirements. The plan required under sub. (2) shall include the following:

(A) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to

meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

(B) Notwithstanding par. (A), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(C) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

(i) Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

(ii) Prevent the discharge of sediment as part of site de-watering.

(iii) Protect the separate storm drain inlet structure from receiving sediment.

(D) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

(4) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) Alternate Requirements. The storm water management administrator may establish storm water management requirements more stringent than those set forth in this section if the storm water management administrator determines that an added level of protection is needed for sensitive resources.

(b) Permitting Requirements, Procedures and Fees.

(1) Permit Required. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the storm water management administrator.

(2) Permit Application and Fees. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of paragraph (c) and shall pay an application fee to the city. A schedule of the fees shall be available for review in the city hall. By submitting an application, the applicant is authorizing the storm water management administrator to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) Review and approval of Permit Application. The storm water management administrator shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(A) Within 15 business days of the receipt of a complete permit application, as required by sub. (2), the storm water management administrator shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(B) If the permit application and plan are approved, the storm water management administrator shall issue the permit.

(C) If the permit application or plan is disapproved, the storm water management administrator shall state in writing the reasons for disapproval.

(D) The storm water management administrator may request additional information from the applicant. If additional information is submitted, the storm water management administrator shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(4) Surety Bond. As a condition of approval and issuance of the permit, the storm water management administrator may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(5) Permit Requirements. All permits shall require the responsible party to:

(A) Notify the storm water management administrator within 48 hours of commencing any land disturbing construction activity.

(B) Notify the storm water management administrator of completion of any BMPs within 14 days after their installation.

(C) Obtain permission in writing from the storm water management administrator prior to any modification pursuant to paragraph (c)(3) of the erosion and sediment control plan.

(D) Install all BMPs as identified in the approved erosion and sediment control plan.

(E) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(F) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

(G) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(H) Allow the storm water management administrator to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(6) Permit Conditions. Permits issued under this section may include conditions established by the storm water management administrator in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in paragraph (a).

(7) Permit Duration. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The storm water management administrator may extend the period one or more times for up to an additional 180 days. The storm water management administrator may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(8) Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization. Upon final stabilization the responsible party shall remove all temporary erosion control measures.

(c) Erosion and Sediment Control Plan, Statement, and Amendments.

(1) Erosion and Sediment Control Plan.

(A) An erosion and sediment control plan shall be prepared and submitted to the storm water management administrator. The plan shall be prepared and sealed by a professional engineer or professional hydrologist registered in the State of Wisconsin.

(B) The erosion and sediment control plan shall be designed to meet the performance standards in paragraph (a) and other requirements of this ordinance.

(C) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

(i) The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

(ii) Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

(iii) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(iv) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

(v) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

(vi) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

(vii) Existing data describing the surface soil as well as subsoils.

(vii) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

(ix) Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

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

(i) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

(ii) Boundaries of the construction site.

(iii) Drainage patterns and approximate slopes anticipated after major grading activities.

(iv) Areas of soil disturbance.

(v) Location of major structural and non-structural controls identified in the plan.

(vi) Location of areas where stabilization practices will be employed.

(vii) Areas which will be vegetated following construction.

(viii) Area extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

(ix) Locations of all surface waters and wetlands within one mile of the construction site.

(x) An alphanumeric or equivalent grid overlying the entire construction site map.

(E) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

(i) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(ii) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the storm water management administrator, structural measures shall be installed on upland soils.

(iii) Management of overland flow at all sites, unless otherwise controlled by outfall controls.

(iv) Trapping of sediment in channelized flow.

(v) Staging construction to limit bare areas subject to erosion.

(vi) Protection of downslope drainage inlets where they occur.

(vii) Minimization of tracking at all sites.

(viii) Clean up of off-site sediment deposits.

(ix) Proper disposal of building and waste materials at all sites.

(x) Stabilization of drainage ways.

(xi) Control of soil erosion from dirt stockpiles.

(xii) Installation of permanent stabilization practices as soon as possible after final grading.

(xiii) Minimization of dust to the maximum extent practicable.

(F) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) Erosion and Sediment Control Plan Statement. For each construction site identified under paragraph (a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the storm water management administrator. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(3) Amendments. The applicant shall amend the plan if any of the following occur:

(A) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(B) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(C) The storm water management administrator notifies the applicant of changes needed in the plan.

(f) Inspection. If land disturbing construction activities are being carried out without a permit required by this ordinance, the storm water management administrator may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

15.56.070 Performance Standards.

(a) Responsible Party. The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this section.

(b) Plan. A written storm water management plan in accordance with Section 15.56.090 shall be developed and implemented for each post-construction site.

(c) Requirements. The plan required under sub. (b) shall include the following:

(1) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(2) Peak Discharge.

(A) For new developments, by design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment conditions for the 2-year, 24-hour; the 10-year, 24-hour; the 25-year, 24-hour and the 100-year, 24-hour design storm applicable to the post-construction site. BMPs shall be employed to safely pass the 100-year, 24-hour design storm applicable to the post-construction site. Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. The meaning of “hydrologic soil group” and “runoff curve number” are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used.

Design storms shall be SCS Type II distribution or, preferably, appropriate rainfall distributions taken from Floyd A. Huff and James R. Angel, Rainfall Frequency Atlas of the Midwest, Midwestern Climate Center, Illinois State Water Survey, 1992. (“Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.)

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

(B) For redevelopment, by design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, as compared to the pre-development conditions, at a minimum, for the 2-year, 24-hour design storm. Stricter standards may be applied if the area has a history of flooding issues or it is considered a safety issue for the public.

(3) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(4) Protective Areas.

(A) “Protective areas” are defined and managed in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(5) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to meet the most current standards identified in NR 151, Wis. Admin. Code.

(d) General Consideration for On-Site and Off-Site Storm Water Management Measures. The following considerations shall be observed in managing runoff:

(1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(2) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(3) Except as provided herein, all rainleader downspouts shall be placed so that drainage is to pervious surfaces. The owner is responsible for arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness to walls, ceilings, or floors in any portion of the building or in and adjacent building, structure, or property. Downspout placement shall be allowed so long as no conflicts exist with this section or any other applicable municipal codes.

(e) Location and Regional Treatment Option.

(1) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(3) Except as allowed under par. (iv), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

(4) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

(A) The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Chapter 30 of the Wisconsin Statutes, or the BMP did not require a Chapter 30, Wisconsin Statutes, permit; and

(B) The BMP is designed to provide runoff treatment from future upland development.

(5) Runoff from existing development shall meet the post-construction performance standards in accordance with this paragraph.

(A) To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

(B) Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Chapter NR 103 of the Wisconsin Administrative and Chapter 30 of the Wisconsin Statutes.

(6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(7) The storm water management administrator may approve off-site management measures provided that all of the following conditions are met:

(A) The storm water management administrator determines that the post-construction runoff is covered by a storm water management system plan that is approved by the city and that contains management requirements consistent with the purpose and intent of this ordinance. A storm water management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(B) The off-site facility meets all of the following conditions:

(i) The facility is in place.

(ii) The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

(iii) The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(8) Where a regional treatment option exists such that the storm water management administrator exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the storm water management administrator. In determining the fee for post-construction runoff, the storm water management administrator shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(f) Alternate Requirements. The storm water management administrator may establish storm water management requirements more stringent than those set forth in this section if the storm water management administrator determines that an added level of protection is needed to protect sensitive resources.

Section 15.56.080 Permitting Requirement, Procedures and Fees.

(a) Permit Required. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the storm water management administrator prior to commencing the proposed activity.

(b) Permit Application and Fee. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the storm water management administrator a permit application made on a form provided by the storm water management administrator for that purpose.

(1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee, which is a sum of money paid to the city of Wausau by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(2) The storm water management plan shall be prepared to meet the requirements of 15.56.070 and 15.56.090, the maintenance agreement shall be prepared to meet the requirements of Section 15.56.110, the financial guarantee shall meet the requirements of Section 15.56.110, and fees shall be those established by the common council as set forth in Section 15.56.120.

(c) Review and Approval of Permit Application. The storm water management administrator shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(1) Within 30 calendar days of the receipt of a complete permit application, including all items as required by sub. (2), the storm water management administrator shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(2) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the storm water management administrator shall issue the permit.

(3) If the storm water permit application, plan or maintenance agreement is disapproved, the storm water management administrator shall detail in writing the reasons for disapproval.

(4) The storm water management administrator may request additional information from the applicant. If additional information is submitted, the storm water management administrator shall have 30 calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(d) Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The storm water management administrator may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the storm water management administrator to suspend or revoke this permit may be appealed in accordance with Section 15.56.140.

(1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations. Copies of all applicable state, federal and local permits shall be submitted to storm water management administrator.

(2) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

(3) The responsible party shall notify the storm water management administrator at least seven business days before commencing any work in conjunction with the storm water management plan, and within seven business days upon completion of the storm water management practices. If required as a special condition under sub. (e), the responsible party shall make additional notification according to a schedule set forth by the storm water management administrator so that practice installations can be inspected during construction.

(4) Practice installations required as part of this ordinance shall be surveyed by a registered land surveyor or professional engineer and certified "as built" by a licensed professional engineer or hydrologist. Completed storm water management practices must pass a final inspection by the storm water management administrator or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The storm water management administrator or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(5) The responsible party shall notify the storm water management administrator of any significant modifications it intends to make to an approved storm water management plan. The storm water management administrator may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

(6) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the city, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(7) The responsible party authorizes the storm water management administrator to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15.56.110.

(8) If so directed by the storm water management administrator the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

(9) The responsible party shall permit property access to the storm water management administrator or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

(10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the storm water management administrator will require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(11) The responsible party is subject to the enforcement actions and penalties detailed in Section 15.56.130, if the responsible party fails to comply with the terms of this permit.

(e) Permit Conditions. Permits issued under this subsection may include conditions established by storm water management administrator in addition to the requirements needed to meet the performance standards in Section 15.56.070 or a financial guarantee as provided for in Section 15.56.110.

(f) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the storm water management administrator notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (d)(4).

Section 15.56.090 Storm Water Management Plan.

(a) Plan Requirements. The storm water management plan required under Section 15.56.080(2) shall contain at a minimum the following information:

(1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(3) Pre-development site conditions, including:

(A) One or more site maps at a scale of not less than 1 inch equals 40 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, Wisconsin Department of Natural Resources and Army Corps of Engineers certified wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Section NR 811.16 of the Wisconsin Administrative Code.

(B) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall

be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(4) Post-development site conditions, including:

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

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

(C) One or more site maps at a scale of not less than 1 inch equals 40 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(D) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(E) Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(5) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 15.56.070.

(6) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(7) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(8) Other information requested in writing by the storm water management administrator to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(9) All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer or hydrologist licensed in the State of Wisconsin to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(b) Alternate Requirements. The storm water management administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 15.56.070 (e).

Section 15.56.100 Maintenance Agreement.

(a) Maintenance Agreement Required. The maintenance agreement required under Section 15.56.080(b) for storm water management practices shall be an agreement between the city and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be recorded with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(b) Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15.56.090(a)(6):

(1) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(2) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Section 15.56.080(b).

(3) Identification of the party(s) responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Section 15.56.080(b).

(4) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (2).

(5) Authorization for the city to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(6) A requirement on the storm water management administrator to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.

(7) Agreement that the party designated under par. (3), as responsible for long term maintenance of the storm water management practices, shall be notified by the Storm water management administrator of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the storm water management administrator.

(8) Authorization of the storm water management administrator to perform the corrected actions identified in the inspection report if the responsible party designated under par. (3) does not make the required corrections in the specified time period. The storm water management administrator shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of Chapter 66, Wis. Stats.

Section 15.56.110 Financial Guarantee.

(a) Establishment of the Guarantee. The storm water management administrator may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the storm water management administrator. The financial guarantee shall be in an amount determined by the storm water management administrator to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the storm water management administrator the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the storm water management administrator that the requirements of this ordinance have not been met.

(b) Conditions for Release. Conditions for the release of the financial guarantee are as follows:

(1) The storm water management administrator shall release the portion of the financial guarantee established under this section, less any costs incurred by the storm water management administrator to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The storm water management administrator may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(2) The storm water management administrator shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the storm water management administrator at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Section 15.56.120 Fee Schedule. The fees referred to in other sections of this ordinance shall be established by the common council and may from time to time be modified by resolution. A schedule of the fees established by the common council shall be available for review in city hall, engineering department.

Section 15.56.130 Enforcement.

(a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The storm water management administrator shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(c) Upon receipt of written notification from the storm water management administrator under sub. (b), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the storm water management administrator in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the storm water management administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the storm water management administrator plus interest and legal costs shall be billed to the responsible party.

(e) The storm water management administrator is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.

(f) The storm water management administrator may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the storm water management administrator or by a court with jurisdiction.

(h) The storm water management administrator is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the city attorney for the commencement of further legal proceedings in any court with jurisdiction.

(i) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than fifty dollars or more than five hundred dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(j) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the storm water management administrator determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the storm water management administrator or a party designated by the storm water management administrator may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The storm water management administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted

from any financial security posted pursuant to Section 15.56.110 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Section 15.56.140 Appeals. (a) Board of Appeals. The board of appeals created pursuant to Section 23.82 of the Wausau Municipal Code shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the storm water management administrator in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(b) Who May Appeal. Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the city affected by any decision of the storm water management administrator.

Section 15.56.150 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.