

Chapter 14.22

GRADING, FILLING AND STORMWATER CONTROL

Sections:

14.22.010 Purpose And Intent.

14.22.020 Definitions.

14.22.030 Applicability.

14.22.040 Permit Application, Control Plan And Permit Issuance.

14.22.045 Maintenance Agreement for Stormwater Practice

14.22.050 Enforcement.

14.22.060 Appeals.

14.22.070 Penalties.

14.22.010 Purpose And Intent.

The intent of this Chapter is to require grading, filling and stormwater control practices that will protect developed and undeveloped properties from increased water runoff as a result of land development or land disturbance activities. This Chapter applies to all land disturbing construction activities and land development activities within the Village. (Ord. 2008-11-3 (part); Ord. 2000-21-1 (part)).

14.22.020 Definitions.

A. "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

B. "Best management practice" means a practice or combination of practices to control water runoff.

C. "Commercial land use" means use of land for the retail or wholesale sale of goods or services.

D. "Land development activity" means the construction or demolition of utilities, buildings, roads, parking lots, paved storage areas, and similar facilities.

E. "Land disturbing activity" means any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land use, as defined above, such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications, except where filling will take place, in which case such filling will meet the minimum requirements of this Chapter.

F. "Landowner" means any person holding title to or having an interest in land.

G. "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

H. "Runoff" means the rainfall, snow melt, or irrigation water flowing over the ground surface.

I. "Runoff Control Plan" means a written description, including appropriate maps and other pertinent information, which describes the method by which runoff is controlled and allowed to leave the subject site, and which is submitted by the applicant for review and approval by the Village.

J. "Site" means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

K. "Village personnel" or "authorized personnel" means employees of the Village of Twin Lakes authorized by the Village Board to implement provisions of this Section of the Municipal Code.

L. "Waters of the state" means all lakes, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

M. "Working day" means a calendar day, except Saturdays, Sundays, and Village recognized legal holidays. (Ord. 2009-11-3; Ord. 2000-12-1(part)).

14.22.030 Applicability.

This Section applies to the following sites of land development or land disturbing activities, except where a previously approved grading plan exists, as in a subdivision, or when the activity is performed by municipal, county, state or federal government:

A. Those activities involving grading, removal of protective groundcover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of one thousand (1000) square feet or more;

B. Those activities involving excavation or filling or a combination of excavation and filling affecting forty (40) cubic yards or more of dirt, sand or other excavation or fill material;

C. Those activities involving street, highway, road or bridge construction, enlargement, relocation or reconstruction;

D. Those activities involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more;

E. Those involving grading, removal of protective groundcover or vegetation, excavation, demolition, landfilling or other land disturbing activity on slopes of twelve percent (12%) or more.

(Ord. 2008-11-3; Ord. 2000-12-1 (part)).

14.22.040 Permit Application, Control Plan And Permit Issuance.

No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a Runnoff Control Plan for the site and a permit from the Village. At least one (1) landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and Runnoff Control Plan, and pay an application fee to the Village. By submitting an application, the applicant is authorizing the Village to enter the site to obtain information required for the review of the Runnoff Control Plan.

A. Content of the Runnoff Control Plan for Land Disturbing and Land Development Activities Covering More Than One (1) Acre.

1. Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and an immediately adjacent area extending a minimum of one hundred (100) feet in each direction including:

a. Site boundaries and adjacent lands which accurately identify the site location;

b. Lakes, streams, wetlands, channels, ditches, and other watercourses on the site or within one thousand (1000) feet;

c. One hundred (100) year floodplains, flood fringes and floodways;

d. Location of the predominant soil types;

e. Vegetative cover;

f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site and the size, slope and land cover of upslope drainage areas, peak discharge, velocities, direction, and destination of flows;

g. Locations and dimensions of utilities, structures, roads, highways and paving;

h. Site topography at a contour interval of two (2) feet, if available, but not to exceed five (5) feet;

i. Primary and/or secondary environment corridors or other areas of significance; and

j. Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

2. Plan of Final Site Conditions. A plan of Final Site Conditions on the same scale as the existing site map, containing the same information as the existing site map, and showing the site changes. When the plan calls for filling of an area, information must be provided as to the quantity, type, and origin of the fill material.

3. Land disturbing activities affecting a surface area of one (1) acre, or a surface area of less than one (1) acre if part of a larger common plan of development or sale under the jurisdiction of the permittee, shall meet the performance standards of sections NR 151.12, 151.22, and 216.47 of the Wisconsin Administrative Code as they may be amended from time to time.

4. Design criteria, standards and specifications shall be equivalent to the Department of Natural Resources “Post Construction Storm Water Management Technical Standards” (Technical Standards) and “Wisconsin Storm Water Manual” (Storm Water Manual). If any conflict exists between the design criteria, standards, or specifications of the Technical Standards and the Storm Water Manual, the Technical Standards shall take precedence over the Storm Water Manual. (Ord. 2008-11-3)

B. Content of Runoff Control Plan Statement for Land Disturbing and Land Development Activities Covering Up to One (1) Acre. An Runoff Control Plan statement (with simple map) shall be submitted to briefly describe:

1. Property boundaries and area to be disturbed;
2. Topography of property before and after development;
3. Existing and proposed buildings and other improvements;
4. Size of upslope drainage areas;
5. Information as to the quantity, type, and origin of the fill material.
6. Development schedule;
7. When the plan calls for filling of an area, information must be provided as to the quantity, type, and origin of the fill material;

8. Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

C. Review of Plans. Within thirty (30) days of receipt of the application, Runoff Control Plan (or Runoff Control Plan statement) and fee, the Village shall review the application and control plan to determine if the requirements of this Chapter are met. The Village may request comments from other departments or agencies. If the requirements of this Chapter are met, the Village shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Village shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Village shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Village shall inform the applicant in writing of the reasons for the disapproval. Runoff Control Plans for sites under one (1) acre will usually be reviewed by the Building Inspector. However, at the discretion of the Building Inspector, a plan may be referred to the Village Engineer for review. All plans for sites one (1) acre or over will be referred to the Village Engineer for review. When a plan is referred to the Village Engineer, the applicant shall pay all review costs and shall deposit with the Village an initial sum of one thousand (\$1,000.00) dollars to cover these costs.

D. Permits.

1. Duration. Permits shall be valid for a period of one hundred eighty (180) days from the date of issuance. The Village, at the time of reapplication, may require additional control measures as a condition of approval if they are necessary to meet the requirements of this Chapter.

2. Surety Bonds. As a condition of approval and issuance of the permit, the Village may require the applicant to deposit a surety bond or irrevocable Letter of Credit to guarantee a good faith execution of the approved Runoff Control Plan and any permit conditions, in an amount equal to one hundred fifteen percent (115%) of the amount necessary to implement the approved Runoff Control Plan. Further, the Village may require a road bond in the amount of one thousand five hundred dollars (\$1,500.00) to ensure repair of roads which may be damaged as a result of the proposed work.

3. Permit Conditions. All permits shall require the permittee to:

- a. Notify the Village within forty-eight (48) hours of commencing any land disturbing or land developing activity;
- b. Obtain permission in writing from the Village prior to modifying the Runoff Control Plan;
- c. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Runoff Control Plan;
- d. Repair any damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities;

e. Allow the Village to enter the site for the purpose of inspecting compliance with the Runoff Control Plan or for performing any work necessary to bring the site into compliance with Runoff Control Plan.

E. Fees. Fees referred to in this Chapter shall be established by the Village Board in a fee schedule and may from time to time be modified by Village Board Resolution. Fees shall be related to costs involved in handling permit applications, reviewing Runoff Control Plans, conducting site inspections, and administering the runoff control program. (Ord. 2008-11-3; Ord. 2000-12-1 (part)).

14.22.045 Maintenance Agreement for Stormwater Practice

Permittees under this Chapter shall develop and submit to the Village for its approval a long term maintenance plan for all permitted stormwater control measures, practices, structures or facilities under their control. Such plan shall include, at minimum, a clear program of inspection and maintenance as required for each individual measure, practice, structure or facility. Such program of inspection shall not include any inspections which may be performed by the Village. Permittees shall enter into an agreement with the Village through which the permittee, and his successors and assigns, agrees to implement the long term maintenance plan and through which the Village may undertake implementation of the aforementioned plan at the expense of the permittee or his successors or assigns in cases of default. (Ord. 2008-11-3).

14.22.050 Enforcement.

A. The Village may post a stop-work order if:

1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;

2. The Runoff Control Plan is not being implemented in a good faith manner; or

3. The conditions of the permit are not being met.

B. If the permittee does not cease the activity or comply with the Runoff Control Plan or permit conditions within twenty-four (24) hours, the Village may revoke the permit.

C. If the landowner or land user where no permit has been issued does not cease the activity within twenty-four (24) hours, the Village may request the Village Attorney to obtain a cease and desist order.

D. Five (5) business days after posting a stop-work order, the Village may issue a Notice of Intent to the permittee or landowner or land user of the Village's intent to perform work necessary to comply with this Chapter. The Village may go on the land and commence the work forty-eight (48) hours from issuing the Notice of Intent. The costs of the work performed under the supervision of the Village plus interest at the rate authorized by the Village shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk/Treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Section 66.60(16), Wisconsin Statutes.

E. In the event of emergency conditions, as deemed by the Village, whatever measures are necessary to bring the site into compliance shall be taken and all costs involved shall be paid by the permittee.

F. The Village may act to implement the provisions of a Long Term Maintenance Agreement created in compliance with this Chapter with the full cost of such actions to be borne by the permittee or his successors or assigns.

G. Compliance with the provisions of this Chapter may also be enforced by injunction, citation, abatement of nuisances or other appropriate and available remedy.

(Ord. 2008-11-3 (part); Ord. 2000-12-1(part)).

14.22.060 Appeals.

A. The Village Board:

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village in administering this Chapter;

2. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the Chapter will result in unnecessary hardship; and

3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who May Appeal. Appeals to the Village Board may be taken by any aggrieved person or by any Officer, department, board or bureau of the Village affected by any decision of the Village within twenty (20) days of such decision. (Ord. 2008-11-3; Ord. 2000-12-1(part)).

14.22.070 Penalties.

Any person violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense. (Ord. 2008-11-3; Ord. 2000-12-1(part)).