PUBLIC NOTICE

AGENDA FOR REGULAR MEETING #1938
Tuesday, March 15, 2016 at 7:00 PM
Village Hall Board Room, 12621 W. Hampton Avenue

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Village Board will be held on the 15th day of March, 2016 at 7:00 PM at the Village Hall Board Room, 12621 W. Hampton Avenue, Butler, Wisconsin, at which time and place the following items of business will be considered and possibly acted upon:

I. Pledge of Allegiance

II. Roll Call

III. Persons Desiring to be Heard

IV. Consent Agenda:
Note: Prior to voting on the Consent Agenda, items may be removed at the request of any Trustee and be placed on the agenda under New Business.

1) March 1, 2016 Regular Meeting Minutes
2) Current Invoices
3) February Statement of Revenues and Expenditures
4) Bartender's Licenses – Temporary - Ralph W. Culver, St. Agnes Smelt Fry
5) Application for License to Sell Soda Water Beverages for Sno Birds Snowmobile Club on April 15, 2016
6) Application for Temporary Class "B"/"Class B" Retailer's License for Sno Birds Snowmobile Club on April 15, 2016 for Smelt Fry
7) Street Use Permit for Milwaukee Harley/Chaz Hastings for a Car Show Fundraiser and Family Activities on September 11, 2016
8) February Department Reports
9) MS4 Annual Storm Water Report

V. Communications

VI. Committee Reports
1) Public Safety Committee
2) Finance Committee
3) Library Board

VII. Report of the Administrator

VIII. New Business
(A) Public Hearing on Request for a Conditional Use Permit for Heather Siegel, d.b.a.American Fireworks and Novelties L.L.C., 1330 Edwards Street, Brookfield, WI 53005 to provide retail sale of Firework Novelties according to local and state laws from Canopy Tent for Less than 30 days at 12850 W. Silver Spring Drive, pursuant to Title 7, Chapter 6, Section 7-6-1 SubSection (f) of the Village of Butler Code of Ordinances. The property is Zoned M-3, Heavy Industrial District.

(B) Discussion and Possible Action to approve a Conditional Use Permit for Heather Siegel, d.b.a.American Fireworks and Novelties L.L.C., 1330 Edwards Street, Brookfield, WI 53005 to provide retail sale of Firework Novelties according to local and state laws from Canopy Tent for Less than 30 days at 12850 W. Silver Spring Drive, pursuant to Title 7, Chapter 6, Section 7-6-1 SubSection (f) of the Village of Butler Code of Ordinances. The property is Zoned M-3, Heavy Industrial District.

(C) Discussion on Section 13-1-125 (e) and (f) of the Municipal Code regarding dumpster enclosures.

(D) Swearing-in Ceremony for Police Officer Victor Herpin.

IX. Adjournment

Dated: March 11, 2016

VILLAGE OF BUTLER

Patricia Tiarks, President

Kayla Chadwick, Administrator/ Clerk

Notice: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.

Please note that, upon reasonable notice, good faith efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administrator /Clerk at 262-783-2525 at least 24 hours in advance of the meeting.

To: President Tiarks
Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: March 11, 2016
Re: March 15th Supplemental Agenda

VILLAGE OF BUTLER

VIII. New Business

(a) Public Hearing on Request for a Conditional Use Permit for Heather Siegel, d.b.a.American Fireworks and Novelties L.L.C., 1330 Edwards Street, Brookfield, WI 53005 to provide retail sale of Firework Novelties according to local and state laws from Canopy Tent for Less than 30 days at 12850 W. Silver Spring Drive, pursuant to Title 7, Chapter 6, Section 7-6-1 SubSection (f) of the Village of Butler Code of Ordinances. The property is Zoned M-3, Heavy Industrial District.

Public hearing for any public comments.

(b) Discussion and Possible Action to approve a Conditional Use Permit for Heather Siegel, d.b.a.American Fireworks and Novelties L.L.C., 1330 Edwards Street, Brookfield, WI 53005 to provide retail sale of Firework Novelties according to local and state laws from Canopy Tent for Less than 30 days at 12850 W. Silver Spring Drive, pursuant to Title 7, Chapter 6, Section 7-6-1 SubSection (f) of the Village of Butler Code of Ordinances. The property is Zoned M-3, Heavy Industrial District.

This is the same request as the past few years.

Provided the Plan Commission recommends approval, Staff recommends approval.

(c) Discussion on Section 13-1-125 (e) and (f) of the Municipal Code regarding dumpster enclosures.

I will lead a discussion on some proposals regarding this section of the ordinance.

(d) Swearing-in Ceremony for Police Officer Victor Herpin

Chief Wentlandt will conduct a swearing-in ceremony for our new Police Officer, Victor Herpin. We will have refreshments and snacks afterward.

Minutes not formally approved until Regular Board Meeting on March 15, 2016.

Village President Patricia Tiarks called the Board Meeting to order at 7:00 PM at the Village Hall Board Room.

ROLL CALL
Present: Village President Patricia Tiarks, Michael Thew, Paul Kasdorf, Marc Van Gompel, Jodi Kessel Szpiszar and Dave Hesselgrave

Excused: William Benjamin

Also present: Administrator Kayla Chadwick and Police Chief Wentlandt

PERSONS DESIRING TO BE HEARD:
None

CONSENT AGENDA:
1. Approval of Village Board minutes – February 2, 2016
2. Current Invoices - $2,041,197.94
3. January Statement of Revenues and Expenditures
4. Bartender's Licenses – None
5. Monthly Department Reports

Motion by Szpiszar; second by Kasdorf to approve Consent Agenda. Motion carried unanimously.

COMMUNICATIONS: None

COMMITTEE REPORTS

Building Board
Trustee Hesselgrave reported there were 2 building permits which were approved:

Building Permit:
1. Sign at 4712 N. 125 Street
2. Storage lot with fence, awnings and overhead door at 4712 N. 125 Street

Finance Committee
Trustee Thew reported the current invoices were $2,041,197.94 and approved.

Library Board
Trustee Szpiszar reported on finances being approved; 4 new computers were ordered and discussed electronic sign proposal.

Park and Recreation Commission
The Park and Recreation Commission minutes were submitted for the record.

REPORT OF THE ADMINISTRATOR - Administrator Chadwick reported on a great Bingo fundraiser which was held last week which raised $552.00; reported on snow events and gave an update on road construction.

NEW BUSINESS

(A) Motion by Kasdorf; second by Szpiszar to approve a contract with A-1 Fence Co, Inc for Security Fencing at the Public Works Facility with money to be used from fund balance in the Capital Fund. Motion carried unanimously.

(B) Motion by Kasdorf; second by Van Gompel to approve the purchase of a Utility Trailer for the Department of Public Works not to exceed $2,000 with money to be used from fund balance in the Capital Fund. Motion carried unanimously.

ADJOURNMENT

Motion by Szpiszar; second by Van Gompel to adjourn. Motion carried unanimously. The meeting was adjourned at 7:07 PM.

Submitted by:
Kayla Chadwick, Village Administrator/Clerk

Approval Date: _____

Correction/Amendment:

Village of Butler
12621 West Hampton Avenue
Butler, WI 53007
(262) 783-2525

3-7, 2016

APPLICATION FOR LICENSE TO SELL SODA WATER BEVERAGES

To the Board of the Village of Butler, Wisconsin:

I hereby apply for a license to sell Soda Water Beverages at the premises described below,

in the Village of Butler, from date hereof until June 30, 2016, (unless sooner revoked) or on 4-15, 2016 to be consumed on or off the premises, subject to the limitations imposed by Section 66.053(2) of the Wisconsin Statutes and acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted to me.

0-7-16 11:05a
$15.00
Transaction 15420
SODA LICENSE $5.00
PICNIC LICENSE $10.00

Please answer the following questions fully and completely:

Name of Applicant Bonnie Pollich
(print name)

Organization/Business Name Sno Birds Snowmobile Club

Address of Applicant N84 W15120 Menomonee Ave MF 53051

Location where business is to be conducted 12801 W Fairmount

FEE: $5.00
(Make check Payable to: Village of Butler)

Bonnie J Pollich
Signature of Applicant

License No. Issued: _____

Date Approved: _____

Forms:SodaAppli

APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE $ 10.00 Application Date: 3-7-2016

☐ Town ☑ Village ☐ City of BUTLER County of WAUKESHA

The named organization applies for: *(check appropriate box(es).)*

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☐ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 4-15-16 and ending 4-15-16 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION *(check appropriate box)* ☒ Bona fide Club ☐ Church ☐ Lodge/Society ☐ Veteran's Organization ☐ Fair Association
   (a) Name Sno Birds Snowmobile Club
   (b) Address N84W15120 Menomonee Ave Menomonee Falls WI 53051
   (Street) ☐ Town ☒ Village ☐ City
   (c) Date organized 1967
   (d) If corporation, give date of incorporation 1968
   (e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☐
   (f) Names and addresses of all officers:
   President Pat Standlee 9929 W Burleigh Wauwatosa WI
   Vice President Steve Schwartz 2185 N 65 St Wauwatosa
   Secretary DeAnn Standlee 9929 W Burleigh Wauwatosa
   Treasurer Kim Quicker 1790 Field Cliff Dr Richfield
   (g) Name and address of manager or person in charge of affair: Bonnie Pallich
   N84W15120 Menomonee Ave Menomonee Falls 53051

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD:
   (a) Street number 12801 W Fairmount Ave
   (b) Lot _____ Block _____
   (c) Do premises occupy all or part of building? part
   (d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Lower Level

3/7/16 11:35a
$15.00
Transaction 15420
SODA LICENSE $5.00
PICNIC LICENSE $10.00

3. NAME OF EVENT
   (a) List name of the event Smelt Fry
   (b) Dates of event 4-15-16

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Sno Birds Snowmobile Club
(Name of Organization)

Officer _____ *(Signature/date)*

Officer Bonnie J Pallich *(Signature/date)*

Officer _____ *(Signature/date)*

Officer _____ *(Signature/date)*

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

AT-315 (R. 5-11)

Wisconsin Department of Revenue

TODD
847-778
0653

STREET USE PERMIT
(Block Parties, Organizational Events)

Municipal Code Reference: **Section 7-7-1** **Fee: $ 25.00**

Applicant Information: Bottoms Up / Milwaukee Harley / Chaz Hastings
Business / Organization / Individual

12504 W. Hampton
Address

Todd Hall
Contact Person

847-778-0653
Telephone

2-19-16 8:53a
$25.00
Transaction 15224
OTHER PERMITS $25.00

Event date: 9/11/2016

Time of Event: From TBD 11Am to 5pm TBD

Proposed Street to be Used: Hampton
Street Name(s)

Approximate number of persons using the proposed street area: 500 - 1000

Describe in detail the proposed use: Car Show, Fundraiser w/ Games, music and family activities

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FOR VILLAGE USE ONLY

Certificate of Comprehensive General Liability Insurance Required: ____Yes ____No

Performance Bond Required: _____ Yes _____ No

Special Conditions: _____

_____

Village Board Approval: Signature _____ Date _____

Kayla Chadwick

From: Todd Hall <toddhall00@gmail.com>
Sent: Thursday, March 10, 2016 11:15 AM
To: Kayla Chadwick
Subject: Streets to close

Please close the following for our street permit. Hampton Ave from 124th to 127th, 126thfrom North Alley to South Alley, 125th from North Alley to Courtland, Derbey Ave from East Alley to 126th.

Sent from my iPhone

To: President Tiarks
Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: March 10, 2016
Re: February Administration/Finance Report

VILLAGE OF BUTLER

Administrator

- Attended 11 meetings on behalf of the Village.
- Prepared for 1 Village Board Meeting.
- Began Parking Meter Study with UWM grad student.
- Attended the Ehlers Municipal Finance Seminar.
- Attended the Wisconsin City Managers Association Winter Conference.
- Volunteered at Playground Committee BINGO fundraiser.
- Continued with Employee Handbook Revisions.
- Assisted Deputy Clerk in Election Administration. .

Clerk

- Administered the Spring Primary Election on February 16, with 202 voters. This was an 18% turnout.
- The Canvass for Late Arriving Absentees was held on February 19. Butler had 1 late arriving absentee ballot.
- Sent out 2016 Softball League information. Worked with teams to register for leagues.
- Prepared and distributed agenda, packets/minutes for all public meetings.

Treasurer

- Completed payroll and accounts payable activities.
- Reconciled bank statements.
- Imported water meter reads, worked with DPW to resolve read issues.
- Prepared for 2015 Audit.
- Assisted auditors in the completion of the 2015 Audit fieldwork.

Building

- Issued 12 Permits
    - 0 Sign
    - 1 HVAC Permit
    - 1 Electrical
    - 2 Plumbing
    - 7 Building
    - 1 Occupancy
    - 0 Plan Review

- Issued permits resulted in $2,122.86 of revenue.

To: President Tiarks
Village Board of Trustees

From: David Wentlandt, Chief of Police
Robin Matiecka, Court Clerk

Date: March 10, 2016

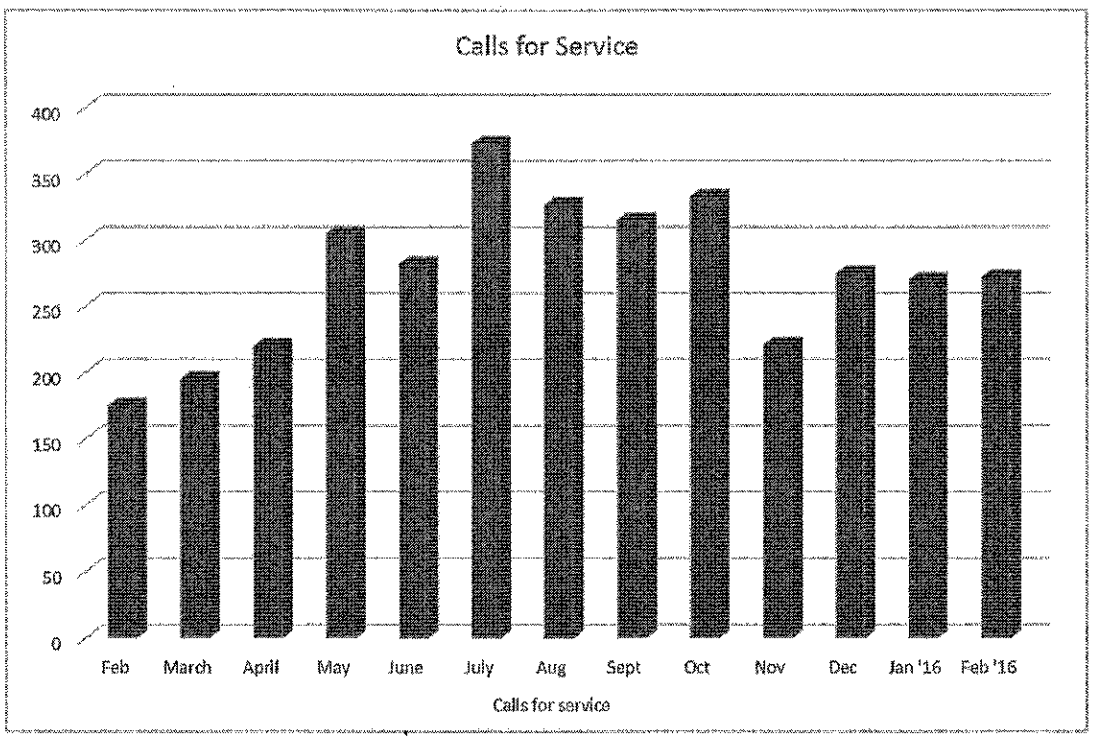
Re: February Police/Court Report

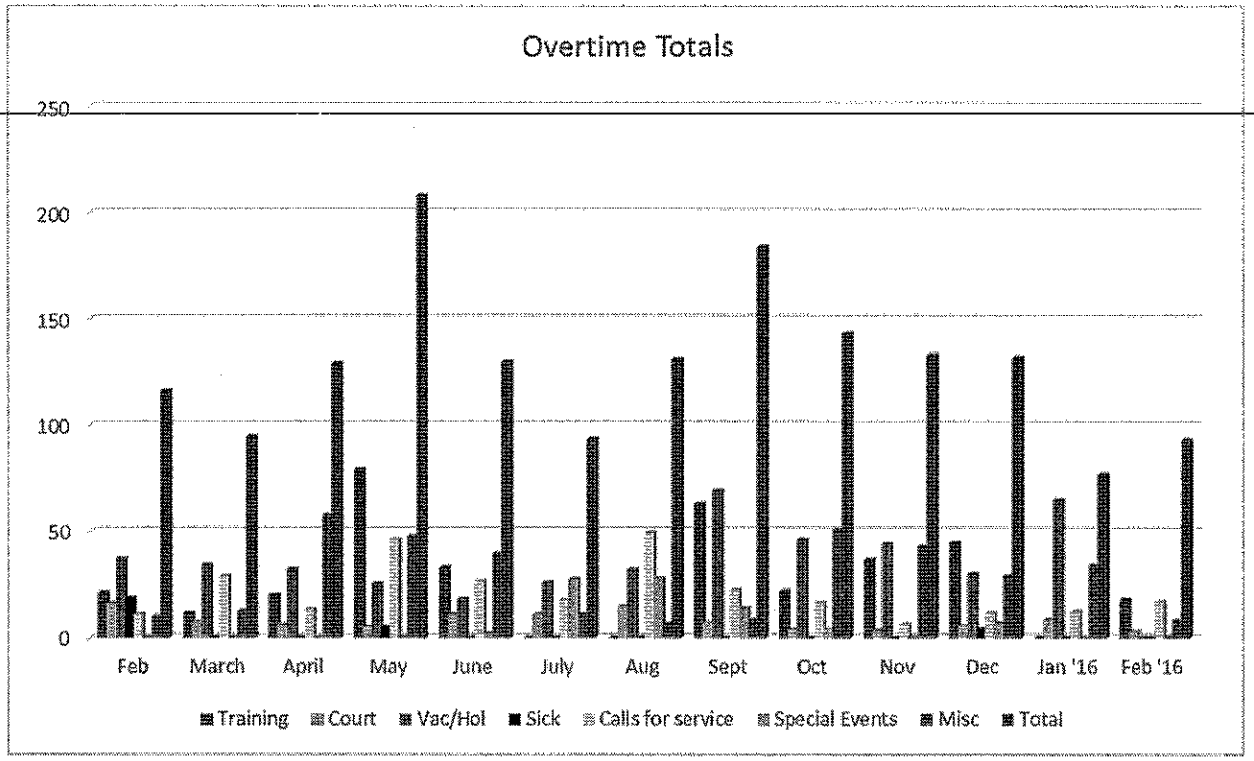
Squad Car Usage

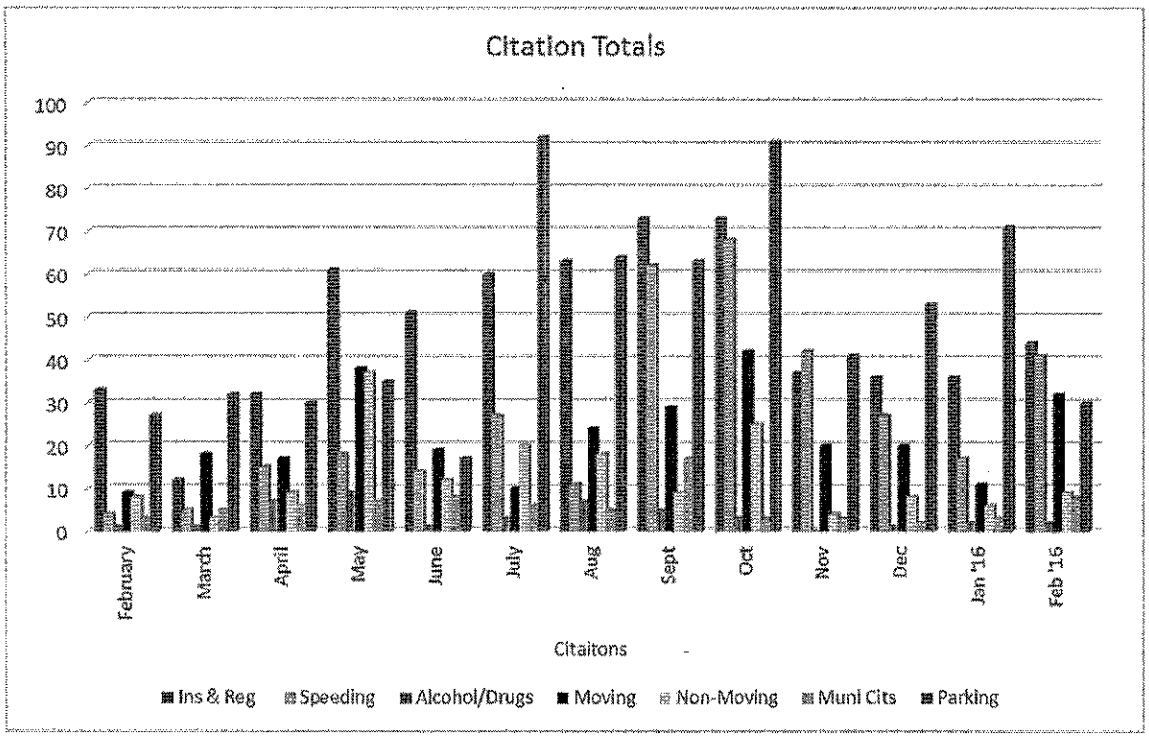
	Miles	Gallons	MPG
2013 Marked Taurus	800	51.132	15.64
2011 Marked Crown Vic	1693	182.68	9.26
2015 Marked Explorer	1293	131.08	9.86

Notes of Interest

- The Police Department completed the hiring process and selected candidate Victor Herpin, who will be starting on March 14.
- Officer Rahn attended the CIT training the week of Feb.
- CSO Kyle Braun resigned and took a full time position with the State Department of Corrections.
- Application process began to replace CSO Braun.
- Officers had a total of 779 citizen contacts throughout the month. This equals 25.96 contacts per day or just over 8.6 contacts per shift.




Overtime Totals
250
200
150
100
50
0
Feb
March
April
May
June
July
Aug
Sept
Oct
Nov
Dec
Jan '16
Feb '16
Training
Court
Vac/Hol
Sick
Calls for service
Special Events
Misc
Total


Citation Totals
100
90
80
70
60
50
40
30
20
10
0
February
March
April
May
June
July
Aug
Sept
Oct
Nov
Dec
Jan '16
Feb '16
Citaitons
Ins & Reg
Speeding
Alcohol/Drugs
Moving
Non-Moving
Muni Cits
Parking

Citations

Insurance, Registration Citations	44
Speeding Citations	41
Alcohol/Drugs Citations	2
Moving Citations	32
Non-Moving Citations	9
Municipal Citations	8
Parking Citations	30
Total Citations Issued:	166

Municipal Court

Docket: February 4, 2016 Total: 199 adult cases /0 juvenile Appearances: 23 Persons

- 26 Adjournment
- 86 Initial appearance
- 83 Indecency hearing
- 2 Motions
- 1 Pre-Trial
- 6 Sentencing hearing
- 0 Trial

Citation List for 2-4-15 court date:

- Total due $9,545
- Total paid $1,956
- Balance due $7,539

Monthly financial total $18,302 **AMOUNT RETAINED BY MUNICIPALITY: $12,561**

- Above includes $5,361 received through the WI State Income Tax Refund Intercept program (TRIP).

Parking ticket payments received in January: $1,510

To: President Tiarks
Village Board of Trustees
From: Jim Bremberger, DPW Supervisor
Date: March 9, 2016
Re: February DPW Report

VILLAGE OF BUTLER

The top February priorities were;

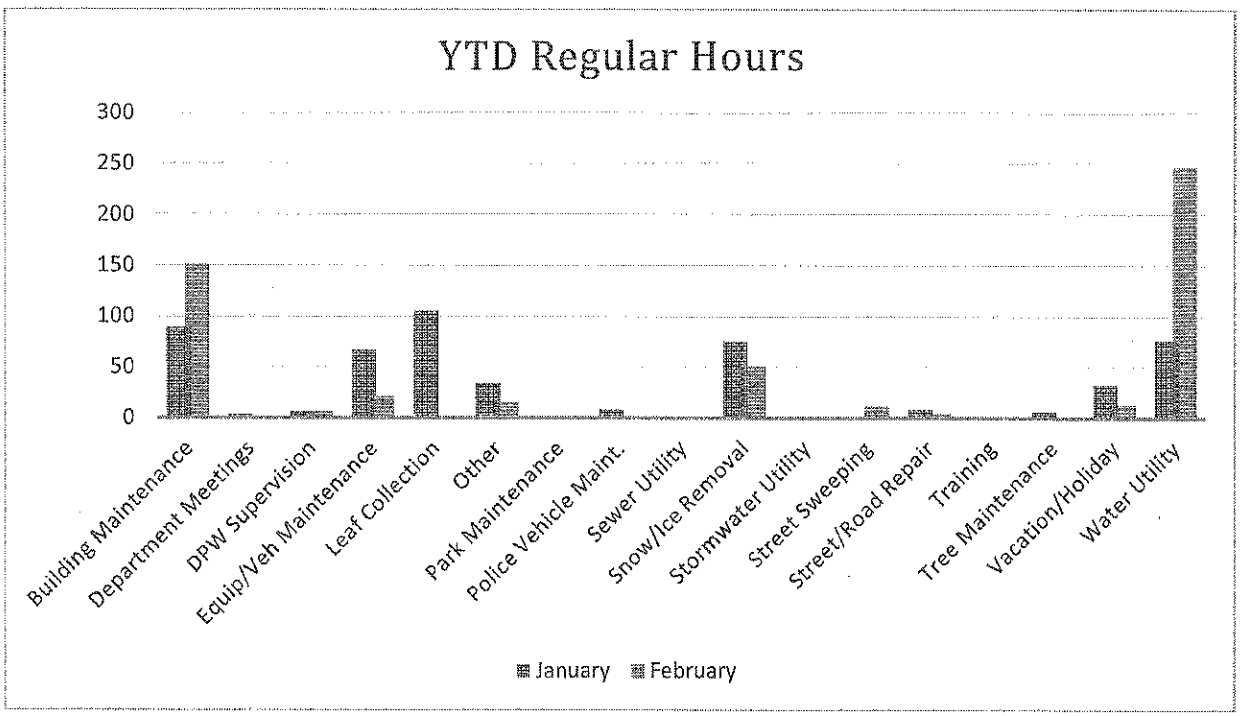
- Repairs and upgrades to DPW facility
- Replacing water meters and installing new end points

February Activity

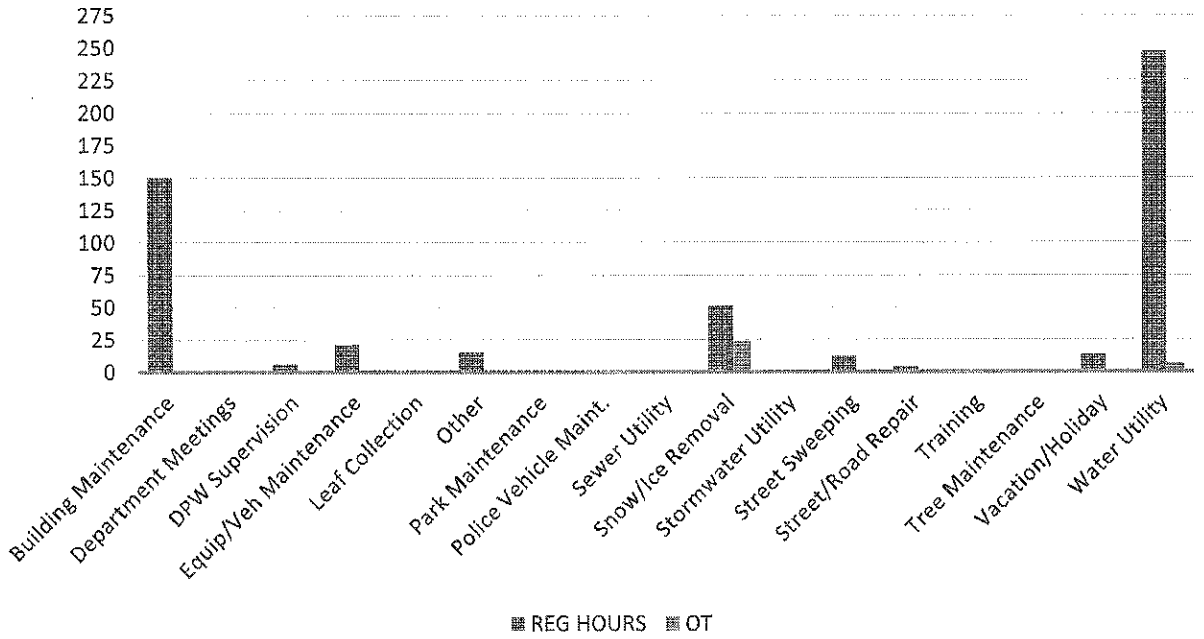
- Installed new light pole on 132nd and Hampton
- Replaced 14 light fixtures at Public Works Facility with energy efficient fixtures
- Painted Public Works Facility interior
- Five snow events, using 104 tons of salt. 112 tons were delivered in February, with 2014 total tons on hand in the salt shed.
- Swept all residential streets.

Utility Activity

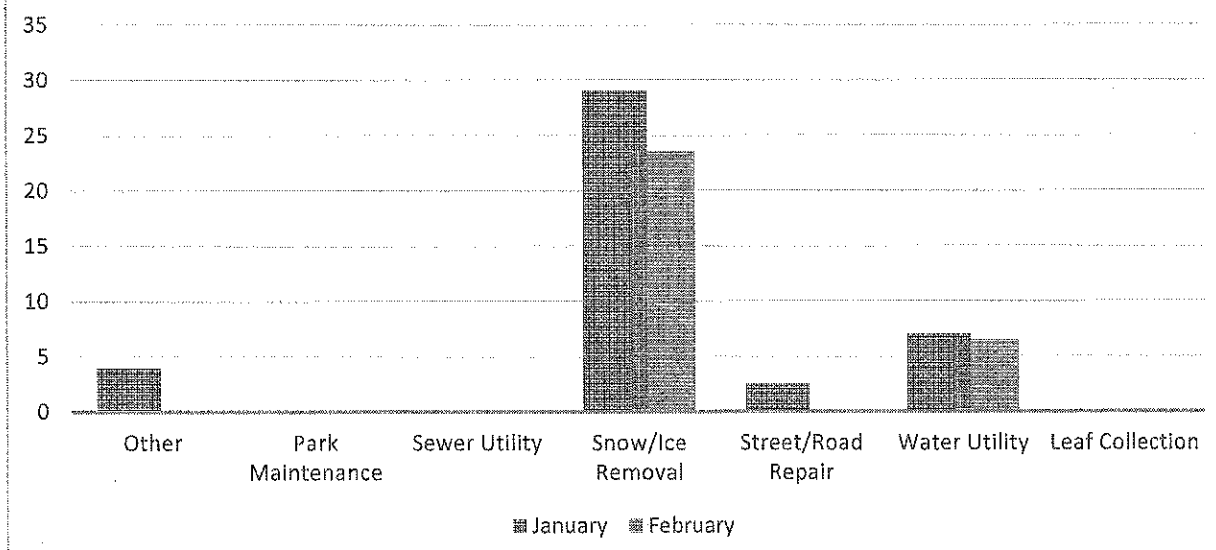
- Completed daily, monthly, and quarterly water samples
- Read water meters
- Repaired two water main breaks on 132nd and Hampton
- Replaced hydrant valve bolts on 132nd and Hampton



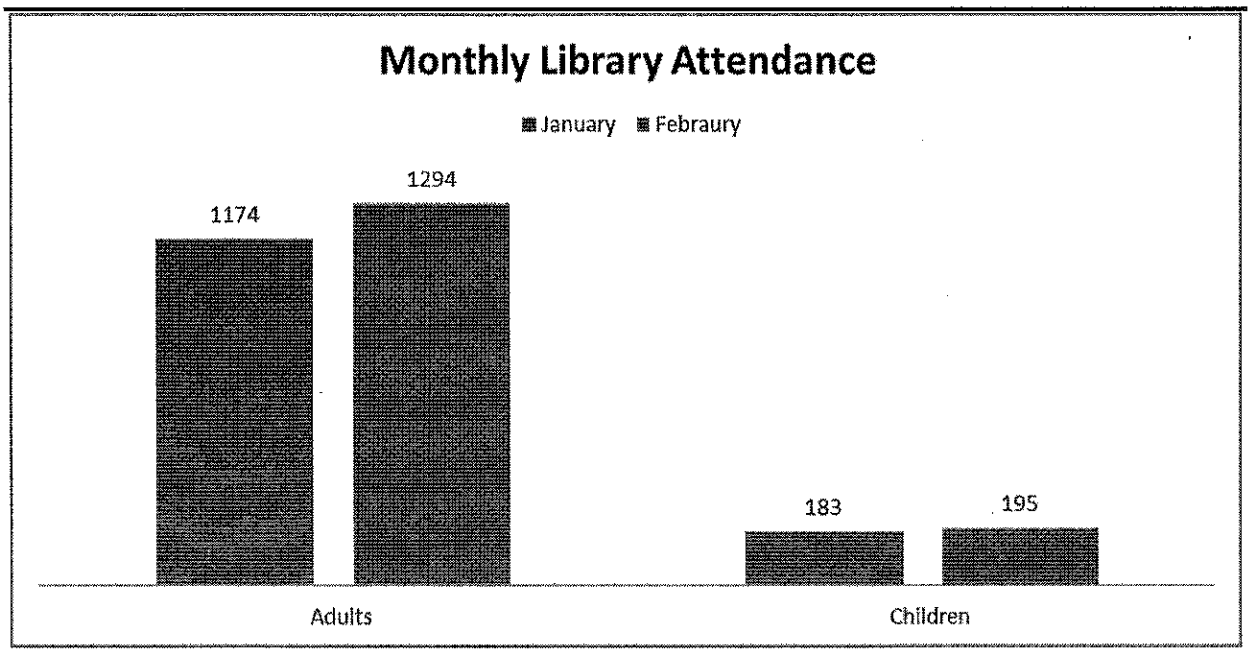
February Public Works Hours



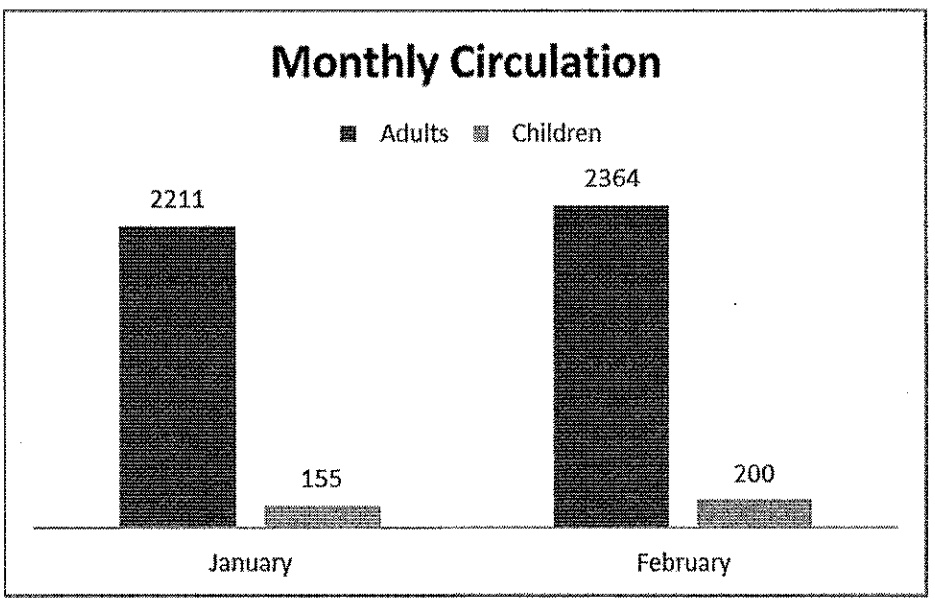
YTD Overtime Hours



To: President Tiarks
Village Board of Trustees
From: Gail Duernberger, Library Director
Date: March 9, 2016
Re: February Library Report



- 357 Reference questions were asked of Library Staff in February.
- 349 uses of Library computers, down from 490 in January.
- The Library Conference Room was for the following programs.
  - Valentines Gala
  - Sewing Club
  - Historical Book Mystery
  - Knitting Club
- 9 new Library cards were issued
- February events included;
  - Adult Coloring Club
  - Congressman Sensenbrenner
  - Dr. Seuss Reading Night



MS4 Annual Report

(Due by March 31, 2016)

Please use this template to assist in compiling information for the annual report. Use of this template is optional. Please refer to the permit language for the information minimally required to be submitted in the reporting year. If you have any questions, please contact Bryan Hartsook at (262) 574-2129 or by email at Bryan.Hartsook@wisconsin.gov . Please submit a signed copy of the annual report and any attachments to my attention at the Waukesha Service Center: **141 NW Barstow St., Rm 180, Waukesha, WI 53188**

** ELECTRONIC SUBMITTALS ARE ACCEPTABLE **

Municipality: **Village of Butler**			Reporting Year: **2015**
Name of Permit Group (if applicable): Menomonee River Watershed-Based MS4 Permit	WPDES Permit No. WI-S065404-1		Facility ID No. (FIN):
Contact Information:			
Name: Kayla Chadwick	Title: Village Administrator / Clerk		
Mailing Address: 12621 W. Hampton Avenue	City: Butler	State: WI	Postal Code 53007-1791
E-mail Address: kchadwick@butlerwi.gov	Telephone No: 262-783-2525		

Section 1. Summarize program activities implemented during the reporting year to maintain compliance with the six minimum control measures identified in the permit. Please include the management practice, individual or department responsible, measurable goals, and activities planned for next year. Amendments to the planned activities and/or changes to measurable goals should also be identified. *Add rows or attach additional sheets as needed*

A.1. PUBLIC INVOLVEMENT, EDUCATION, AND OUTREACH ***(report any individual efforts completed under Part II. A and B of the permit)***

BMP Description:

The Village of Butler has a Stormwater Education link on their website (http://butlerwi.gov/stormwater.htm) that includes a copy to the current WPDES Permit, educational articles, and links to additional stormwater resources from Waukesha County, Wisconsin Department of Natural Resources, and Milwaukee Metropolitan Sewerage District.

The Village of Butler completed a streambank stabilization project on the Menomonee River in Frontier Park.

Responsible Dept./Person:

Village Engineer and Village staff.

Measurable Goal(s):

The Village does not have any specific measurable goals.

Progress Made Towards Achieving Goal(s):

Planned Activities for Next Reporting Year:

The Village will continue to provide information on their website and will look for other opportunities to provide stormwater information to Village residents.

Program Modifications or Changes to Measurable Goal(s):

None at this time.

B. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Screening Strategy (priority areas identified in plan?):

The IDDE Screening protocol developed by the Menomonee River Group and approved by WDNR in 2014 was used to screen the Butler outfalls. The screening showed most of Butler had a medium probability for human illicit discharge, but there were also a number of areas with high probability. All of these areas drain east to N. 124th Street. The Village has a total of 12 outfalls that are all in the medium to high probability range, so the outfalls will continue to be monitored annually. Inspection results and a representative inspection form and outfall photo are provided in Exhibit A.

Number of Outfalls Screened, Parameters Used, Detection Limits:

Twelve (12) outfalls were screened on Septermber 17, 2015. For the outfalls that were sampled, the parameters and "(detection limits)" were: pH level (6.0 - 9.0); Total Chloride (<0.2 mg/L); Total Copper (<0.1 mg/L); Total Phenol (<0.5 mg/L); Detergents (<0.5 mg/L); Ammonia (<0.1 mg/L); and water temperature.

Number of Illicit Discharges / Illegal Connections Detected (identify outfall ID numbers):

Four locations were sampled and no illicit discharges were detected.

Number of Complaints Received and Summarize Result(s) of Follow-Up (include description of sewershed investigation):

There were no illicit discharge complaints in 2015.

Screening Strategy for Next Reporting Year (identify priority areas / basins and outfall ID's):

The 12 outfalls will be screened in 2016.

Storm Sewer Map Updated? (summarize changes identifying basins and outfall ID's):

There have been no changes to the Storm Sewer Map provided with the CY2014 Annual Report.

C. CONSTRUCTION SITE POLLUTANT CONTROL

Target Number of Inspections (measurable goal, can be represented as percentage of permits issued):

There were no projects in the Village of Butler requiring inspection.

Number of Permit Applications Received / Number of Permits Issued:

None

Individual(s) Responsible for Plan Review, Inspection, and Enforcement Procedures:

Village Building Inspector

Number of Inspections Completed:

None

Number of Enforcement Actions and Description:

None

Changes in Inspection and /or Enforcement Strategy and Protocol:

Requirements in the updated ordinance will be followed.

Name and adoption date of updated ordinance (attach copy):

The Construction Site Erosion and Sediment Control ordinance was updated, approved by WDNR and adopted by the Village on December 1, 2015. Ordinance 15-09 is provided in Exhibit B.

D. POST-CONSTRUCTION STORM WATER MANAGEMENT

Number of Storm Water Management Plans Reviewed:

No plans were reviewed in 2015.

Name and adoption date of updated ordinance (attach copy):

The Post-Construction Storm Water Management ordinance was updated, approved by WDNR and adopted by the Village on December 1, 2015. Ordinance 15-08 is provided in Exhibit C.

Number of Redevelopment Sites Reviewed:

None

Are you Documenting TSS Reductions Achieved on Redeveloped Sites? (for later inclusion in MS4 pollutant loading analysis):

Yes

Inspection and/or Scheduled Maintenance of Facilities Where a Long-Term Maintenance Agreement was Recorded:

The Village-owned stormwater pond on the Flexo-graphics property is the only BMP in the Village. The DPW staff regularly inspect the pond and maintenance will be provided as needed.

E. POLLUTION PREVENTION

Estimate quantity of Street Sweepings and Catch Basin Cleanings Collected:

The Village performed high efficiency regenerative air sweeping of all streets and alleys within the Village boundary once every other week from March through November. Catch basin cleaning is done on an as-needed basis. The Village crews collected 125 tons of debris in 2015.

Summarize Findings of Municipal Yard Inspection(s), SWPPP Implemented and Up to Date?:

The Village of Butler Department of Public Works staff inspects the DPW facility and no problems have been detected. The existing SWPPP was prepared Dec. 2008 and will be updated in 2016 to include descriptions fo the Village-owned Storm Water Facility and update other references as needed.

Updates to Yard Waste Collection:

The Village's leaf collection program consists of one pick-up date in the time frame of late September to November. In 2015, approximately 125 tons of leaves an grass were collected and taken to a local farmer to be composted. During the remainder of the year, residents are encouraged to haul their leaves and grass clippings to the Village's DPW site.

Winter Road Maintenance Program (description and estimate quantity of anti-icing or deicing materials used):

The Village of Butler uses road salt on the roadways as necessary to maintain public safety. Village crews used 237 tons of road salt during the winter months of January 1 through December 31, 2015.

Planned Activities for Next Reporting Year:

The Village will continue the described pollution prevention activities and has updated the Village Storm Water Pollution Prevention Plan (March 2016). The updated SWPPP is provided with this annual report.

Program Modifications or Changes:

No modification are anticipated at this time.

F. STORM WATER QUALITY MANAGEMENT

Have there been any changes in implementation, maintenance, mapping or modeling of storm water management practices in the past year? If yes, please complete the remainder of Section F.

Yes	No
	No

Pollutant Loading Analysis:

Date of last model run:	2013	"No Controls" Load (tons/yr):	72.5	"With Controls" Load (tons/yr):	60.3
Model Version Used:	WinSLAMM 10.1	Average Unit Area Load (lbs/acre/yr):	No controls 370	TSS Reduction %	**16.8**

Storm Water Management Plan:

If TSS percent reduction is less than 20%, has a strategy been developed under a municipal-wide storm water management planning effort to acheive compliance?

The Village will continue to look for water quality improvement opportunities in new development and redevelopment to help meet the 20% reduction standard. Another option being considered is to participate in water quality trading with neighboring municipalities once the Menomonee River TMDLs come out.

Projected Timeframe to Achieve 20% TSS Reduction (if applicable):

The timeframe will depend on the TMDL requirements and potential agreements with adjacent municipalities and future development.

BMPs Implemented in Reporting Year:

None

BMP Maintenance Activities in Reporting Year:

The Village-owned stormwater pond on the Flexo-graphics property was inspected in 2015, but no maintenance was required.

F. WATERSHED-BASED PROJECT STATUS

Selection of joint or individual project?

The Village of Butler completed their Menomonee River Watershed Group project on an individual basis in fall 2014.

Name of project

Frontier Park - Menomonee River Bank Stabilization

Project description and timeframe for completion

The project included stabilization of approximately 115 linear feet of Menomonee River stream bank in Frontier Park. The project also provides safe access to the river with the inclusion of limestone steps. The project was completed in fall 2014 with final restoration performed in spring 2015. The project was supported by Sweet Water and Milwaukee Riverkeeper and received a partial funding grant from the Fund for Lake Michigan.

Section II. Identify any known or perceived water quality improvements or degradation in the receiving water to which the MS4 system discharges. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water. Please describe the stream reach or lake effected and the basin / outfall ID contributing to the improvement or degradation.

No improvements or degradation have been identified.

Section III. Fiscal Analysis

Program Element	*Annual Expenditure (2015 budget $s)*	*2016 Budget*	*Source of Funds*
Public Involvement, Education and Outreach	$600	$645	Storm Water Utility
IDDE	$500	$500	Storm Water Utility
Construction Site Pollutant Control	$500	$500	Storm Water Utility
Post-Construction Storm Water Management	$500	$500	Storm Water Utility
Pollution Prevention	$39,500	$36,000	Storm Water Utility
Storm Water Quality Management	$5,000	$6,500	Storm Water Utility
Other	$0	0	Storm Water Utility

Section IV. Certification Statement

I hereby certify that I am an authorized representative of the municipality covered under the MS4 permit for which this anual report is being submitted and that the information contained in this document and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed and apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Printed Name: Title:

Kayla Chadwick Village Administrator / Clerk

Authorized Representative Signature: Date Signed:

VILLAGE OF BUTLER

Exhibit A - ILLICIT DISCHARGE INSPECTION SUMMARY 9/17/2015

Outfall #	Subbasin ID	Subwatershed	Pipe Material	Pipe Size	Sampled?	Illicit Discharge?	Follow-up Work Required
1	C	Menomonee River	RCP	12"	NO	NO	
2	E	Menomonee River	RCP	42"	NO	NO	Clear vegetation from around outfall and clean trash rack
3	O	Menomonee River	RCP	12' x 8' Box	YES	NO	
4	F	Menomonee River	RCP	42"	NO	NO	Repair flow channel
5	Q	Menomonee River	RCP	36"	NO	NO	
6	R	Menomonee River	RCP	48"	YES	NO	
7	T	Menomonee River	RCP	15"	NO	NO	
8	V	Menomonee River	RCP	42"	YES	NO	
9	W	Menomonee River	RCP	48"	NO	NO	
10	U	Menomonee River	RCP	15"	YES	NO	
11	N	Menomonee River	RCP	24"	NO	NO	
12	K	Menomonee River	RCP	21"	NO	NO	

Visual Inspection Form
For Illegal Connection/Illicit Discharge
WPDES Permit No. WI-S050130-1

Outfall ID	6
Date of Last Rainfall	9/10/15 -> .46"
Date Inspection Performed	9/17/15
Name of Inspector	RGH & JWS
Receiving Water	*Menomonee River*
M.H. or Outfall (Circle One)	(M.H.) Outfall
Pipe Size	48"
Pipe Material (Circle One)	(RCP) CMP PVC HDPE Steel DI VCP Other
Color (Circle One)	(Clear) Yellow Gray Orange Brown Green Red Other
Turbidity (Circle One)	(Clear) Slightly Cloudy Cloudy Opaque
Surface Sheen (Circle One)	(None) Oil Gasoline Scum Unknown
Odor (Circle One)	(None) Oil Decaying Vegetation SO_2 Fuel Sewage Methane Unknown
Pipe Active (Circle One)	No (Trickle) Moderate Substantial

IF FLOW IS OBSERVED, WATER SAMPLING MUST BE CONDUCTED TO DETERMINE IF AN ILLICIT DISCHARGE IS PRESENT.

Parameter	Expected Range	Actual Parameter Reading
pH Level*	6.0 – 9.0	8.2
Total Chlorine Level*	< 0.2 mg/L	0.0
Total Copper Level*	< 0.1 mg/L	0.0
Total Phenol Level*	< 0.5 mg/L	0.0
Detergents Level*	< 0.5 mg/L	0.0
Ammonia Level*	< 0.1 mg/L	0.0
Water Temperature	-	66 °F

*Expected ranges represent readings suggested by the March 2012 memo from WDNR titled "Illicit Discharge Detection Elimination"

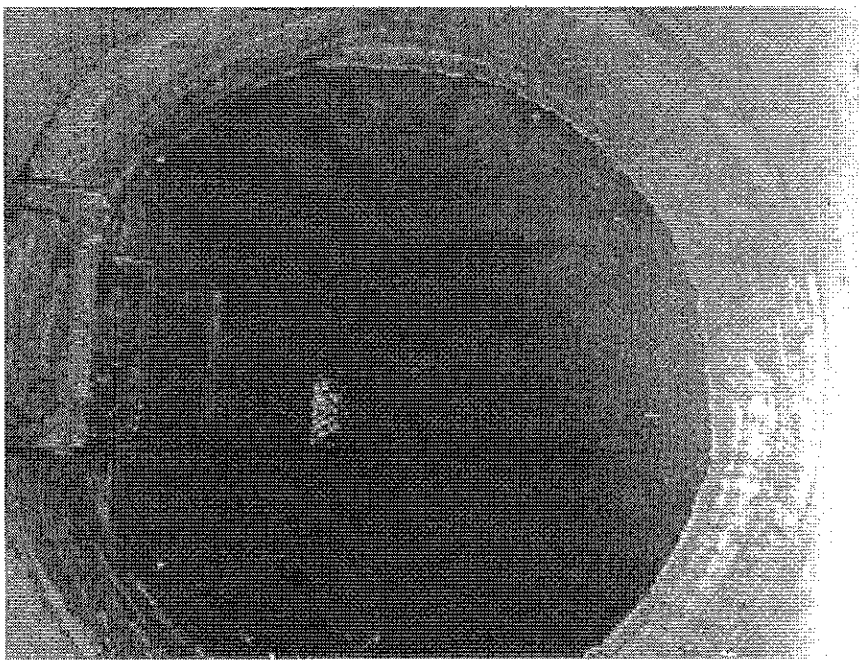
NOTES
Sample taken at Invert of the incoming 48" Sewer

PHOTO INSET

2 photos

2015 IDDE INSPECTIONS

OUTFALL 6 (N)



OUTFALL 6 (W)

STATE OF WISCONSIN VILLAGE OF BUTLER WAUKESHA COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ARTICLE C, SECTIONS 9-4-40 THROUGH 9-4-53 OF THE VILLAGE OF BUTLER CODE OF ORDINANCES AND CREATE ARTICLE C, SECTIONS 9-4-40 THROUGH 9-4-56 OF THE VILLAGE OF BUTLER CODE OF ORDINANCES RELATING TO CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL.

WHEREAS, Chapter 9-4-40 through 9-4-53 was adopted by Ordinance 09-03 of the Village of Butler which codified requirements regulating construction site erosion and sediment control in the Village of Butler; and

WHEREAS, Title15, Chapter 5, Sections 1 through 10 of the Village Code currently contains erosion control provisions which are outdated through the adoption of Ordinance 09-03 and this ordinance, and

WHEREAS, the Wisconsin Department of Natural Resources (WDNR) has adopted updated regulations for construction site erosion and sediment control in subchapters III and IV of chapter NR 151 of the Wis. Adm. Code, and

WHEREAS, the WDNR has provided a model ordinance for communities to review, edit and adopt, that incorporates the requirements of subchapters III and IV of chapter NR 151, Wis. Adm. Code and

WHEREAS, the Village of Butler has edited the model ordinance to incorporate references to the Village of Butler and change the numbering system, and

WHEREAS, the Village Board has determined that the adoption of a revised ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code and will and promote the public health, safety and general welfare of the residents of the Village of Butler,

NOW, THEREFORE, the Village Board of Trustees of the Village of Butler does hereby ordain that Article B, Sections 9-4-40 through 9-4-53 and Title 15, Chapter 5 sections 1 through 10 of the municipal code of ordinances of the Village of Butler is hereby repealed and recreated as Article C, Sections 9-4-40 through 9-4-56 to read as follows:

Article C. CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Sec. 9-4-40 AUTHORITY.

(a) This ordinance is adopted under the authority granted by s. 61.354, for villages Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., 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 same governing body.

(c) The Village Board hereby designates the Village Administrator to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control 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 ss. 281.16 and 283.33, Wis. Stats.

2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 9-4-41 FINDINGS OF FACT.

The Village Board acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in Village of Butler.

Sec. 9-4-42 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; 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 by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Butler.

Sec.9-4-43 APPLICABILITY AND JURISDICTION.

(a) APPLICABILITY.

1) Except as provided under par. 2), this ordinance applies to any construction site as defined under Sec. 9-4-44(f).

2) This ordinance does not apply to the following:

a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

3) Notwithstanding the applicability requirements in par. 1), this ordinance applies to construction sites of any size that, as determined by the Village Administrator, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(b) JURISDICTION.

This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Village of Butler.

(c) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

Sec. 9-4-44 DEFINITIONS.

(a) "Administering authority" means a governmental employee, or his or her designee, that is designated by the Village Board to administer this ordinance.

(b) "Agricultural facilities and practices" has the meaning in s. 281.16 (1), Wis. Stats.

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

(d) "Business day" means a day the office of the Village Administrator is routinely and customarily open for business.

(e) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Administrator.

(f) "Construction site" means an area upon which one or more land disturbing construction activities

occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(g) "Design Storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(h) "Division of land" means the creation from one parcel of 2 or more parcels or building sites of 1.5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.

(i) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(j) "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.

(k) "Extraterritorial" means the unincorporated area within 3 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.

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

(m) "Governing body" means the Village Board of Trustees.

(n) "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.

(o) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(p) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Sec. 9-4-45 of this ordinance.

(q) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(r) "Permit" means a written authorization made by the Village Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of

the state.

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

(t) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.

(u) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(v) "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.

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

() "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

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

() "Stop work order" means an order issued by the Village Administrator which requires that all construction activity on the site be stopped.

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

(bbcc) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

(ccdd) "Village Administrator" means the Village of Butler Village Administrator or his/her designee.

(ddee) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

Sec. 9-4-45 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village Administrator's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as

protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 9-4-46 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

(a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(b) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(c) Technical standards and methods approved by the Village Administrator.

Sec. 9-4-47 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

(a) RESPONSIBLE PARTY. The responsible party shall comply with this section.

(b) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1) The deposition of soil from being tracked onto streets by vehicles.
2) The discharge of sediment from disturbed areas into on-site storm water inlets.
3) The discharge of sediment from disturbed areas into adjacent waters of the state.
4) The discharge of sediment from drainage ways that flow off the site.
5) The discharge of sediment by dewatering activities.
6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. 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 subdivision.

(c) LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

(d) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

2) Erosion and sediment control practices shall be maintained until final stabilization.

3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 9-4-48 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(a) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Sec. 9-4-50.

(b) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with Sec. 9-4-50 of this ordinance and implemented for each construction site.

(c) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (b) shall include the following:

1) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

a. The deposition of soil from being tracked onto streets by vehicles.

b. The discharge of sediment from disturbed areas into on-site storm water inlets.

c. The discharge of sediment from disturbed areas into adjacent waters of the state.

d. The discharge of sediment from drainage ways that flow off the site.

e. The discharge of sediment by dewatering activities.

f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

g. The discharge of sediment from erosive flows at outlets and in downstream channels.

h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. 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 subdivision.

i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

2) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. 1), the following erosion and sediment control practices shall be employed:

a. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

b. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

c. Notwithstanding subd. a., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

3) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all of the following:

a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

b. Minimization of soil compaction and preservation of topsoil.

c. Minimization of land disturbing construction activity on slopes of 20 percent or more.

d. Development of spill prevention and response procedures.

4) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(d) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Sec.9-4-48(b).
2) Erosion and sediment control practices shall be maintained until final stabilization.
3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 9-4-49 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(a) 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 Village Administrator.

(b) PERMIT APPLICATION AND FEES. The responsible party that will 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 Sec. 9-4-50, and shall pay an application fee to the Village Administrator in the amount specified in Sec. 9-4-51. By submitting an application, the applicant is authorizing the Village Administrator to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) PERMIT APPLICATION REVIEW AND APPROVAL. The Village 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:

1) Within 30 business days of the receipt of a complete permit application, as required by sub. (b), the Village Administrator shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
2) If the permit application and erosion and sediment control plan are approved, the Village Administrator shall issue the permit.
3) If the permit application or erosion and sediment control plan is disapproved, the Village Administrator shall state in writing the reasons for disapproval.

4) The Village Administrator may request additional information from the applicant. If additional information is submitted, the Village Administrator shall have 30 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

5) Failure by the Village Administrator to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) SURETY BOND. As a condition of approval and issuance of the permit, the Village 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 and sediment control plan and any permit conditions.

(e) PERMIT REQUIREMENTS. All permits shall require the responsible party to:

1) Notify the Village Administrator within 48 hours of commencing any land disturbing construction activity.

2) Notify the Village Administrator of completion of any BMPs within 14 days after their installation.

3) Obtain permission in writing from the Village Administrator prior to any modification pursuant to Sec. 9-4-50(c) of the erosion and sediment control plan.

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

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

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

7) 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 install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

8) Allow the Village 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 erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(f) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Village Administrator in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in Sec. 9-4-47 or Sec. 9-4-48.

(g) 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 Village Administrator may grant one or more extensions not to exceed 180 days cumulatively. The Village Administrator may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

(h) 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.

Sec. 9-4-50 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(a) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under Sec. 9-4-43 (a) 3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Administrator. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(b) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

1) An erosion and sediment control plan shall be prepared and submitted to the Village Administrator.

2) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 9-4-47, Sec. 9-4-48, and other requirements of this ordinance.

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

a. 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.

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

c. Description of the intended sequence of major land disturbing construction activities for major portions of the construction 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.

d. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.

e. Calculations to show the compliance with the performance standard in Sec. 9-4-48 (c) 2) a.

f. Existing data describing the surface soil as well as subsoils.

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

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

4) 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.

a. 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.

b. Boundaries of the construction site.

c. Drainage patterns and approximate slopes anticipated after major grading activities.

d. Areas of soil disturbance.

e. Location of major structural and non-structural controls identified in the erosion and sediment control plan.

f. Location of areas where stabilization BMPs will be employed.

g. Areas which will be vegetated following land disturbing construction activities.

h. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

i. Areas(s) used for infiltration of post-construction storm water runoff.

j. An alphanumeric or equivalent grid overlying the entire construction site map.

5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

b. 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 Village Administrator, structural measures shall be installed on upland soils.

c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

d. Trapping of sediment in channelized flow.

e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.

f. Protection of downslope drainage inlets where they occur.

g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.

h. Clean up of off-site sediment deposits.

i. Proper disposal of building and waste material.

j. Stabilization of drainage ways.

k. Installation of permanent stabilization practices as soon as possible after final grading.

l. Minimization of dust to the maximum extent practicable.

6) 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.

(c) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occur:

1) 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 erosion and sediment control plan.
2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
3) The Village Administrator notifies the applicant of changes needed in the erosion and sediment control plan.

Sec. 9-4-51 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Village Administrator and may from time to time be modified by resolution adopted by the Board of Trustees. A schedule of the fees established by the Village Administrator shall be available for review in in the Village Hall, 12621 West Hampton Avenue, Butler, WI 53007. The initial fee shall be $200, plus any other fees or costs incurred by the Village in reviewing the permit, including but not limited to outside professional services, etc.

Sec. 9-4-52 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the Village Administrator may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

Sec. 9-4-53 ENFORCEMENT.

(a) The Village Administrator may post a stop work order if any of the following occurs:

1) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
2) The erosion and sediment control plan is not being implemented in good faith.
3) The conditions of the permit are not being met.

(b) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village Administrator may revoke the permit.

(c) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village Administrator, or if a responsible party violates a stop work order posted under sub. (a), the Village Administrator may request the Village attorney to obtain a cease and desist order in any court with jurisdiction.

(d) The Village Administrator may retract the stop work order issued under sub. (a) or the permit revocation under sub. (b).

(e) After posting a stop work order under sub. (a), the Village Administrator may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village Administrator may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Administrator, plus interest at the rate authorized by Village Administrator shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(f) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than $200 nor more than $1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(g) 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 injunctional proceedings.

Sec. 9-4-54 APPEALS.

(a) BOARD OF APPEALS . The board of appeals created pursuant to section 2-4-2 of the Village's ordinance pursuant to s. 61.354 (4)(b) Wis. Stats.:

1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Administrator in administering this ordinance except for cease and desist orders obtained under Sec. 9-4-53 (c).

2) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance 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 board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Butler affected by any decision of the Village Administrator.

Sec. 9-4-55 SEVERABILITY.

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

Sec. 9-4-56 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village Board of Trustees of the Village of Butler on the _____ day of _____, 2015.

VILLAGE OF BUTLER:

_____
Patricia Tiarks, Village President

ATTEST:

_____
Kayla Chadwick
Village Administrator/Clerk

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STATE OF WISCONSIN VILLAGE OF BUTLER WAUKESHA COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ARTICLE B, SECTIONS 9-4-15 THROUGH 9-4-28 OF THE VILLAGE OF BUTLER CODE OF ORDINANCES AND CREATE ARTICLE B, SECTIONS 9-4-15 THROUGH 9-4-31 OF THE VILLAGE OF BUTLER CODE OF ORDINANCES RELATING TO THE CONTROL OF POST-CONSTRUCTION RUNOFF

WHEREAS, Chapter 9-4-15 through 9-4-29 was adopted by Ordinance 08-06 of the Village of Butler which codified requirements regulating post construction quantity and quality runoff in the Village of Butler; and

WHEREAS, the Wisconsin Department of Natural Resources (WDNR) has adopted updated regulations for post-construction runoff in subchapters III and IV of chapter NR 151 of the Wis. Adm. Code, and

WHEREAS, the Village of Butler is part of the Milwaukee Metropolitan Sewage District (MMSD) which has rules regulating storm water runoff quantity control, and

WHEREAS, the WDNR has provided a model ordinance for communities to review, edit and adopt, that incorporates the requirements of subchapters III and IV of chapter NR 151, Wis. Adm. Code and

WHEREAS, the Village of Butler has edited the model ordinance to incorporate references to the Village of Butler, change the numbering system and incorporate the requirements of MMSD Rules, and

WHEREAS, the Village Board has determined that the adoption of a revised ordinance will reduce the discharge of pollutants carried in storm water runoff to waters of the state, foster the consistent, statewide application of post-construction performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code and incorporate the required MMSD Rules related to storm water quantity and will and promote the public health, safety and general welfare of the residents of the Village of Butler,

NOW, THEREFORE, the Village Board of Trustees of the Village of Butler does hereby ordain that Article B, Sections 9-4-15 through 9-4-28 of the municipal code of ordinances of the Village of Butler is hereby repealed and recreated as Article B, Sections 9-4-15 through 9-4-31 to read as follows:

Article B. POST-CONSTRUCTION STORM WATER MANAGEMENT

Sec. 9-4-15 AUTHORITY.

(a) This ordinance is adopted by the Village Board of Trustees under the authority granted by s. 61.354, for villages, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., 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 same governing body.

(c) The Village Board of Trustees hereby designates the Village Administrator 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 ss. 281.16 and 283.33, Wis. Stats.
2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.
3) Milwaukee Metropolitan Sewerage District.

Sec. 9-4-16 FINDINGS OF FACT.

The Village Board of Trustees acknowledges that uncontrolled, post-construction 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. Specifically, uncontrolled post-construction 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.
(h) Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow, or backup into basements.

Sec. 9-4-17 PURPOSE AND INTENT.

(a) PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction 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; and control increases in the scouring and transportation of particulate matter.

4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

(b) INTENT. It is the intent of the Village Board of Trustees that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village Board of Trustees 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 s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Village Board of Trustees, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

Sec. 9-4-18 STORM WATER QUALITY AND QUANTITY MANAGEMENT APPLICABILITY AND JURISDICTION.

(a) APPLICABILITY.

1) Except as provided under par. (2) or (3), the water quality management duties apply to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction and the water quantity management duties apply to a post-construction site that increases impervious surface by one-half acre or more.

2) A site that meets any of the criteria in this paragraph is exempt from the water quality requirements of this ordinance:

a. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.

b. Agricultural facilities and practices.

c. Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

3) Water quantity management duties do not apply if:

a. Residential infill on a site 5 acres or less; site is exclusively residential; net increase in the area of impervious surface is less than 20% of the area of the site; and each boundary of the site is contiguous to sites that contain earlier development served by sanitary sewers, streets, or public water supply when the governmental unit receives the plans for the new development or parkland, other public land, a utility right-of-way, or a watercourse.

b. Sites where area of impervious surface after development or redevelopment will be 5% or less of the total area of the site.

c. Recreation trails if the trail is less than or equal to 10 feet in width and has a continuous pervious buffer at least 5 feet wide on each side disregarding interruption by streets, driveways, or other impervious surfaces crossing the trail.

4) Notwithstanding the applicability requirements in par. 1), this ordinance applies to post-construction sites of any size that, as determined by the Village Administrator, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(b) JURISDICTION.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the Village of Butler.

(c) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

Sec. 9-4-19 DEFINITIONS.

(a) "Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

(b) "Administering authority" means a governmental employee, or his or her designee, that is designated by the Village Board of Trustees to administer this ordinance.

(c) "Agricultural facilities and practices" has the meaning given in s. 281.16 (1), Wis. Stats.

(d) "Atlas 14" means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

(e) "Average annual rainfall" means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(f) "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.

(g) "Business day" means a day the office of the Village Administrator is routinely and customarily open for business.

(h) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Administrator.

(i) "Combined sewer system" means a system for conveying both sanitary sewage and storm water runoff.

(j) "Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

(k) "Critical time" means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.

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

(m) "Development" means residential, commercial, industrial or institutional land uses and associated roads.

(n) "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

(o) "Division of land" means the creation from one parcel of 2 or more parcels or building sites of 1.5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.

(p) "Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(q) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(r) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.

(s) "Extraterritorial" means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and a half miles of a fourth class city or village.

(t) "Filtering layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

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

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

(w) "Governing body" means the Village Board of Trustees.

(x) "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, gravel or paved parking lots and streets are examples of areas that typically are impervious.

(y) "In-fill" means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

(z) "Infiltration" means the entry of precipitation or runoff into or through the soil.

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

(bb) "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.

(cc) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(dd) "Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management practices.

(ee) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Sec. 9-4-20 of this ordinance.

(ff) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(gg) "NRCS MSE3 or MSE4 distribution" means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

(hh) "Off-site" means located outside the property boundary described in the permit application.

(ii) "On-site" means located within the property boundary described in the permit application.

(jj) "Ordinary high-water mark" has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.

(kk) "Outstanding resource waters" means waters listed in s. NR 102.10, Wis. Adm. Code.

(ll) "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.

(mm) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(nn) "Permit" means a written authorization made by the Village Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(oo) "Permit administration fee" means a sum of money paid to the Village Administrator by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(pp) "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.

(qq) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.

(rr) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.

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

(tt) "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.

(uu) "Preventive action limit" has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.

(vv) "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

(ww) "Public right-of-way" means any road, alley, street, parking lot, sidewalk, plaza, mall, or pathway owned by or dedicated to a governmental unit.

(xx) "Recreation trail" means a path that is:

1) distinctly set apart from a roadway, street, or sidewalk;

2) designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or other recreation not involving the use of motorized vehicles; and

3) not a sidewalk according to s. 340.01(58), Wis. Stats.

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

(zz) "Regional flood" means the peak flow and peak elevation of water with a 1% probability of occurring during any one year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt.

(aaa) "Regional floodplain" means the area of land covered by water during the regional flood.

(bbb) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(ccc) "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.

(ddd) "Runoff release rate" means the volume of storm water flowing off of development per unit of time and area.

(eee) "Runoff management system" means the complete combination of structural and non-structural means used to reduce the rate or volume of runoff from a particular area, including, but not limited to, facilities constructed for conveyance and storage, management practices, and the protection, creation, or restoration of natural areas or systems such as vegetated swales, prairies, and wetlands for storage, conveyance, or infiltration.

(fff) "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.

3) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

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

(ggg) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

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

(iii) "Stop work order" means an order issued by the Village Administrator which requires that all construction activity on the site be stopped.

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

(kkk) "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.

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

(mmm) "Time of concentration" means the time required for the point furthest from the outlet of the watershed to contribute to flow at the outlet of the watershed.

(nnn) "Top of the channel" means an edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(ooo) "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(ppp) "TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

(qqq) "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, which is incorporated by reference for this chapter.

(rrr) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include

building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

(sss) "TSS" means total suspended solids.

(ttt) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".

(uuu) "Village Board of Trustees" means the village board of trustees or village council.

(vvv) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

Sec. 9-4-20 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village Administrator's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 9-4-21 TECHNICAL STANDARDS.

The following methods shall be used in designing the water quality, peak discharge, and infiltration components of storm water practices needed to meet the water quality and quantity standards of this ordinance:

(a) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. 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 Village Administrator.

(c) The most recent rainfall data identified by the Southeastern Wisconsin Regional Planning Commission shall be used for the analyses required by Chapter 13 of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by the Village of Butler.

Sec. 9-4-22 PERFORMANCE STANDARDS. [numbers were changed, but they are not in red due to maintaining formatting]

(a) RESPONSIBLE PARTY. The responsible party shall comply with this section.

(b) STORM WATER MANAGEMENT PLAN. A written storm water management plan in accordance with Sec. 9-4-24 shall be developed and implemented for each post-construction site.

(c) MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

(d) REQUIREMENTS. The storm water management 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 as follows:

a. BMPs shall be designed in accordance with Table 1. or to the maximum extent practicable as provided in subd. b. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	**TSS Reduction**
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

b. Maximum Extent Practicable. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

c. Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

2) WATER QUANTITY AND MANAGEMENT OF PEAK RUNOFF.

a. BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates.

b. These BMPs may be implemented ~~on either a watershed basis or an individual site basis~~. either on-site or off-site as part of a regional stormwater device, practice or system. The BMP shall manage runoff from the post-construction site prior to discharge to waters of the state.

c. When implemented on a ~~watershed~~ regional basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional storm water management plan, rather than sections d. and e.

d. The following peak runoff reductions are required:

i. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour pre-development peak runoff discharge rates, or to the maximum extent practicable.

ii. For the 50 percent/2-year, 24-hour design storm, BMPs shall be designed to either maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment

conditions, or achieve a maximum runoff release rate of 0.15 cubic feet per second per acre, whichever is more stringent.

iii. a. For development, runoff management shall prevent increases in the regional flood and stream bank erosion rates.

b. If demolition or construction during redevelopment will disturb an area larger than 2 acres, then the Village of Butler shall reduce the runoff rate by the amount listed in Table 2 for the 1%/100-year and 50%/2-year storms, except as provided for in MMSD Chapter 13.11 (5) Rules.

Table 2 – Runoff Reduction Requirements	
Area disturbed by Demolition or Construction	**Reduction of the Existing Runoff Release Rate as of October 25, 2010.**
Greater than 2 acres to 3.5 acres	10%
Greater than 3.5 acres to 5 acres	15%
Greater than 5 acres	20%

c. If redevelopment will add one-half acre or more of impervious surface, then the requirements of paragraph a. apply rather than paragraph b.

iv. The runoff curve numbers in Table 3. shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the NRCS Wisconsin MSE3 precipitation distribution (for Waukesha County). On a case-by-case basis, the Village Administrator may allow the use of TP-40 precipitation depths and the Type II distribution.

Table 3. Maximum Pre-Development Runoff Curve Numbers				
Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland[1]	55	68	77	80

1 Maximum curve numbers from MMSD Chapter 13 Technical Guidance

v. For the 1 percent/100-year, 24-hour design storm, BMPs shall be designed to achieve a runoff release rate that is less than or equal to either:

1. 0.5 cubic feet per second per acre; or
2. A rate determined for the individual site that distributes runoff over the critical time sufficient to comply with subd. a.

e. This subsection of the ordinance does not apply to any of the following:

i. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.

ii. Except as provided under SEC 9-4-22(c), a redevelopment post-construction site.

iii. An in-fill development area less than 5 acres.

3) INFILTRATION.

a. Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

i. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.

ii. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

iii. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

b. Pre-development. The pre-development condition shall be the same as specified in Table 3 of the Peak Discharge section of this ordinance.

c. Source Areas.

i. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Sec. 9-4-22 (d)3)f. :

1. Areas associated with a tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
2. Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21 (2)(b).
3. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

ii. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

1. Parking areas and access roads less than 5,000 square feet for commercial development.
2. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par i.
3. Except as provided under Sec. 9-4-22 (c), redevelopment post-construction sites.
4. In-fill development areas less than 5 acres.
5. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

d. Location of Practices.

i. *Prohibitions.* Infiltration practices may not be located in the following areas:

1. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
2. Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
3. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.

ii. *Separation distances.*

1. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4.
2. Notwithstanding par. ii., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

Table 4. Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

iii. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

1. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
2. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

e. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

f. Groundwater Standards.

i. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

ii. Notwithstanding par. i., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

g. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. f. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

h. Maximum Extent Practicable. Where the conditions of subd. c. and d. limit or restrict the use of infiltration practices, the performance standard of Sec. 9-4-22 (d) 3) shall be met to the maximum extent practicable.

4) PROTECTIVE AREAS.

a. Definition. In this section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

i. For outstanding resource waters and exceptional resource waters, 75 feet.

ii. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

iii. For lakes, 50 feet.

iv. For wetlands not subject to par. e. or f., 50 feet.

v. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

vi. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

vii. In pars. iv. to vi., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

viii. Wetland boundary delineation shall be made in accordance with s. NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially

filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

ix. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

x. Notwithstanding pars. i. to ix., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

b. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. d.

c. Requirements. The following requirements shall be met:

i. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

ii. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

iii. BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

d. Exemptions. This section does not apply to any of the following:

i. Except as provided under Sec. 9-4-22(c), redevelopment post-construction sites.

ii. In-fill development areas less than 5 acres.

iii. Structures that cross or access surface water such as boat landings, bridges, and culverts.

iv. Structures constructed in accordance with s. 59.692 (1v), Stats.

v. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

5) FUELING AND MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

6) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.

a. Requirement. Except as provided in subd. b., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

i. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

ii. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Sale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

b. Other requirements.

i. Notwithstanding subd. a., the Village Administrator may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is one of the following:

1. An outstanding resource water.

2. An exceptional resource water.

3. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

4. Water where targeted performance standards are developed pursuant to s. NR 151.004, Wis. Adm. Code.

ii. The transportation facility authority shall contact the Village Administrator to determine if additional BMPs beyond a water quality swale are needed under this subsection.

(e) GENERAL CONSIDERATIONS FOR STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in on-site and off-site runoff management:

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.

(f) BMP LOCATION.

1) To comply with the performance standards required under Sec. 9-4-22 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.

2) The Village Administrator may approve off-site management measures provided that all of the following conditions are met:

a. The Village Administrator determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Village of Butler and that contains management requirements consistent with the purpose and intent of this ordinance.

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.

3) Where a regional treatment option exists such that the Village 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 Village Administrator. In determining the fee for post-construction runoff, the Village Administrator shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(g) ADDITIONAL REQUIREMENTS. The Village Administrator may establish storm water management requirements more stringent than those set forth in this ordinance if the Village Administrator determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(h) CREDIT FOR REMOVAL OF IMPERVIOUS SURFACES

1) *Same site credit.* The Village Administrator may use the removal of pavement, covered structures, or other impervious surfaces at the same property to calculate the net post construction impervious acreage and corresponding water quantity management duties to meet MMSD 13.11 requirements. The credit does not change the water quantity management requirements under subsection (d) 2) d. i. and ii.

Credit may equal, but not be larger than the acreage of impervious surfaces removed when runoff release rates and detention are the best management practices utilized at the site. When best management practices with a higher order of preference are utilized in lieu of detention, equivalent credit may be granted as determined by the Village Administrator with the concurrence of the MMSD. Credit for reducing impervious surfaces at a site, not utilized by the development on the site, belongs to the Village Administrator and may be banked for allocation to other development within the watershed under subsection (h) 2).

(2) *Dispersed site in same watershed credit.* The Village Administrator may bank the removal of impervious surface, which individually must be one half acre or more, within the same watershed, where the volume, timing and peak flow runoff will be distributed over the critical time sufficient to assure the level of protection provided by MMSD flood abatement projects will not be reduced. The Village Administrator may allocate banked

credit to promote a policy of smart growth. The total acreage banked or allocated, or both, shall be reported, by watershed or sub-watershed, annually to the MMSD for concurrence. The credit does not change the water quantity management requirements under subsection (d) 2) d. i. and ii.

Sec. 9-4-23 PERMITTING REQUIREMENTS, 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 Village Administrator prior to commencing the proposed activity.

(b) PERMIT APPLICATION AND FEES. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Village Administrator a permit application on a form provided by the Village Administrator for that purpose.

1) Unless otherwise excluded 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.

2) The storm water management plan shall be prepared to meet the requirements of Sec. 9-4-22 and Sec. 9-4-24, the maintenance agreement shall be prepared to meet the requirements of Sec. 9-4-25, the financial guarantee shall meet the requirements of Sec. 9-4-26, and fees shall be those established by the Village Board of Trustees as set forth in Sec. 9-4-27.

(c) PERMIT APPLICATION REVIEW AND APPROVAL. The Village 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 15 business days of the receipt of a complete permit application, including all items as required by sub. (b), the Village Administrator shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

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

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

4) The Village Administrator may request additional information from the applicant. If additional information is submitted, the Village Administrator shall have 10 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.

5) Failure by the Village Administrator to inform the permit applicant of a decision within 60 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(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 Village Administrator may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village Administrator to suspend or revoke this permit may be appealed in accordance with Sec. 9-4-29.

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.

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 Village Administrator at least 3 business days before commencing any work in conjunction with the storm water management plan, and within 3 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 Village Administrator so that practice installations can be inspected during construction.

4) Practice installations required as part of this ordinance shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Village Administrator or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Village 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 Village Administrator of any significant modifications it intends to make to an approved storm water management plan. The Village 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 Village Board of Trustees, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

7) The responsible party authorizes the Village 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 ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Sec. 9-4-26.

8) If so directed by the Village 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 Village 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 Village Administrator may 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 Sec. 9-4-28, 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 Village Administrator in addition to the requirements needed to meet the performance standards in Sec. 9-4-22 or a financial guarantee as provided for in Sec. 9-4-26.

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

Sec. 9-4-24 STORM WATER MANAGEMENT PLAN.

(a) STORM WATER MANAGEMENT PLAN REQUIREMENTS. The storm water management plan required under Sec. 9-4-22 (b) 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 100 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 2 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, 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 s. NR 811.16, Wis. Adm. 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 100 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 2 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 Sec. 9-4-22.

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 Village 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 [licensed professional engineer] to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(b) ALTERNATE REQUIREMENTS. The Village Administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 9-4-22(e).

Sec. 9-4-25 MAINTENANCE AGREEMENT.

(a) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Sec. 9-4-23(b) for storm water management practices shall be an agreement between the Village of Butler and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed 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 Sec. 9-4-24(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 Sec. 9-4-23 (b).

3) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 9-4-23 (b).

4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. 2).

5) Authorization for the Village Administrator, its designee and the Milwaukee Metropolitan Sewerage District 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 Village 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 Village Administrator of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Village Administrator.

8) Authorization of the Village 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 Village 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 ch. 66, Wis. Stats.

Sec. 9-4-26 FINANCIAL GUARANTEE.

(a) ESTABLISHMENT OF THE GUARANTEE. The Village Administrator may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Administrator. The financial guarantee shall be in an amount determined by the Village 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 Village 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 Village 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 Village Administrator shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village Administrator to complete installation of practices, upon submission of "as built plans" or "record" drawings by a licensed professional engineer. The Village Administrator may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

2) The Village 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 Village Administrator, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 9-4-27 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Village Administrator and may from time to time be modified by resolution. A schedule of the fees established by the Village Administrator shall be available for review in the Village Hall, 12621 West Hampton Avenue, Butler, WI 53007. The initial fee shall be not less than $100, plus any other fees or costs incurred by the Village in reviewing the permit, including but not limited to outside professional services, etc.

Sec. 9-4-28 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 Village 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 Village 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 Village 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 Village Administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village Administrator plus interest and legal costs shall be billed to the responsible party.

(e) The Village 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 municipal attorney to obtain a cease and desist order in any court with jurisdiction.

(f) The Village 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 Village Administrator or by a court with jurisdiction.

(h) The Village Administrator is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the municipal 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 $1,000 dollars or more than $100 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 injunctional proceedings.

(k) When the Village 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 Village Administrator or a party designated by the Village 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 storm water management plan. The Village 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 Sec. 9-4-26 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.

Sec. 9-4-29 APPEALS.

(a) BOARD OF APPEALS. The board of appeals, created pursuant to Sec. 2-4-2 of the Village of Butler Municipal Code pursuant to s. 61.354 (4)(b), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village 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 Village of Butler affected by any decision of the Village Administrator.

Sec. 9-4-30 SEVERABILITY.

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

Sec. 9-4-31 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village Board of Trustees of the Village of Butler on the _____ day of _____, 2015.

VILLAGE OF BUTLER:

_____
Patricia Tiarks, Village President

ATTEST:

_____
Kayla Chadwick
Village Administrator/Clerk

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STORM WATER POLLUTION PREVENTION PROGRAM

MENOMONEE RIVER GROUP MUNICIPAL STORM WATER DISCHARGE PERMIT WPDES PERMIT NO. WI-S065404-1

March 2016
(Supersedes June 2008)

GENERAL FACILITY INFORMATION

Name of Facility: Village of Butler DPW Yard

Facility Address: 12975 West Silver Spring Road
Butler, WI 53007

Facility Contact: Kayla Chadwick

Title: Village Administrator

Phone: (262) 783-2525

Mobile

Owner: Village of Butler

Operator: Kayla Chadwick

WPDES Permit Information:

Permit Number: WPDES Permit No. WI-S065404-1

Initial Date of Coverage: November 30, 2012

Permit Expiration Date: December 1, 2017

Number of Storm Water Major Outfalls: 12

Receiving Waters: Menomonee River

Emergency Contact:

Name: Kayla Chadwick

Phone: 262-783-2525

INTRODUCTION AND OBJECTIVES

This storm water pollution prevention plan (SWPPP) covers the operations at the Village of Butler Department of Public Works Facilities and other municipally owned properties. This plan was developed as required under Part III.E of the Village's original WPDES permit No. WI-S050130-1. The SWPPP has been updated under Part III.D. of WPDES permit No. WI-S065404-1. This SWPPP contains the following information:

1. Describes the facility(s) and its operations;
2. Identifies potential sources of storm water pollution on municipally owned properties;
3. Identifies and prescribes appropriate "source area control" and "storm water treatment" type best management practices (BMPs) to prevent and reduce contamination of storm water prior to discharge; and
4. Recommends appropriate best management practices (BMPs) and an implementation schedule to reduce the discharge of pollutants in storm water runoff.

DEPARTMENT OF PUBLIC WORKS POLLUTION PREVENTION OPERATIONS

The following report discusses an overview of the Village of Butler's Storm Water Pollution Prevention Program. The report is laid out in the following format:

Section 1	Routine Inspections
Section 2	Street Sweeping and Catch Basin Cleaning
Section 3	Application of Road Salt or Deicer
Section 4	Leaf and Grass Clipping Management
Section 5	Application of Lawn and Garden Fertilizers
Section 6	Pollution Prevention Plan for DPW Yard
Section 7	Education of Municipal Personnel
Section 8	Potential Sources of Pollutants
Section 9	Measures to Reduce Municipal Sources of Contamination

Section 1 – Inspections & Maintenance of Village-Owned Storm Water Facilities

The Village of Butler owns one structural storm water management facility – a stormwater pond on the Flexo-Graphics property at 12820 W. Glendale Avenue. The Village DPW staff regularly inspects the pond and maintenance is provided as needed.

Section 2 – Street Sweeping and Catch Basin Cleaning

The Village of Butler performs high efficiency regenerative air sweeping of all streets and alleys within the Village boundary once every other week from March through November. The waste from street sweeping is collected and placed in a dumpster at the DPW yard. The material is disposed of by John's Disposal Services.

Catch basin cleaning in the Village is completed on an as needed basis. The waste from catch basin cleaning is stored at the DPW yard until it is sent to a local farmer for composting.

Section 3 – Application of Road Salt or Deicer

The Village of Butler uses road salt for roadway deicing to maintain public safety. The salt is stored at the DPW yard within a covered shed.

Section 4 – Leaf and Grass Clipping Management

There is one pick up for yard waste performed by the Village's DPW between the months of late September to November. During the remainder of the year, residents are encouraged to haul their leaves and grass clippings to the Village's DPW site.

The yard waste collected by the Village crews is stored at the DPW yard until it is sent to a local farmer for composting.

Section 5 – Application of Lawn and Garden Fertilizers

The Village of Butler uses very little fertilizer applications. Fertilizer for weed control is applied once per year at yard areas of municipal buildings and the baseball diamonds at Frontier Park, which are both less than 5 acre sites.

To pursue safer fertilizer practices, the Village shall only apply fertilizer in the spring, grass clippings are to be left on lawn areas as fertilizer, spilled fertilizer shall be promptly cleaned up, and the practice of leaving a buffer strip of unfertilized lawn along ditches, waterways and ponds should be used.

Section 6 – Municipal Garages & Storage Areas

The Village of Butler's Department of Public Works Yard is located on Silver Spring Road with access from both W. Silver Spring Road and Silver Spring Drive. The facility's address and contact information are:

12975 West Silver Spring Road
Butler, WI 53007
Kayla Chadwick – Village Administrator
Main Phone (262) 783 – 2525

The DPW serves as a staging and storage area for residential yard waste, and equipment and materials used for Village operations. The facility is mostly paved with a grassed area on the north side of the main building.

There are three structures located on the DPW lot. There is a water tower, a shed for salt storage, and the largest structure serves as an office and lunchroom for personnel, garage for storage and maintenance of DPW vehicles, and a storage area for chemicals. There are also multiple outdoor storage areas for equipment, and an area designated for light maintenance and washing of vehicles. Detergents used for washing are phosphate-free and biodegradable.

The DPW garage stores DPW equipment and materials, as well as all vehicles required for operations. Liquid chemicals stored inside the DPW garage include anti-freeze and motor oil, which are securely stored in covered drums. Since all vehicles are stored within the garage, chemicals could be contained in the event of a spill. Floor drains contained within the garage are connected to the sanitary sewer system, while the roof drains of the building are connected to the storm sewer system.

Outdoor uncovered operations include miscellaneous equipment and material storage areas, an aggregate pile, and a dewatering pile of debris collected by the street sweeper. The sweeper debris remains in the uncovered pile to dewater until enough material is collected, after which it is properly disposed of by John's Disposal Services. The facility no longer stores pesticides or herbicides on-site. All fuel required for vehicle operation is obtained from a local gas station. The residential yard waste stored at the yard is eventually hauled to a local farmer to be composted. The solid waste that is collected on-site is disposed of at the Waste Management landfill site. The DPW yard drains to two catch basins. One is located on the southwest end of the yard and the other is located on the southeast end of the yard. The runoff collected in these catch basins ultimately discharges directly to the Menomonee River north of the DPW facility.

Section 7 – Education of Municipal Personnel

The following efforts shall be completed annually by the Village of Butler to keep all municipal personnel educated on storm water management issues and regulations in place:

1. New employees will receive initial training in storm water pollution prevention prior to beginning their work assignments. Thereafter, training is provided at the quarterly safety meeting attended by facility employees. The training program shall address the following topics:
    a. Spill Prevention and Response – identify potential spill areas and drainage routes, how to report spills, proper material handling procedures, and how to implement the facility's spill response procedures.
    b. Good Housekeeping – instruction on proper clean up frequencies of work areas to prevent storm water contamination, and location and proper usage of housekeeping equipment.
    c. Material Management Practices – instruction on maintaining materials in an organized manner, location and markings of toxic and hazardous substances, and proper and safe handling procedures for toxic and hazardous substances.
2. Regular briefings on the progress of storm water programs, policies and procedures relating to storm water, storm water regulations will given by the Village Engineer at Village Board Meetings and Staff Meetings.
3. Current storm water information will be made available to staff during regular staff meetings and on the Village's website.

Section 8 – Potential Sources of Pollutants

Attached Figure 1 presents a site map of the Village's DPW facility showing the following features as required by the permit:

1. The facility property boundaries;
2. A depiction of the storm water collection system;
3. Any secondary containment structures;
4. The location of all outfalls that discharge channelized flow to surface water, groundwater, or wetlands;
5. The total surface area in acres, including the percentage that is impervious such as paved, roofed, or highly compacted soil and the percentage that is pervious such as grassy areas and woods;
6. The name and location of receiving waters; and
7. The location of activities and materials that have the potential to contaminate storm water.

The following have been identified as potential sources of storm water contamination:

1. Storage and maintenance areas for material handling equipment;
2. Access roads/driveways;
3. Street sweeping debris and yard waste collection piles;
4. Vehicle maintenance and cleaning areas;
5. Any other areas capable of contaminating storm water runoff.

Section 9 – Measures to Reduce Municipal Sources of Contamination

To reduce municipal sources of contamination the following actions will be implemented:

1. Source Area Controls – to the maximum extent practicable, and to the extent it is cost effective, the use of source area control best management practices designed to prevent storm water from becoming contaminated will be used. Some examples of source area controls are as follows:
    a. Erosion Control Measures – areas that are prone to soil erosion are protected to keep soil out of the storm water discharge.
    b. Preventive Maintenance – regular inspection, testing, and cleaning of municipal equipment and operational systems. (Examples: fuel pumps, storage tanks for waste fluids, structural controls, etc.)
    c. Quarterly Inspection of the DPW facility for possible pollutant contamination.
    d. Vacuum sweep the DPW yard quarterly to prevent possible contaminants from draining in the storm sewer system.
2. Best Management Practices (BMPs) – The Village-owned BMP identified under Section 1 will continue to be inspected and maintained.

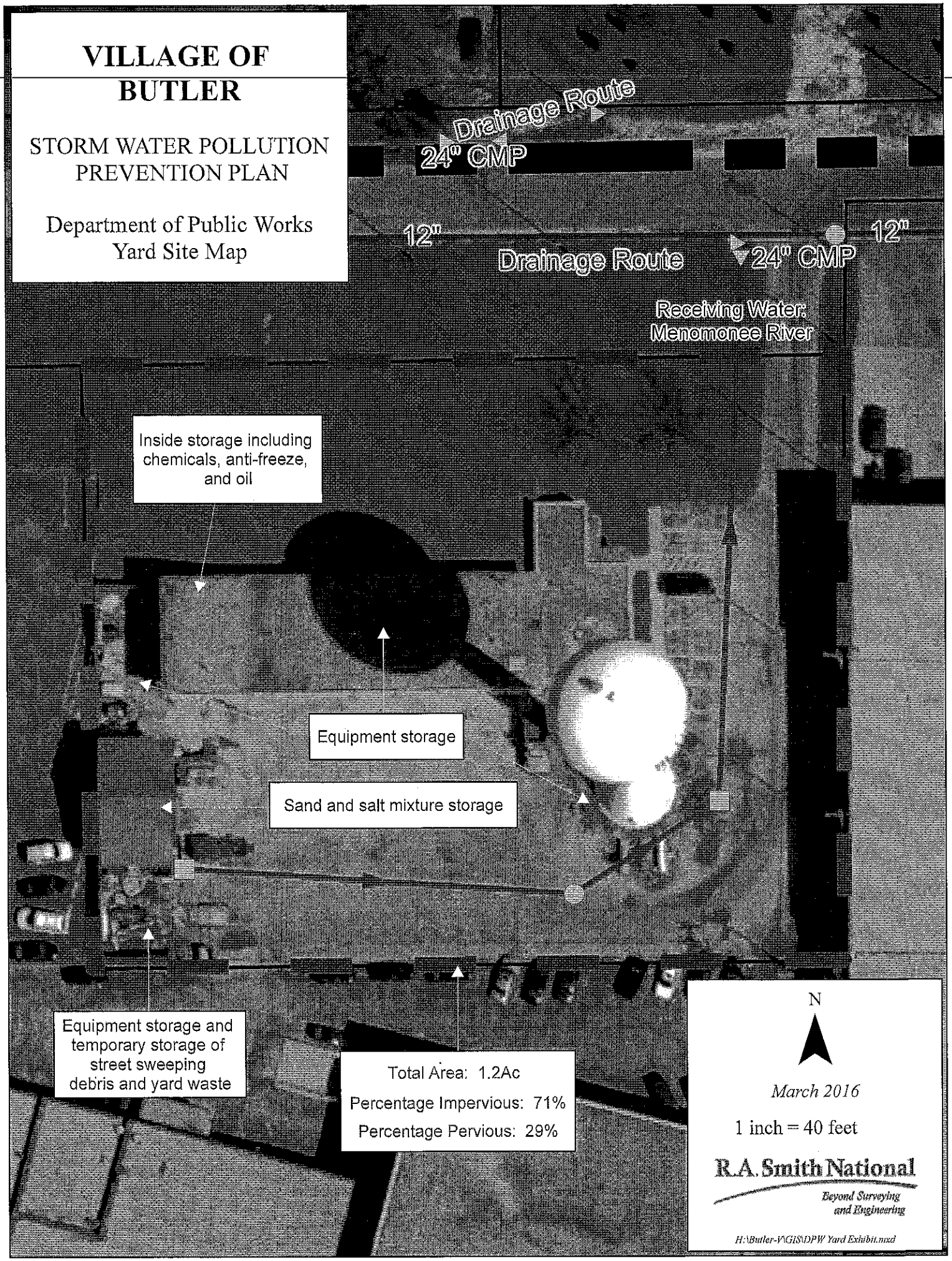
RECORD KEEPING AND REPORTING

All reports and records will be retained for a minimum of three years and available to the WDNR upon request.

VILLAGE OF BUTLER

STORM WATER POLLUTION PREVENTION PLAN

Department of Public Works
Yard Site Map



PUBLIC NOTICE

Meeting - Public Safety Committee
Tuesday – March 15, 2016
6:25 PM – Village Hall Board Room

PLEASE TAKE NOTICE that a regular meeting of the Public Safety Committee will be held on the 15th day of March, 2016 at 6:25 PM at the Village Hall Board Room, 12621 W. Hampton Avenue, Butler, Wisconsin, at which time and place the following items of business will be considered and possibly acted upon.

I. Roll Call

II. Persons Desiring to be Heard

III. Consideration of Minutes – February 15, 2016

IV. New Business
1. Police Department Report

2. Fire Department Report

V. Adjournment

Dated: February 9, 2016

Paul Kasdorf
Chairman
Public Safety Committee

BY: Kayla Chadwick
Village Administrator

Notice: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.

Please note that, upon reasonable notice, good faith efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administrator/Clerk at 262/783-2525 at least 24 hours in advance of the meeting.

WP:MINUTES\AGENDA.PSC.03-15-16

MINUTES OF THE PUBLIC SAFETY COMMITTEE MEETING February 15, 2016
Village Board Room, Village of Butler

Minutes not formally approved until the next Public Safety Committee Meeting.

The meeting was called to order at 4:00 PM.

ROLL CALL
Present: Chairman Paul Kasdorf and Trustee Szpiszar

Excused Trustee Benjamin

Also present: Village Administrator Chadwick, Village President Tiarks, Police Chief Wentlandt and Trustee Thew

CLOSED SESSION
Consider Going Into Closed Session Pursuant to Wis. Stats. 19.85(1)(c) for the following:

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility

1. Interviewing Candidates for Police Officer Position for the Police Department

Motion by Szpiszar; second by Kasdorf to adjourn into Closed Session. Motion carried 2-0. The Public Safety Committee went into Closed Session at 4:01 PM.

OPEN SESSION
Motion by Szpiszar; second by Kasdorf to return to Open Session at 6:17 PM. Motion carried 2-0.

No action was taken in open session.

ADJOURNMENT
Motion by Szpiszar to adjourn; second by Kasdorf Motion carried 2-0. The meeting was adjourned at 6:18 PM.

_____
Paul Kasdorf
Chairman
Public Safety Committee

_____
Kayla Chadwick
Village Administrator/Clerk

PUBLIC NOTICE

Meeting - Finance Committee
Tuesday, March 15, 2016
6:50 PM – Village Hall Board Room

PLEASE TAKE NOTICE that a regular meeting of the Butler Finance Committee will be held on the 15th day of March, 2016 at 6:50 PM at the Village Hall Board Room, 12621 W. Hampton Avenue, Butler, Wisconsin, at which time and place the following items of business will be considered and possibly acted upon.

I. Roll Call

II. Persons Desiring to be Heard

III. Consideration of Minutes – March 1, 2016

IV. Old Business:

V. New Business:
1. Review and Approve Current Invoices.

2. Review and Approve February Statement of Revenues and Expenditures.

VI. Adjournment

Dated: March 10, 2016

Michael Thew
Chairman
Finance Committee

BY: Kayla Chadwick
Administrator/Clerk

Notice: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.

Please note that, upon reasonable notice, good faith efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administrator/Clerk at 262/783-2525 at least 24 hours in advance of the meeting.

Minutes of the Finance Committee March 1, 2016
Village Board Room, Village of Butler

Minutes not formally approved until the next Regular Board Meeting on March 15, 2016.

The Meeting was called to order at 6:50 PM.

ROLL CALL
Present: Szpiszar and Van Gompel

Excused: Thew

Also Present: Administrator Chadwick, Village President Tiarks, Trustees Kasdorf and Hesselgrave

PERSONS DESIRING TO BE HEARD:
None

CONSIDERATION OF MINUTES:
Motion by Van Gompel; second by Szpiszar to approve the February 2, 2016 Finance Committee Meeting minutes. Motion carried 2-0.

NEW BUSINESS

1. Motion by Van Gompel; second by Szpiszar to approve current invoices as presented for $2,041,197.94. Motion carried 2-0.

2. Motion by Van Gompel; second by Szpiszar to approve January Statement of Revenues and Expenditures. Motion carried 2-0.

ADJOURNMENT
Motion by Szpiszar; second by Van Gompel to adjourn the Finance committee meeting. Motion carried 2-0. The meeting adjourned at 6:56 PM.

_____
Michael Thew
Chairman
Finance Committee

_____
Kayla Chadwick
Village Administrator/Clerk

N O T I CE OF PUBLIC HEARING

VILLAGE OF BUTLER
12621 West Hampton Avenue
Butler, WI 53007

PLEASE TAKE NOTICE that a Public Hearing will be held before the **Plan Commission** of the Village of Butler, Waukesha County, Wisconsin, on the 15th day of March, 2016 at **6:00 PM**, or as soon thereafter as the matter can be heard, at the Village of Butler Boardroom, 12621 W. Hampton Ave, to consider the following:

(A) To consider Conditional Use Permit for Heather Siegel d.b.a.American Fireworks and Novelties L.L.C., 1330 Edwards Street, Brookfield, WI 53005 to provide retail sale of Firework Novelties according to local and state laws from canopy tent for less than 30 days at 12850 W. Silver Spring Drive, pursuant to Title 7, Chapter 6, Section 7-6-1 SubSection (f) of the Village of Butler Code of Ordinances. The property is zoned M-3, Heavy Industrial District.

PLEASE TAKE FURTHER NOTICE that all persons interested in said matter or their attorneys or agents, may appear and be heard at the above mentioned date and time.

Dated this 19th day of February, 2016

VILLAGE OF BUTLER

Kayla Chadwick
Village Administrator

(3) ***Location.*** Light fixtures shall not be located within required bufferyards.

(4) ***Flashing, Flickering and Other Distracting Lighting.*** Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(5) ***Minimum Lighting Standards.*** All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles.

(6) ***Nonconforming Lighting.*** All lighting fixtures existing prior to the effective date of this Section shall be considered as legal conforming uses.

(7) ***Special Events Lighting.*** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit.

Sec. 13-1-125 Industrial and Commercial Waste Collection.

The collection, removal, and disposal of the waste generated by industrial and commercial facilities shall be conducted in conformity with the provisions of this Section, and with such additional rules and regulations as may be made from time to time by the Village Board:

(a) Waste collectors for industrial and commercial facilities operating regular pickup services with the Village shall not operate between the hours of 7:00 p.m. and 7:00 a.m. They shall, during early morning hours, use every precaution to prevent unnecessary noises.

(b) Every person having garbage, rubbish, or waste matter shall provide and keep the same in suitable containers in good repair, with a clean, painted surface (earth tones). The container shall be of sufficient size to accommodate, the accumulation thereof during the interval between collections or other disposition which in no event shall be less than once in every two (2) weeks, provided, the Building Inspector may require more frequent collections for restaurants, food establishments, and other enterprises demanding more frequent collections to protect the health, safety and welfare.

(c) Dumpsters used for collection of all kinds of matter that may decay or spoil must be covered. Any dumpsters used for collection of other types of waste materials resulting from the manufacture or processing of products need not be covered, provide that said materials cannot spill or be blown from the dumpster.

(d) All industrial, multi-family apartments, and commercial entities not requiring the use of dumpsters shall comply with applicable provisions of the Butler Code of Ordinances.

(e) Outside dumpsters shall be positioned on private property only; shall be placed on a solid concrete or blacktop pad; and shall not be placed in the front yard. Except in the M-2 and M-3 Industrial Districts outside dumpsters shall not be visible from any street or alley. View of outside dumpsters shall be concealed by use of an enclosure, solid fence, hedge, or other similar means.

(f) A plan showing dumpster placement and method of concealment shall be submitted to the Building Inspector prior to the issuance of an occupancy permit for any new occupancies or construction. Such dumpster shall be placed in the location approved by the Building Inspector.

(g) A dumpster shall be relocated in the permitted location after each pickup, in an orderly manner in a fashion either parallel to the building or perpendicular to the street/alley. Waste containers shall be stored on private property only, and those containers placed within view of the fronting street or alley, except in the M-2 and M-3 Industrial Districts shall be concealed from view by an enclosure, solid fence, hedge, or similar means.

(h) Review of waste collection and disposal plans shall be conducted in accordance with the principals set forth in this Chapter. Persons aggrieved by a decision of the Building Inspector or Building Board may appeal the decision as set forth in Article N. Violation of these provisions are considered a zoning violation and may be enforced pursuant to the provisions of Article L of this Chapter.

Sec. 13-1-126 Floodproofing.

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

(a) **Floodproofing Measures Shall be Designed** to:
   (1) Withstand the flood pressures, depth, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and
   (2) Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
   (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
   (4) Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.

(b) **No permit** or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area.

(c) **Floodproofing Measures May Include** but are not limited to:
   (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
   (2) Addition of mass or weight to structures to prevent floatation;