

PUBLIC NOTICE

AGENDA FOR REGULAR MEETING #1930
Tuesday, December 1, 2015 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 1st day of December 2015 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. Consideration of Minutes:
 - November 17, 2015 Regular Meeting
- V. Communications
- VI. Committee Reports
 - A. Building Board – 6:30 PM
 1. Occupancy Permit:
 - a. AB Metal Fabrication LLC, 12726 W. Arden Pl.
 - B. Finance Committee – 6:50 PM
 1. Review and Approve Current Invoices
 - C. Park & Recreation Commission
- VII. Report of the Administrator
- VIII. New Business
 - (A) Discussion and Possible Action on Bartender’s License(s).
 - (B) Discussion and Possible Action on Approving Current Invoices.
 - (C) Discussion and Possible Action on approving Contract between Bartolotta Fireworks Company, Inc. and Village of Butler for July 4, 2015 fireworks display.
 - (D) Discussion and Possible Action on approving Ordinance 15-08; 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.
 - (E) Discussion and Possible Action on approving Ordinance 15-09; 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.

(F) Discussion and Possible Action on approving the Poll Worker List from January 1, 2016 to December 31, 2017 according to Wisconsin Statute 7.30 (4).

IX.. Adjournment

Dated: November 24, 2015

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.

OF THE BUTLER VILLAGE BOARD

Minutes not formally approved until Regular Board Meeting on December 1, 2015.

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, William Benjamin, Jodi Kessel Szpizar and Dave Hesselgrave

Also present: Administrator Kayla Chadwick and Police Chief Wentlandt

PERSONS DESIRING TO BE HEARD:

Bill Thompson, 5107 North 127 Street, he expressed an issue with raising sewer utility rates. He is against it.

Greg Wojczak, 12602 West Hampton Ave., he spoke about parking meters; noted that his review of the finances regarding parking meter revenue that the Village only nets \$2,000 in revenue. In his opinion the revenue is not worth having parking meters.

Herb Campbell, 12519 W. Hampton Ave., spoke about parking meters, and in his opinion they are keeping business out of Butler.

Sue Hesselgrave, 4619 N. 127 Street, had a revenue question regarding 2016 budget.

CONSIDERATION OF MINUTES:

Motion by Szpizar; second by Benjamin to approve the minutes of the October 20, 2015 Village Board Meeting. Motion carried 7-0.

Motion by Thew; second by Kasdorf to approve the minutes of the November 10, 2015 Special Village Board Meeting. Motion carried 7-0.

COMMUNICATIONS

None

COMMITTEE REPORTS

(A) Finance Committee – Trustee Thew

Present: Thew, Van Gompel and Szpizar

Also present: Administrator Chadwick, Village President Tiarks, Benjamin, Kasdorf

1. Motion by Szpizar; second by Van Gompel for Finance Committee to review and send current invoices to Village Board for approval. Motion carried 3-0.
2. Motion by Van Gompel; second by Szpizar for Finance Committee to review and send October Statement of Revenues and Expenditures to Village Board for approval. Motion carried 3-0.

Motion by Szpizar; second by Van Gompel to adjourn Finance Committee. Motion carried 3-0. The meeting adjourned at 6:53 pm.

(B) Library Board – Trustee Szpizar

Trustee Szpizar reported the Library Board met on November 10, 2015; she gave an update on finance report, director's report and railroad sign.

OF THE BUTLER VILLAGE BOARD

- (C) *Park & Recreation Commission – Trustee Thew*
Trustee Thew reported about progress with the Playground Fundraising Committee, and the Christmas Parade.
- (D) *Review of October Department Reports*
Reports from Administration/Finance, Police/Court, Library, and DPW were reviewed.

REPORT OF THE ADMINISTRATOR - Administrator Chadwick reported she attended election training along with Deputy Clerk Jahnke and Chief Inspector Marilyn Schultz for the new election equipment (DS200 and Express Vote) which was presented by Elections Systems & Software (ES&S) at Waukesha County. She noted that the new equipment will be on display during property tax collection so that interested residents can view the equipment.

NEW BUSINESS

- (A) Public Hearing for the purpose of hearing comments of interested persons related to the proposed 2016 Budget.
- The Budget Hearing opened at 7:13 PM.
- There were no public comments.
- The Public Hearing closed at 7:14 PM.
- (B) Motion by Kasdorf; second by Benjamin to approve adoption of 2016 Budget. Motion carried 6-1. Hesselgrave voted No.
- (C) Motion by Thew; second by Szpizar to approve the following bartender license:
- Marisabel G. Aguilera Bottoms UP
- Motion carried 7-0.
- (D) Motion by Thew; second by Szpizar to approve the invoices as presented for \$335,454.14. Motion carried 6-1. Hesselgrave voted No.
- (E) Motion by Thew; second by Van Gompel to approve October Statement of Revenues and Expenditures. Motion carried 7-0.
- (F) Motion by Kasdorf; second by Szpizar to approve Resolution 15-15; a Resolution to Adopt Individual Fund Budgets in the Amounts Indicated for the Calendar Year 2016. Motion carried 6-1. Hesselgrave voted No.
- (G) Motion by Szpizar; second by Thew to approve Resolution 15-16; a Resolution to Adopt the Following Individual Utility Fund Operating Budgets for the Calendar Year 2016. Motion carried 6-1. Hesselgrave voted No.
- (H) Motion by Kasdorf; second by Szpizar to approve Resolution 15-17; a Resolution to Increase Local Sewer User Charges. Motion carried 6-1. Hesselgrave voted No.

OF THE BUTLER VILLAGE BOARD

- (I) Motion by Kasdorf; second by Szpizar to approve Resolution 15-18; a Resolution to Increase Stormwater Equivalent Runoff Unit (ERU) Rates. Motion carried 7-0.

- (J) Motion by Thew; second by Van Gompel to approve Resolution 15-19; a Resolution relating to Withdrawal from the Local Government Property Insurance Fund. Motion carried 6-0. Kasdorf abstained.

ADJOURNMENT

Motion by Thew; second by Szpizar to adjourn. Motion carried 7-0. The meeting was adjourned at 7:23 PM.

Submitted by:
Kayla Chadwick, Village Administrator/Clerk

Approval Date: _____

Correction/Amendment:

PUBLIC NOTICE

Meeting - Building Board
Tuesday, December 1, 2015
6:30 PM – Village Hall Board Room

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Building Board will be held on the 1st day of December, 2015, at 6:30 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
- IV. New Business:
 1. Occupancy Permit(s):
 - a. AB Metal Fabrication LLC, 12726 W. Arden Pl.
- V. Adjournment

Dated: November 24, 2015

William Benjamin
Chairman
Building Board

BY: Kayla Chadwick
Administrator/Clerk

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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.

PUBLIC NOTICE

Meeting - Finance Committee
Tuesday, December 1, 2015
6:50 PM -- Village Hall Board Room

PLEASE TAKE NOTICE that a regular meeting of the Butler Finance Committee will be held on the 1st day of December, 2015 at 6:50 PM at 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
- IV. New Business:
 1. Review and Approve Current Invoices
- VI. Adjournment

Dated: November 24, 2015

Michael Thew
Chairman
Finance Committee

BY: Kayla Chadwick
Administrator/Clerk

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Bartolotta Fireworks Company, Inc.

PO Box 5
Genesee Depot, WI 53127
Phone: (262) 968-4178
Fax: (262) 968-2254
www.bartolottafireworks.com

Contract

This contract entered into this **18th** day of **November**, 2015, by and between:

Bartolotta Fireworks Company, Inc., dba
Bartolotta Fireworks, hereinafter referred to as "**Bartolotta**"
A Wisconsin Corporation, duly licensed by the BATFE.

-and-

Sponsor: Village of Butler
Hereinafter referred to as "**Sponsor**"

1. Bartolotta agrees to furnish Sponsor, in accordance with the terms and conditions set forth herein, One (1) fireworks display as per this signed and accepted contract. This will include trained and qualified Pyrotechnicians to deliver, setup, execute and take down the pyrotechnic display.
2. Bartolotta agrees to provide insurance coverage of Five Million Dollars, Bodily Injury and Property Damage and the statutory limits for Worker's Compensation Insurance. The Sponsor will be named as additional insured on the certificate. This insurance covers the operations of Bartolotta only and does not extend to any other aspect of the event.
3. The date of this display is: **July 4th, 2016** at: **Dusk-915** pm. In the event of inclement weather, the display will be rescheduled for the **next night (TBD)** at no additional cost to the Sponsor (dates around the 4th of July are excluded unless approved by Bartolotta). In the event the display is rescheduled to a date not the next night, there will be an additional 15% cost added to the contract amount to cover additional expenses involved. In the event the Sponsor does not choose to reschedule another date or cannot agree to a mutually convenient date, the Sponsor shall pay the Contractor an amount equal to 40% to cover Bartolotta's cost, damages, and expenses.
4. The cost of the display is: **\$5000.00**. A deposit in the amount of: **\$2500.00** shall be made at the time of signing this agreement. The balance due shall be paid to Bartolotta within 10 days following the display. A 2.5% Hazardous Material Handling fee will be added to the invoice (based on the display cost) along with any permit fees paid by Bartolotta. There will be a 1.5% late charge added to the invoice on any outstanding amount not paid in full by the agreed upon date.
5. Sponsor, at sponsor's expense, agrees to provide Bartolotta with a suitable display site that meets the guidelines as set forth in NFPA 1123 and meeting the approval of Bartolotta. All permits necessary for the display shall be the responsibility of the Sponsor. All necessary police, fire, and other appropriate protection necessary for proper crowd control, automobile parking, and display site security will be the responsibility of the Sponsor.

6. After the display, the pyro technicians will conduct a post display search of the area/fallout zone for any unexploded fireworks. Sponsor explicitly acknowledges that an early morning search of the grounds/location is of utmost importance and the search will be conducted by the Sponsor. If any unexploded shells or devices are found, Bartolotta will be contacted immediately to properly dispose of said material. Bartolotta will be responsible for the removal of all equipment provided by Bartolotta. Sponsor will be responsible for any remaining cleanup that may be required after the display.
7. Sponsor agrees to hold Bartolotta harmless from all claims and a penalty made against Bartolotta in the event the display fails to start on time or is disrupted as a direct result of equipment or product malfunction or failure.
8. The laws of the State of Wisconsin shall govern this contract. Nothing in this contract shall be construed as forming a partnership between the Sponsor and Bartolotta. Neither party shall be held responsible for any agreements nor obligations not expressly provided for herein, and shall be severally responsible for their own separate debts and obligations.
9. This contract constitutes the entire agreement between the parties and shall be binding on the parties, their heirs, executors, administrators, successors, and assigns.
10. Any Additional Provisions: ***FALL PROMO-10% more product for your 2016 display with a signed contract and 50% deposit by Jan. 1st.***

BARTOLOTTA FIREWORKS CO., INC.

VILLAGE OF BUTLER:

By: _____

By: _____

Date Signed: ____/____/____

Date signed ____/____/____

Address: PO Box 5
Genesee Depot, WI 53127

Address: 12621 W. Hampton Ave
Butler, WI 53007

Phone: 262-783-2525

Email: Kayla Chadwick-kchadwick@butlerwi.gov

PERMIT TO POSSESS AND DISPLAY FIREWORKS

_____ County _____ State

_____ 2016

TO WHOM IT MAY CONCERN- GREETINGS:

Application having been made in accordance with the laws of the State of _____,

This permit is issued to _____

Giving them the right to exhibit display fireworks on the _____ day of _____, 2016,

At _____ o'clock P.M. at _____ in said County,

In connection with _____ celebration.

Rain Date (In the event of inclement weather): _____

BARTOLOTTA FIREWORKS COMPANY
P.O. Box 5
Geneseo Depot, WI 53127
262-968-4178
Fax: 262-968-2254

SHERIFF OR CHIEF OF FIRE DEPARTMENT

Article C. CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

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ORDINANCE NO. 15-08

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 undergone 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.

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.

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.

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. (Swale 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 injunctive 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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Article B. POST-CONSTRUCTION STORM WATER MANAGEMENT

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ORDINANCE NO. 15-09

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, Title 15, 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.

- (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 injunctive 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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NON-AFFILIATED POLLWORKERS
January 1, 2016 to December 31, 2017

Name		Phone No.	Address
Benjamin	Charlene	414-429-4162	12920 W. Hampton Avenue
Dietrich	Sharon	781-0699	4583 N. 127 Street
Endries	Janet	781-5066	12739 W. Peck Place
Ensslin	Kathryn	781-2511	12805 W. Colfax Place
Gross	Geraldine	781-4256	13031 W. Cameron Avenue
Ledger	Dorothy	781-9069	4917 N. 126 Street
Lundean	Karen	790-1165	13127 W. Lancaster Avenue
Schlei	Ralph	781-4863	13110 W. Cameron Avenue
Schultz	Marilyn **	783-4188	4831 N. 127 Street
Tiarks	Pat **	781-6903	4724 N. 127 Street
Zoulek	Jean **	783-4719	12849 W. Stark
Zuba	Mike	Cell 262-389-8825	4629 N. 125 Street

** Chief Inspectors

Approved by the Village Board of the Village of Butler on the 1st day of December, 2015

Kayla Chadwick
Administrator/Clerk

Wis. Statutes 7.30 (4)