

ORDINANCE NO

AMENDING SECTION 26 - ARTICLE I OF THE WALWORTH COUNTY CODE OF ORDINANCES, RELATED TO STORM WATER MANAGEMENT.

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Part 1. That Division 1 through 3 for Article I of Chapter 26 of the Walworth County Code of Ordinances are hereby amended as follows, (additions are shown in bold and underlined; deletions are shown in strike through text.)

1 **Article I. Storm Water Management**

2

3 **Division 1. Generally**

4

5 **Sec. 26-1. Title.**

6

7 This ~~article~~ **ordinance** shall be known and may be cited as the “Storm Water Management
8 Ordinance for Walworth County”.

9

10 **Sec. 26-2. Authority.**

11 (a) This ~~article~~ **ordinance** is adopted **by the Walworth County Board of Supervisors** under
12 the authority granted by **Wis. Stats.** §§ 59.693, ~~401.1205, 401.65,~~ 92.07 (15) and § 236.45, ~~of~~
13 ~~Wis. Stats.~~ and to fulfill the objectives of Wis. Stats. ~~chapter.~~ **§281.33**

14

15 (b) The provisions of this ~~article~~ **ordinance** are deemed not to limit any other lawful regulatory
16 powers of the same governing body.

17

18 (c) Walworth County Board of Supervisors designates the Walworth County Land Conservation
19 Division to administer and enforce the provisions of this ~~article~~ **ordinance.**

20

21 (d) The requirements of this ~~article~~ **ordinance** do not pre-empt more stringent ~~erosion and~~
22 ~~sediment control~~ **storm water management** requirements that may be imposed by any of the
23 following:

24

25 (1) Wisconsin Department of Natural Resources administrative rules, permits, or
26 approvals including those authorized under ss. **Wis. Stats §** 281.16 and 283.33. ~~Wis.~~
27 ~~Stats.~~

28

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

32

1 **Sec. 26-3. Findings of Fact.**
2

3 (a) The ~~County~~ **Walworth County Board of Supervisors** finds unmanaged and uncontrolled
4 storm water runoff from land development **and land disturbing activities** ~~has a~~ **can have a**
5 significant adverse impact upon water resources and the health, safety and general welfare of the
6 ~~county~~ **Walworth County** and diminishes the public enjoyment and use of natural resources.
7 In addition, developed sites not complying with ~~county~~ **Walworth County** conservation
8 standards can have a significant impact on the value and functions of wetlands, woodlands,
9 waterways and other ~~county~~ **Walworth County** natural and environmental resources.
10 Specifically, uncontrolled and unmanaged storm water runoff can:

- 11
- 12 (1) Carry a significant amount of sediment, nutrients, bacteria, pathogens, organic matter,
13 toxins, heavy metals and other pollutants to County lakes, streams and wetlands.
14
 - 15 (2) Degrade stream habitat by increasing stream bank erosion and stream bed scour
16 reducing groundwater recharge and stream base flows and increasing stream
17 temperatures.
18
 - 19 (3) Diminish the capacity of lakes and streams to support fish, aquatic life and
20 recreational uses.
21
 - 22 (4) Reduce the quality of groundwater and contaminate drinking water supplies.
23
 - 24 (5) Alter wetland communities by changing wetland hydrology and increasing pollutant
25 loads.
26
 - 27 (6) Threaten public health, safety, property, and general welfare by increasing runoff
28 volumes and peak flood flows and overburdening storm sewers, drainage ways and
29 other storm drainage systems.
30
 - 31 (7) Undermine floodplain management efforts by increasing the incidence and levels of
32 flooding; and sedimentation.

33 **(b) The Walworth County Board of Supervisors finds that structural and non-structural**
34 **storm water management practices, complying with Walworth County conservation**
35 **standards can capture and filter runoff from impervious surfaces, improve water quality**
36 **and manage runoff volumes. Furthermore, storm water management practices can assist**
37 **landowners comply with Walworth County Shoreland Zoning Standards, contained in**
38 **Chapter 74, of the Walworth County Code of Ordinances.**
39

1 **Sec. 26-4. Purpose and Intent.**
2

3 (a) *Purpose.* The general purpose of this ~~article~~ **ordinance** is to establish long-term,
4 post-construction storm water management requirements to diminish the threats to public health
5 and safety, welfare and the aquatic **natural** environment. Specific purposes of this ~~article~~
6 **ordinance** are to:
7

8 **(1) Further the maintenance of safe and healthful conditions.**
9

10 ~~(+2)~~ Preserve the natural resources of ~~the~~ **Walworth** County; to protect the quality of
11 the waters of the ~~county~~ **Walworth County** and the state; to protect spawning grounds,
12 **fish and aquatic life**, preserve wetlands and woodlands; to control building sites and
13 the placement of structures; to preserve ground cover and scenic beauty; to protect and
14 promote the health, safety and welfare of the people to the maximum extent practicable;
15 and to promote sound economic growth.
16

17 ~~(23)~~ Insure development sites implement and maintain storm water management plans
18 consistent with ~~county~~ **Walworth County** conservation standards and minimize the
19 amount of sediment and other pollutants carried by runoff or discharged from a
20 developed site to lakes, streams, channels, ditches, ponds, wetlands and other
21 watercourses of the county and prevent flooding on adjacent lands.
22

23 **(4) Control exceedance of the safe capacity of existing drainage facilities and**
24 **receiving waterbodies; prevent undue channel erosion; and control increases in the**
25 **scouring and transportation of particulate matter.**
26

27 **(5) Minimize the amount of pollutants discharged from a separate storm sewer to**
28 **protect the waters of the state.**
29

30 **(6) Adopt conservation standards for compliance with Walworth County Shoreland**
31 **Zoning Standards, related to impervious surfaces.**
32

33 (b) *Intent.* It is the intent **of the Walworth County Board of Supervisors that** this ~~article~~
34 **ordinance** ~~to~~ regulate post-construction storm water discharges to waters of the state in
35 Walworth County.
36

37 This ~~article~~ **ordinance** establishes storm water management standards, plan and permit
38 requirements and procedures to implement and maintain long-term storm water management best
39 management practices, that will reduce the threats to public health, safety, welfare and the
40 natural environment.
41

42 (1) Through a storm water management plan review and permit process, this ~~article~~
43 **ordinance** is intended to meet the following storm water management regulatory
44 requirements:
45

1 a. Subchapter III of NR 151, Runoff Management, Non-agricultural Performance
2 Standards

3
4 b. Chapter NR 216 of the Wis. Administrative Code.

5
6 c. ~~Chapter Comm. 60 of the Wisconsin Administrative Code.~~

7
8 d. ~~Chapter Comm. 21.126~~

9
10 **c. Chapter NR 115 of the Wis. Administrative Code.**

11
12 (2) This ~~article~~ **ordinance** is intended to establish and implement ~~County~~ Storm Water
13 Management Standards, when required by the following Walworth County Ordinances:

14
15 a. Chapter 74 of the Walworth County Code of Ordinances, **related to County**
16 **Zoning and Shoreland Zoning Regulations.**

17
18 b. Chapter 58 of the Walworth County Code of Ordinances, **related to**
19 **Subdivisions.**

20
21 **c. Chapter 26, Article VI of the Walworth County Code of Ordinances**
22 **related to Nonmetallic Mining.**

23
24 (3) **This ordinance is intended to** promote cooperation among the governmental units
25 within the **Walworth** County to manage storm water in an effective, cost-effective and
26 equitable manner.

27
28 (4) **This ordinance is intended to be applied on a site-by-site basis.** The county board
29 of supervisors **Walworth County Board of Supervisors** recognizes the preferred
30 method of water runoff **to achieving the storm water management performance**
31 **standards set forth in this ordinance is** through ~~from land development activities is~~
32 through the preparation **and implementation** of **comprehensive, system-level storm**
33 **water management plans** regional storm water management plans that cover
34 hydrological units, such as watersheds or sub-watersheds, **on a municipal or regional**
35 **scale. Such plans may prescribe regional storm water devices, practices or systems,**
36 **any of which may be designed to treat runoff from more than one site prior to**
37 **discharge to waters of the state. Where such plans are in conformance with the**
38 **performance standards developed under Wis. Stats. § 281.16, for regional storm**
39 **water management measures and have been approved by the Walworth County.**
40 Accordingly, provisions have been incorporated into this ~~article~~ **ordinance** to allow for
41 the implementation of a regional storm water management plan, in lieu of complying
42 with certain on-site storm water management requirements.

43
44 (5) Provisions have been established in this ~~article~~ **ordinance** to coordinate **Walworth**
45 County storm water management plan standards with other county **Walworth County**

1 zoning and land division requirements by establishing a preliminary storm water
2 management plan review process in advance of major land use decisions,
3

4 (6) Provisions have been established in this ~~article~~ **ordinance** to require the visual
5 inspection, maintenance and repair of storm water management best management
6 practices to insure their long-term functions, integrity, and use.
7

8 (7) This ~~article~~ **ordinance** is not intended to limit **land disturbing activities**, ~~activity,~~
9 the use of land or the division of land permitted under ~~county zoning and land division~~
10 ~~ordinances.~~ **Walworth County Zoning and Land Division Ordinances**
11

12 **(8) It is the intent of this ordinance that the approved storm water management**
13 **plan be used to identify post-construction storm water management measures**
14 **acceptable to the community.**
15
16
17

18 **Sec. 26-5. Jurisdiction, Applicability, Exemptions and Exclusions**
19

20 (a) *Jurisdiction.*
21

22 (1) This ~~article~~ **ordinance** applies to ~~lands~~ **land disturbing activities** situated within the
23 boundaries and jurisdiction of **Walworth** County in the unincorporated areas, ~~and if authorized,~~
24 ~~in cities and villages under an intergovernmental agreement, pursuant to §66.0301, Wis. Stats.,~~
25 ~~approved by a village or city and the county.~~

26 **unless a town board exercises its authority, pursuant to Wis. Stats. §60.627, to regulate**
27 **post-construction storm water management by:**
28

29 **a. Adopting an ordinance that complies with the minimum standards established by**
30 **the Wisconsin Department of Natural Resources and is at least as restrictive as this**
31 **ordinance, as determined by the Walworth County Land Conservation Division**
32

33 b. ~~Provides~~ **Providing** reasonable notice to the Walworth County Land Use and Resource
34 Management Department of the effective date of the town ordinance and the names and
35 contact information of the **for** enforcement. ~~contact(s), if not the Walworth County~~
36 ~~Land Conservation Division.~~
37

38 (2) **This ordinance applies in** and if authorized, in cities and villages, under an
39 intergovernmental agreement, pursuant to **Wis. Stats. §66.0301,** ~~Wis. Stats.,~~ approved by a
40 village or city and ~~the county~~ **Walworth County.**
41

42 (23) Newly Annexed Areas. If any area with the jurisdiction described in (1) above is annexed
43 by a city or village after May 5, 1992, the provisions of this ~~article~~ **ordinance** shall continue in
44 effect and shall be enforced after annexation by the annexing city or village unless any of the
45 following occurs:

1
2 a. The city or village enacts, administers and enforces an ordinance for the annexed areas
3 that complies with the minimum standards established by ~~the state department of natural~~
4 ~~resources~~ **Wisconsin Department of Natural Resources** and is at least as restrictive as
5 this ordinance, as determined by the ~~county land conservation division~~ **Walworth**
6 **County Land Conservation Division**; or

7
8 b. After annexation, the city or village requests that this ordinance, as it applies to the
9 annexed area, continues to be in effect and is enforced by the ~~county land conservation~~
10 ~~division~~ **Walworth County Land Conservation Division**. ~~and the county land~~
11 ~~conservation division agrees to enforce the ordinance.~~

12
13 (b) *Applicability.* Unless otherwise exempted under subsection 26-5 (c) this ~~article~~ **ordinance**
14 applies after ~~site~~ **final** stabilization to the following land disturbing construction and
15 development activities:

16
17 (1) A subdivision plat.

18
19 (2) A certified survey map or any other land development activity that may result in the
20 addition of 0.5 acres of impervious surfaces, including smaller individual sites that are
21 part of a common plan of development that are constructed at different times.

22
23 (3) Construction of a new public or private road serving more than 5 lots.

24
25 (4) A post-construction site that had one or more acres of land disturbing construction
26 activity.

27
28 (5) A land development activity, regardless of size, that in the opinion of the ~~county~~
29 ~~land conservation division~~ **Walworth County Land Conservation Division**, determines
30 is likely to cause one or more of the following:

31
32 a. An adverse impact to an environmentally sensitive area,

33
34 b. Results in runoff that exceeds the safe capacity of the existing drainage facility
35 or receiving water

36
37 c. Results in chronic wetness on other property, due to reoccurring discharges of
38 storm water,.

39
40 d. Causes undue channel erosion

41
42 e. Increases pollution by scouring or the transportation of particulate

43
44 f. Violates any other storm water management standard in this ~~article~~ **ordinance**.
45

1 **(6) For the establishment of treated impervious surfaces, when approved by the**
2 **Walworth County Zoning Division, to comply with impervious surface provisions**
3 **contained in the Walworth County Shoreland Zoning Ordinance, Chapter 74 of the**
4 **Walworth County Code of Ordinances.**
5
6

7 (c) *Exemptions.* A site that meets any of the criteria in this paragraph is exempt from the
8 requirements of this ~~article~~ **ordinance.**
9

10 ~~1 A redevelopment post construction site with no increase in exposed parking lots or~~
11 ~~roads.~~
12

13 **(1 2) A post-construction site with less than 10% percent connected imperviousness,**
14 **based on the complete development of the post-construction site, provided the cumulative**
15 **areas of all parking lots and rooftops impervious areas is are less than one acre.**
16 **However, this exemption does not include an exemption from the protective area**
17 **standard of this ordinance.**
18

19 ~~(2 3) Nonpoint discharges from agricultural facilities and practices. Land disturbing~~
20 ~~activities directly resulting from the cultivating, planting and harvesting of sod,~~
21 ~~trees, nursery stock and any plant grown for human or livestock consumption or~~
22 ~~pasturing and yarding of livestock.~~
23

24 **(3 4) Nonpoint discharges from silviculture activities,**
25

26 **(4 5) Underground utility construction such as natural gas, electric, water, sewer, and**
27 **fiberoptic lines. This exemption does not apply to the construction of any above ground**
28 **structure associated with utility construction or expansion.**
29

30 **(5 6) Any land disturbing activity that is designed and/or certified by the Walworth**
31 **County Land Conservation Division or the Natural Resources Conservation Service**
32 **(NRCS) as part of a soil conservation, nonpoint sources pollution control project shall**
33 **comply with all of the requirements of this ordinance, but shall be exempted from**
34 **obtaining a permit, providing financial guarantee, or paying fees.**
35

36 **(6 5) Any land disturbing activity conducted by or contracted by or contracted for any**
37 **State agency, as defined under § 227.01 (1), Wis. Stats., including but not limited to road**
38 **construction projects administered by the state department of transportation Wisconsin**
39 **Department of Transportation, when within the designated project area or**
40 **construction project right-of-way area. Borrow areas or spoil spreading sites used for**
41 **state-sponsored project, not within the project area or construction right-of-way must**
42 **meet the requirements of this article ordinance. The ~~land conservation division~~**
43 **Walworth County Land Conservation Division ~~may~~ may require documentation of the**
44 **person(s) or agency charged with enforcing the storm water management for the project.**
45

1 ~~(7)~~ ~~8~~ Land disturbance **disturbing** activities directly involved with the installation and
2 maintenance of private on-site waste disposal systems as regulated under chapter 70,
3 Utilities of the **Walworth** County Code of Ordinances, **related to Utilities.**
4

5 ~~(8)~~ ~~7~~ A land disturbing activity conducted on sites which were included as part of a
6 previously completed storm water management plan that was approved under this ~~article~~
7 **ordinance** shall be exempt from obtaining a permit provided:
8

- 9 1. New activities do not render the existing storm water best management
10 practices less effective; or
- 11 2. New site development exceeds the assumptions made in the calculations used
12 in the development of the previously approved storm water management plan
13

14 **(9) This ordinance is not applicable to land disturbing activities conducted by a**
15 **federal agency entitled to immunity from local regulations pursuant to the U.S.**
16 **Constitution, Article VI, cl. 2.**
17

18 **(10) To recognize an exemption under this section, the Walworth County Land**
19 **Conservation Division may require documentation of the person(s) or regulatory**
20 **agency charged with enforcing storm water management for the subject project and**
21 **verification of compliance with applicable storm water regulations.**
22

23 **Sec. 26-6 Adoption of state law.**
24

25 (a) The following Wisconsin Administrative Codes are hereby adopted and by reference made a
26 part of this ~~article~~-**ordinance**:
27

28 (1) ~~Chapter~~ **Chapter** NR 151, Subchapter III, Non-Agricultural Performance Standards.
29

30 ~~Chapter Comm 61, Administration and Enforcement~~
31

32 ~~Chapter Comm 60, and Appendix A Erosion Control and Sediment Control and Storm~~
33 ~~Water Management.~~
34

35 **(2) Chapter NR 115.**
36

37 (b) Any future amendments and revisions to the Wisconsin Administrative Codes listed in this
38 paragraph are hereby adopted and by reference, made a part of this ~~article~~-**ordinance**. A copy of
39 the Wisconsin Administrative Codes listed in this paragraph shall be kept on file in the Walworth
40 County Land Conservation Division Office.
41
42

1
2
3 **Sec. 26-7. Definitions and phrases.**
4

5 The following words, terms and phrases, when used in this article, shall have the meanings
6 ascribed to them in this section, except where the context clearly indicates a different meaning:
7

8 **Adequate sod, or self-sustaining vegetative cover: means maintenance of sufficient vegetation**
9 **types and densities such that the physical integrity of the streambank or lakeshore is**
10 **preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers**
11 **of fallen leaves and woody vegetation.**

12
13 *Administrative authority:* means a governmental employee empowered under **Wis. Stats.**
14 **§ § 59.693 or 92.07** and designated by the Walworth County Board of Supervisors to administer
15 this ordinance.
16

17 *Agricultural land use:* **Has the meaning defined in Wis. Stats. §§91.01 and 92.10 and any**
18 **use the Wisconsin Department of Agriculture, Trade and Consumer Protection defines**
19 **through the adoption of a Wisconsin Administrative Rule.** Beekeeping; commercial
20 feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game
21 management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry
22 raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod
23 farming; placing land in federal programs in return for payments in kind; ~~owning land, at~~
24 ~~least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to~~
25 ~~3836 or lands that are part of other state and federal conservation programs; participating in~~
26 ~~the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis.~~
27 ~~Stats. 91.01, 92.10)~~
28

29 *Applicant:* ~~The landowner or one of the landowners and/or land users of a site subject to this~~
30 ~~article. **A person or entity applying for a permit, subject to this ordinance, shall be the**~~
31 ~~**landowner, holding fee title in the parcel as defined below:**~~

32 **1. An individual person;**
33

34 **2. A principal executive officer of a corporation;**
35

36 **3. A member or manager of a limited liability company;**
37

38 **4. The general partner in a partnership;**
39

40 **5. A principal executive officer, ranking elected official or other duly authorized**
41 **representative of a unit of government.**
42
43

1 *Atlas 14: The National Oceanic and Atmospheric Administration (NOAA) Atlas 14*
2 *Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States)*
3

4 *Average annual rainfall:* A calendar year of precipitation, excluding snow, which is considered
5 typical, and as determined by the Wisconsin Department of Natural Resources for users of
6 models such as WinSlamm, P8, TR -55 or equivalent models and methodology.
7

8 *Best management practices or BMPs:* Structural or non-structural measures, practices,
9 techniques, or devices, ~~employed to avoid or minimize soil, sediment or pollutants carried in~~
10 ~~runoff to waters of the state~~ or to reduce runoff volumes or peak flows or determined to be
11 effective means of preventing or reducing pollutants in surface water generated from
12 construction sites and under post-construction conditions.
13

14 *Business day:* A day the office of the Walworth County Land Conservation Division is
15 routinely and customarily open for business.
16

17 *Cease and desist order:* A court-issued order to halt land disturbing construction activities
18 that is being conducted without the required permit or in violation of a permit issued by
19 the Walworth County Land Conservation Division.
20

21 *Clearing:* Any activity that removes vegetative cover.
22

23 *Common plan of development* means all lands included within the boundary of a certified survey
24 map or subdivision plat created for the purpose of development or sale of property where
25 integrated, multiple, separate, and distinct land developing activities may take place at different
26 times by future owners.
27

28 *Connected imperviousness:* An impervious surface connected to waters of the state via a
29 separate storm sewer, an impervious flow path or a minimally pervious flow path.
30

31 *Construction site:* means an area upon which one or more land disturbing construction activities
32 occur, including areas that are part of a larger common plan of development or sale where
33 multiple separate and distinct land disturbing activities may be taking place at different times on
34 different schedules but under one plan.
35

36 *County Zoning Agency ~~Committee~~:* A committee created by the County Board of Supervisors,
37 under Wis. Stats. §59.69 to act in the matters pertaining to county land use planning and zoning.
38

39 *County conservation technical standards:* Those applicable design criteria, technical standards
40 and specifications for conservation practices used by Land Conservation Division. Conservation
41 practice standards establish the minimum level of acceptable quality for planning and site
42 assessment, performance expectations, design and installation parameters, and the operation
43 and maintenance needs of conservation practices. Conservation practice standards include those
44 contained in:
45

- 1 (1) Subchapter V of ch. NR 151, Wis. Adm. Code;
- 2
- 3 b) Section IV of the Field Office Technical Guide, Technical Notes and Field Office
- 4 Manuals published by the USDA Natural Resource Conservation Service
- 5
- 6 c) Other technical standards and specifications adopted by the State Standards Oversight
- 7 Council, other State or Local Agencies or Organizations, the Wisconsin Department of
- 8 Transportation, the University of Wisconsin Cooperative Extension Service, the
- 9 Southeastern Wisconsin Regional Planning Commission or the Center for Watershed
- 10 Protection and approved by the Walworth County Land Conservation Division.
- 11
- 12

13 *Country Zoning Division:* The ~~county~~ **Walworth County** office responsible for enforcing and

14 administering the County Zoning Ordinances and other land use ordinances of the county.

15

16 *Design storm:* A hypothetical discrete rainstorm characterized by specified duration, temporal

17 distribution, rainfall intensity, return frequency and total depth of rainfall.

18 ~~(i.e) once every 1, 2, 10 or 100 years) duration (i.e) 24 hours) and timing of duration, (i.e. type~~

19 ~~H). The Walworth County rainfall depths for design storms are contained in the Field Office~~

20 ~~Technical Guide, (FOTG) published by the USDA Natural Resources Conservation Service.~~

21

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.4 inches	2.8 inches	4.1 inches	5.8 inches

22

23

24 ~~*Dewatering:* The removal of trapped water, usually by pumping, from a construction site to~~

25 ~~allow land development or utility installation activities to occur.~~

26

27 ***Development: Residential, commercial, institutional, or institutional land uses and***

28 ***associated roads and infrastructure.***

29

30 *Disturbed area:* A site which, due to land developing or disturbing activities, has or will

31 experience disturbance or ~~destruction~~ **removal** of the existing land surface and/or vegetative

32 cover.

33

34 ***Direct conduits to groundwater: Wells, sinkholes, fractured bedrock at the surface, mine***

35 ***shafts, nonmetallic mines, tile inlets discharging to groundwater, quarries, or depressional***

36 ***groundwater recharge areas over shallow fractured bedrock.***

37

38 ***Division of land: The act of division of a parcel creates five or more parcels or building***

39 ***sites of 15 acres or less at one time or through the successive partition within a 5-year***

40 ***period.***

1
2 **Effective infiltration area: The area of the infiltration system that is used to infiltrate**
3 **runoff and does not include the area used for site access, berms or pretreatment.**
4

5 *Erosion:* The process by which the land’s surface is worn away by the action of wind, water, ice
6 or gravity.
7

8 **Exceptional resource waters: Waters listed in s NR 102.11, Wisconsin Administrative**
9 **Code.**

10
11 *Erosion and sediment control plan:* A comprehensive plan developed to address pollution
12 caused by erosion and sedimentation of soil particles or rock fragments during construction.
13

14 **Filtering layer: Soil that has a least a 3-foot deep layer with at least 20 percent fines; or at**
15 **least a five-foot deep layer with at least 10 percent fines; or engineered soil with an**
16 **equivalent level of protection as determined by the Walworth County Land Conservation**
17 **Division or the Wisconsin Department of Natural Resources,**
18

19 **Final Stabilization: means all land disturbing activities at the construction site have been**
20 **completed and a uniform perennial vegetative cover has been established with a density of**
21 **at least 70 percent cover for the unpaved areas and areas not covered by permanent**
22 **structures or equivalent permanent stabilization measures are in place and the risk of**
23 **further soil erosion is minimal, as determined by the Land Conservation Division.**
24

25 *Financial guarantee:* means a performance bond, maintenance bond, surety bond, irrevocable
26 letter of credit or similar guarantees submitted to the county land conservation division by the
27 responsible party to assure that the requirements of the ordinance are carried out in compliance
28 with the County-approved construction site erosion control plan or post-construction storm water
29 management plan.
30

31 **Governing body: means the Walworth County Board of Supervisors.**
32

33 *Impervious surface:* **An area that releases as runoff all or a large portion of the**
34 **precipitation that falls on it, except frozen soil.** An impervious surface is surface through
35 which rainfall does not infiltrate. Rooftops, sidewalks, parking lots and streets including those
36 constructed of gravel, unless specifically designed, constructed and maintained to be pervious,
37 **are examples of areas that typically are** impervious surfaces. Frozen ground is not considered
38 an impervious surface.
39

40 *Infiltration:* The entry of precipitation or runoff into or through the soil.
41

42 *Infiltration system:* A device or best management practice such as basin, trench, rain garden or
43 swale designed specifically to encourage infiltration, but does not include natural infiltration in
44 pervious surfaces such as lawns, redirecting rooftop downspouts onto lawns or minimal

1 infiltration from practices, such as swales or road side channels designed for conveyance and
2 pollutant removal only.

3
4 *Land Conservation Committee:* The operating committee of the ~~county board of supervisors~~
5 **Walworth County Board of Supervisors**, authorized under chapter 92.06 of the Wisconsin
6 State Statutes.

7
8 *Land conservation division:* The county office responsible for enforcing and administering this
9 ~~article~~ **ordinance** or a designated representative of the Land Conservation Committee, pursuant
10 to chapter 92.06 (2) of the Wisconsin State Statutes.

11
12 *Land conservation division staff:* An employee or employees of ~~the county~~ **Walworth County**
13 whose responsibilities include enforcement of the terms and conditions of this ~~article~~ **ordinance**.

14
15 *Erosion:* ~~The detachment and movement of soil, sediment or rock fragments by means of water,
16 wind, ice or gravity.~~

17
18 ~~*Land developing activity:* The construction or erection of buildings, roads parking lots, paved
19 storage areas and other structures, that may ultimately result in the addition of impervious
20 surfaces.~~

21
22 *Land disturbing construction activity:* Any manmade alteration resulting in a change of
23 topography or vegetative cover or non-vegetative cover, that may result in runoff and lead to an
24 increase in soil erosion and movement of sediment. Land disturbance activities includes clearing
25 and grubbing, excavating, filling, adding or disposing of spoil or contaminated soil, grading,
26 building construction or demolition, and pit trench dewatering.

27
28 ~~*Land user:* Any person operating upon, leasing or renting land, or having made any other
29 arrangements with the landowner by which the land user engages in uses of land which are sites
30 subject to this article. The term "land user" shall include temporary users of property such as
31 contractors and sub-contractors.~~

32
33 *Landowner:* Any person **or entity** holding **fee** title, **an easement**, or having an interest in a
34 parcel of land which ~~includes~~ **allows the person or entity to undertake land disturbing**
35 **activities** a site subject to this ~~article~~ **ordinance**.
36 **A permit applicant, subject to this ordinance, shall be the landowner, holding fee title in**
37 **the parcel, as defined below:**

- 38
39 **1. An individual person;**
40 **2. A principal executive officer of a corporation;**
41 **3. A member or manager of a limited liability company;**
42 **4. The general partner in a partnership;**
43 **5. A principal executive officer, ranking elected official or other duly authorized**
44 **representative of a unit of government.**
45

1 *Maintenance Agreement*: A legal document that provides for long-term maintenance of post-
2 construction storm water management practices.

3
4 ~~MEP or Maximum extent possible~~; **practicable**. The highest level of performance that is
5 achievable but not equivalent to a performance standard identified in this ordinance. ~~The level~~
6 ~~of implementing best management practices in order to achieve a performance standard specified~~
7 ~~in this ordinance which takes into account the best available technology, cost effectiveness, and~~
8 ~~other competing issues such as human safety and welfare, endangered and threatened resources,~~
9 ~~historic properties and geographic features. MEP allows for flexibility in the way to meet the~~
10 ~~performance standards and may vary based on the performance standard and site conditions.~~

11
12 *Navigable water*: **Has the meaning in Wisc. Stats. § 30.01(4M) means and includes**
13 Navigable Water means Lake Superior, Lake Michigan, all natural waters within Wisconsin and
14 all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state,
15 including the Wisconsin portion of boundary waters, which are navigable under the laws of the
16 state.

17
18 **New Development: Development resulting from the conversion of previously**
19 **underdeveloped land or agricultural land.**

20
21 **NRCS MSE3 Distribution: A specific precipitation distribution developed by the United**
22 **States Department of Agriculture, Natural Resources Conservation Service, using**
23 **precipitation data from Atlas 14.**

24
25 *Off-site*: Located outside the property boundary described in the permit application. ~~for land~~
26 ~~development activity.~~

27
28 **On-site: Located within the property boundary described in the permit application.**

29
30 *Ordinary High -water Mark*: has the meaning given in s. NR 115.03(6), Wis. Adm. Code.

31
32 *Outstanding Resource Waters*: means waters listed in s. NR 102.10, Wis. Adm. Code.

33
34 **Percent fines: The percentage of a given sample of soil, which passes through a #200 sieve.**

35
36 *Performance standard*: A narrative or measurable number specifying the minimum acceptable
37 outcome for a facility or practice.

38
39 *Permit*: A written authorization made by the **Walworth County** Land Conservation Division to
40 the applicant to conduct land disturbing activities or to discharge post-construction runoff.

41
42 **Permit application fee: Sum of money paid to the Walworth County Land Use and**
43 **Resource Management Department for the purpose of recouping the expenses incurred by**
44 **Walworth County administering the permit.**

1 **Permeable surface:** For the purposes of this ordinance, permeable is used interchangeably
2 **with the words pervious or porous. A permeable surface is an area that releases as runoff a**
3 **small portion of the precipitation that falls on it. Lawns, gardens parks, forests or other**
4 **similar vegetated area are examples of surfaces that typically are permeable or pervious. A**
5 **man-made permeable surface is a pavement system that is designed, installed and**
6 **maintained according to county conservation standards to allow the movement of storm**
7 **water through the surface into a an underground reservoir**
8

9 *Plat **Map:*** A map prepared for the purpose of recording a subdivision, minor land division, or
10 condominium.

11
12 **Pollutant:** Has the meaning given in s. 283.01 (13), Wis. Stats.

13
14 **Pollution:** Has the meaning given in s. 281.01 (10), Wis. Stats.

15
16 *Post-construction:* The stage of a construction site following the completion of land disturbing
17 activities and **final** stabilization.

18
19 *Post-construction storm water runoff:* Any storm water discharged from **a** site following
20 completion of land disturbing activities and **final** ~~site~~ stabilization..

21
22 *Pre-development condition:* The extent and distribution of land cover types present before the
23 initiation of land disturbing construction activities, assuming that all land uses prior to
24 development activity are managed in an environmentally sound manner.

25
26 *Preliminary Plat:* Has the meaning given in the Walworth County Subdivision Ordinance,
27 Chapter 58 of the Walworth County Code of Ordinances.

28
29 **Preventive action limit:** Has the meaning given in s NR 140.05 (17), Wis. Adm. Code.

30
31 *Protective area:* An area of land that commences at the top of the channels of lakes, streams,
32 and rivers, **the top of channels with drainage areas greater than 130 acres** or at the
33 delineated boundary of wetlands. **The protective area is** as measured horizontally from the top
34 of the channel, or delineated wetland boundary to the closest impervious surface. The width of
35 the protective areas is based on type, value, and condition of the waterway or wetland. The
36 protective areas does not include any area of land adjacent to any stream enclosed within a pipe
37 or culvert, such as runoff cannot enter the enclosure at this location.

38
39 *Redevelopment:* Land development that replaces previous land development of similar
40 impervious conditions.

41
42 *Responsible party:* A landowner ~~Any entity holding fee title to the property~~ or other person
43 contracted or obligated by other agreements **with the landowner** to implement the ~~construction~~
44 ~~site erosion control plan or post-construction storm water management plan~~ **and comply with**

1 **performance standards contained in this ordinance and the conditions of a permit issued**
2 **under this ordinance.**

3
4 *Road:* As used in this ordinance, means any access drive that serves more than two (2)
5 residences or businesses.

6
7 *Runoff:* Storm water or precipitation, including rain , snow or ice melt ~~or irrigation water~~ or
8 similar water that moves on the land surface via sheet or channelized flow.

9
10 *Sheet flow runoff:* Water, usually storm runoff, flowing in a thin layer over the ground surface;
11 also called overland flow.

12
13 *Shoreland:* has the meaning given in the Walworth County Shoreland Zoning Ordinance, Article
14 III, Chapter 74 of the Walworth County Code of Ordinances.

15
16 *Shoreyard setback:* means an area in the shoreland that is within a certain distance of ~~of~~ **from** the
17 ordinary high-water mark **of a navigable waterway**, in which construction or the placement of
18 structures has been limited or prohibited under the **Walworth** County Shoreland Zoning
19 Ordinance, Article III, Chapter 74 of the Walworth County **Code of** Ordinances.

20
21 ~~*Stabilized:* means all land disturbing activities are completed and that a uniform, perennial~~
22 ~~vegetative cover has been established on at least 70% of the soil surface or other surfacing~~
23 ~~material is in place and the risk of further soil erosion is minimal, as determined by the Land~~
24 ~~Conservation Division.~~

25
26 *Site:* That parcel or other division of land set forth in the legal description contained in the
27 application on which the land disturbing or land development activity is proposed to take place.

28
29 **Siviculture activity: Activities including tree nursery operations, tree harvesting operations,**
30 **reforestation, tree thinning, prescribed burning, pest and fire control. Clearing and**
31 **grubbing of an area of a construction site is not a siviculture activity.**

32
33 *Stop-Work Order:* An order issued by the Walworth County Land Conservation Division which
34 requires that all construction activities on the site be stopped due to a violation of the **Walworth**
35 County Code of Ordinances.

36
37 *Storm water runoff.* ~~Runoff from rainfall, Precipitation runoff, ice and snow melt. runoff,~~
38 ~~surface runoff and drainage.~~

39
40 *Storm water best management practice:* Structural and nonstructural practices, devices and
41 methods that are designed, constructed and maintained to control the volume, quantity and
42 quality of storm water to avoid or minimize sediment or pollutants carried in runoff to waters of
43 the state. Stormwater management practices selected are based on the physical suitability of a
44 site, the overall site management objectives and the performance criteria specified in this chapter

1 **ordinance.** Some examples include, but are not limited to, infiltration trench or basin, wet
2 detention basin, rain garden, filter strip, artificial wetland, green roof, or swale.

3
4 **Storm water management permit: A written authorization made by the Walworth County**
5 **Land Conservation Division to a landowner to conduct land disturbing activities or to**
6 **discharge post-construction runoff to waters of the state.**

7
8 *Storm water management plan:* A comprehensive plan designed to meet the performance
9 standards contained in this ordinance, to reduce the discharge of pollutants from storm water
10 after the site has undergone final stabilizations, following completion of the land disturbing
11 activities.

12
13 ~~*TR-55 or Technical Release 55:* The United States Department of Agriculture, Natural~~
14 ~~Resources Conservation Service, (previously Soil Conservation Service), *Urban hydrology for*~~
15 ~~*Small Watersheds, Second Edition, Technical Release 55, June 1986, published by the United*~~
16 **States Department of Agriculture.**

17
18 *Technical standard:* A document that specifies the planning and selection criteria, design,
19 predicted performance and operation and maintenance specification for a material, device or
20 method.

21
22 **Top of the channel: An edge, or a point on the landscape landward from the ordinary high-**
23 **water mark of a surface water of the state, where the slope of the land begins to be less than**
24 **12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less**
25 **continually for the initial 50 feet landward from the ordinary high-water mark, the top of**
26 **the channel of the ordinary high-water mark.**

27
28 **Total maximum daily load or TMDL: The amount of pollutants specified as a function of one**
29 **or more water quality parameters, that can be discharged per day into a water quality**
30 **limited segment of a waterway and still ensure attainment of the applicable water quality**
31 **standards.**

32
33 **Transportation Facility: A highway, a railroad, a public mass transit facility, a public-use**
34 **airport, a public trail or any other public work for transportation purpose, such as harbor**
35 **improvements under s. 85.095 (1)(b), Wis. Stats. A transportation facility does not include**
36 **building sites for the construction of public buildings and buildings that are places of**
37 **employment that are regulated by the Department pursuant to s.281.33, Wis. Stats.**

38
39 **Treated impervious surface: For the purposes of this ordinance, treated impervious**
40 **surfaces are established to comply with the Walworth County Shoreland Zoning**
41 **Ordinance. A treated impervious surface is hydrologically connected to an engineered best**
42 **management practice or device that collects precipitation and runoff from an impervious**
43 **surface for infiltration, storage, and treatment for pollution control, peak discharge and/or**
44 **volume control and are designed, constructed and maintained according to Walworth**
45 **County conservation standards.**

1 **TSS: Means total suspended solids.**
2

3 *Type II distribution:* A rainfall type curve as established in the “United States Department of
4 Agriculture, **Natural Resources Conservation Service, (previously** Soil Conservation
5 Service), Technical Paper 149, published 1973”. The Type II curve is applicable to all Wisconsin
6 and represents the most intense storm pattern.
7

8 *WDNR:* The Wisconsin Department of Natural Resources.
9

10 *Waters of the State:* Has the meaning given in **Wis. Stats. s. § 281.01 (18).** ~~Wis. Stats.~~
11

12 *Wetlands:* An area where water is at or near the surface long enough to be capable of supporting
13 aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
14

15 **Wetland delineation: An on-site field examination, using the procedures specified in NR**
16 **103.08(1m) and state and federal regulations and manuals, to determine the boundary of a**
17 **wetland on a parcel.**
18

19 **Wis. Adm. Code or Wisconsin Administrative Code. Administrative rules, regulations,**
20 **standards, or policies promulgated by agencies of the State of Wisconsin Executive Branch**
21 **to implement Wisconsin State Statutes and state administrative agency programs.**
22 **Administrative rules are compiled in the Wisconsin Administrative Code.**
23

24 **Section 26.75 Applicability of Maximum Extent Practicable.**
25

26 **Maximum extent practicable applies when a person who is subject to a performance**
27 **standard of this ordinance demonstrates to the Land Conservation Division’s satisfaction**
28 **that a performance standard is not achievable and that a lower level of performance is**
29 **appropriate. In making the assertion that a performance standard is not achievable and**
30 **the a level of performance different from the performance standard is the maximum extent**
31 **practicable, the responsible party shall take into account the best available technology, cost**
32 **effectiveness, geographical features, and other competing interests such as protection of**
33 **public safety and welfare, protection of endangered and threatened resources, and**
34 **prevention of historical properties.**
35

36
37 **Division 2. MODELING AND COMPUTATIONS, CONSERVATION PRACTICE AND**
38 **TECHNICAL STANDARDS, CONSTRUCTION SPECIFICATIONS, SOIL**
39 **EVALUATIONS, WETLAND SCREENING AND EVALUATIONS, STORM-WATER**
40 **MANAGEMENT GUIDING PRINCIPLES** ~~STORM WATER MANAGEMENT~~
41 **PERFORMANCE STANDARDS AND** ~~STORM WATER MANAGEMENT GUIDING~~
42 **PRINCIPLES.**
43

44 **Sec. 26-8 (a) Hydrological and hydraulic modeling and computations. ~~conservation~~**
45 **standards, technical standards, construction specifications, and soil evaluations.**

~~Hydrologic and Hydraulic Modeling and Computations and Soil Evaluations. The following standards and specifications, models and site evaluations shall be used in evaluating, modeling, planning, selecting, designing, constructing and maintaining best management practices needed to comply with this article~~

(1) Hydrological and Hydraulic Computations

(1) Models. All computations of runoff volumes and peak flow rates used in the development of storm water plans in accordance with this ordinance shall be based on the methodology in Technical Release 55, (TR-55) published by United States Department of Agriculture-Natural Resources Conservation Service (~~NRCS, June 1986, revision~~). Models such as SLAMM, **REGARDA**, P8 or other **Wisconsin Department of Natural Resources and Walworth** county- approved models may be used to evaluate the efficiency of the design in reducing total suspended solids. Other models may be approved and used to evaluate the efficiency of the design in meeting the requirements of this ordinance.

(2) Rainfall depths. To determine compliance with this ordinance, the following ~~storm~~ rainfall depths ~~shall be used, which are~~ **shall be used for the design storms in all computations.** These rainfall depths are derived from NRCS publications and are based on the MSE3 distribution precipitation data from Volume 8 of Atlas 14, published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration. ~~extrapolated for County~~

Table 1. Rainfall Depths

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.8 inches <u>2.46 inches</u>	2.5 inches <u>2.8 inches</u>	4.1 inches <u>3.9 inches</u>	5.8 inches <u>6.22 inches</u>

(3) Runoff curve numbers. All computations of pre-development conditions as specified in this ordinance shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. ~~For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums:~~ **The curve numbers in Table 2 shall be used to represent the pre-development land cover conditions.**

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

Table 2. Maximum Pre-Development Runoff Curve Numbers

<u>Pre-development</u>	<u>Hydrologic Soil Group/Maximum Runoff Curve Number</u>			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Woodland</u>	<u>30</u>	<u>55</u>	<u>70</u>	<u>77</u>
<u>Grassland</u>	<u>39</u>	<u>61</u>	<u>71</u>	<u>78</u>
<u>Cropland</u>	<u>55</u>	<u>69</u>	<u>78</u>	<u>83</u>

(4) Average annual rainfall. All modeling using average annual rainfall or runoff volumes shall use rainfall data from the Milwaukee Area between March 28 and December 6, 1969 as the typical annual rainfall volume for Walworth County.

(5) Time of concentration and travel time. The travel time and time of concentration for shall be computed by summing all the travel times water moves through a watershed as sheet flow, shallow concentrated flow, open channel flow or some combination of these as shown in TR 55, Urban Hydrology for Small Watersheds, published by USDA NRCS.

(b) *County conservation and technical standards and construction specifications. ~~and soil evaluations.~~ The selection, design, construction and maintenance of* All structural and nonstructural storm water best management practices, needed to comply with the performance standards contained in this ~~article~~ ordinance shall meet the minimum level of acceptable quality for **practice** planning, designing, ~~installing~~, installation, operating, and maintaining and shall be based on the following:

- (1) Applicable design criteria, standards and specifications identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, Wis. Adm. Code;
- 2). The Field Office Technical Guide, Technical Notes, and Field Manuals and Handbooks published by the USDA Natural Resource Conservation Service.
- 3) Other technical standards and specifications adopted by the State Standards Oversight Council other State or Local Agencies or Organizations, the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission or ~~the Center for Watershed Protection~~ **other standards** and approved by the Walworth County Land Conservation Division.

4) Program Guidance approved by the WDNR.

(c) *Construction and material specifications.* The use, construction or installation of all materials and components **of storm water best management practices** shall comply with all

1 applicable manufacturer's and industry standards and specifications, including but not limited
2 those published by ASTM, the USDA Natural Resource Conservation Service, (NRCS)
3 Wisconsin Department of Natural Resources, or the State of Wisconsin Department of
4 Transportation.

5
6 (d) *Soil evaluations.* All soil profile evaluations and documentation shall be completed in
7 accordance with Chapter ~~COM 85~~, DSPS 385, Wis. Admin. Code, and any applicable standard
8 under sub (b) above. Where there are no specific standards for the number, location, or depth of
9 soil profile evaluations for a proposed BMP, the Walworth County Land Conservation Division
10 shall determine the minimum requirements based on the design of the ~~BMP~~ **storm water best**
11 **management practice** and variability of the on-site soils.

12 **(e) Wetland screening, review and delineation. Wetland screening and delineations shall**
13 **following the standard operating procedures contained in Program Guidance adopted by**
14 **the WDNR, the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual, and**
15 **Regional Supplements.**

16
17 **(f) Future revisions or updates. The technical standards, references and guidance cited in**
18 **this section may be updated periodically. Any future revisions to the technical standards,**
19 **references and guidance cited in this section are automatically included in this ordinance.**
20

21 **Section 26-9. Guiding principles and general considerations for storm water**
22 **management.**

23 To satisfy the requirements of this ~~article~~ **ordinance**, a storm water management plan shall, to
24 the maximum extent practicable, adhere to the following guiding principles **and consideration**
25 **shall be observed in on-site and off-site runoff management::**

- 26
27 a). A storm water management plan shall ~~maintain~~ **preserve**, as nearly as
28 possible, the natural drainage patterns and watershed boundaries.
29
30 b). ~~Current~~ **Natural** topography and land cover features such as drainage swales,
31 depressions, kettles, soil infiltration capacity, and groundwater recharge areas
32 shall be preserved and used, to the extent possible, to meet the requirements of
33 this ~~article~~ **ordinance.**
34
35 c). A storm water management plan shall reduce or maintain as nearly as possible,
36 the calculated pre-development peak flows of the site.
37
38 d). Reserve adequately sized areas for storm water infiltration, detention and
39 treatment early in the site planning process.
40
41 e). Locate storm water BMPs prior to runoff leaving the site or entering waters of
42 the state, and outside of wetlands, floodplains, primary or secondary
43 environmental corridors or isolated natural areas.
44

- 1 f). Minimize soil compaction and maintain pre-development groundwater
2 recharge areas.
- 3
- 4 g). Minimize impervious surfaces and have them drain to vegetated areas for
5 pollutant filtering and infiltration.
- 6
- 7 h). Emphasize vegetated swales, warm season and wetland plantings, and low
8 flow velocities for storm water conveyance, treatment and infiltration, especially
9 for transportation related projects.
- 10
- 11 i). Allow for different storm water management strategies for cleaner and less
12 runoff.
- 13
- 14 j). Provide for emergency overflow in all storm water BMP designs.
- 15
- 16 k). Distribute storm water bio-retention and infiltration BMPs throughout the site
17 plan for large land developments.
- 18
- 19 l). Changes to the function and value of wetlands shall be minimized to the
20 maximum extent practicable. Where such changes are proposed, the impact of the
21 proposal on wetland functional values shall be assessed using standard methods
22 appropriated to the affected wetland that are acceptable to the WDNR, as defined
23 by NR 103, Wis. Adm. Code.
- 24

25 **Sec. 26-10. Storm water management performance standards.**

26
27 The A storm water management plan, **when required under this ordinance,** ~~and planned best~~
28 ~~management practices shall~~ **include best management practices** to meet the following **storm**
29 **water management performance standard** requirements to maximum extent practicable. **The**
30 **following requirements apply to storm water discharge point independently and cannot be**
31 **averaged for the site.** ~~Hydrological and Hydraulic Computations and Modeling, Technical~~
32 ~~Standards and Specifications, and Soil Evaluations shall comply with those listed in 26.8 of this~~
33 ~~article.~~

34
35 (1) *Total suspended solids.* Best management practices shall be **planned,** designed, installed and
36 maintained to control total suspended solids carried in runoff from the post-construction site as
37 follows:

38
39 **a) Storm water best management practices shall be designed in accordance with Table 3, or**
40 **to the maximum extent practicable as provided in subsection The design shall be based on**
41 **an average annual rainfall, as compared to no runoff management criteria.**

Table 3 Total Suspended Solids Reduction Performance Standards

Development Type	TSS Reduction
New Development	80 percent
In-fill Development	80 percent
Re-development	40 percent of the load from parking areas and roads

a. ~~For new development by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, as compared to no runoff management controls. No person shall be required to exceed an 80 % total suspended solids reduction to meet the requirements of this subdivision.~~

b. ~~For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 % total suspended solids reduction to meet the requirements of this subdivision.~~

c. ~~For in fill developments, under 5 acres, that occur before 2012, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 40 % total suspended solids reduction to meet the requirements of this subdivision.~~

d. ~~For in fill developments, that occur after 2012, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 % total suspended solids reduction to meet the requirements of this subdivision.~~

(b) If a project site is subject to a federally-approved total maximum daily load requirement, a stricter total suspended total suspended load performance standard may apply, as authorized under s.281.33(6)(a)(2), of the Wisconsin Statutes.

(bc) Maximum Extent Practicable. ~~Notwithstanding subdivison 1 to 4.,~~ If the design cannot achieve the applicable total suspended solids reduction specified in **Table 3**, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

1 **(ed) Off-site drainage. When designing best management practices, runoff draining**
2 **to the best management practices from off-site shall be taken into account in**
3 **determining the treatment efficiency of the practice. Any impact on the efficiency**
4 **shall be compensated for by increasing the size of the best management practice**
5 **accordingly.**
6
7

8 (2) *Peak Discharge.* **a)** Best management practices shall be **planned,** designed, constructed and
9 maintained to minimize downstream bank erosion and the failure of downstream conveyance
10 systems, the calculated post-development peak storm water discharge rate shall not exceed the
11 calculated pre-development discharge rates for the **1-year;** the 2-year; the 10-year; and 100-
12 year, 24-hour design storms. ~~Pre-development conditions shall assume “good hydrological~~
13 ~~conditions for appropriate land covers as identified in TR-55 or an equivalent methodology. The~~
14 ~~meaning of “hydrological soil group” and “runoff curve number” are as determined in TR-55.~~
15 ~~When a pre-development conditions is cropland, rather than using TR-55 values for cropland, the~~
16 ~~runoff curve numbers in listed in section 26-8 of this article shall be used.. Modeling~~
17 ~~requirements for this provision are further described in sec. 26-8 (1) of this Ordinance.~~ **Modeling**
18 **requirements for compliance with this performance standard are described in Section 26-8**
19 **(a).**
20

21 **(b) Calculation of peak discharge. Peak discharges shall be calculated using TR-55 runoff**
22 **curve number methodology, Atlas 14 precipitation depths and the appropriate NRCS**
23 **Wisconsin precipitation distribution for Walworth County. The curve numbers in Table 2**
24 **of this ordinance shall be used to represent the pred-development conditions.**
25

26 **c) Release rate per acre. The Walworth County Land Conservation Division may establish**
27 **a maximum allowable release rate on a per acre basis that would meet the peak discharge**
28 **requirements of sub-section (a) above, for development within certain watersheds or for**
29 **development within areas with approved local or regional storm water management plans**
30 **with a targeted released rates planned.**
31

32 (3) *Infiltration.*
33

34 **(a)** Best Management Practices shall be **planned, designed,** installed and maintained to
35 infiltrate runoff in accordance with the following or to the maximum extent practical. ~~in~~
36 ~~accordance with the following, except as provided in Sec.26-10 (e) 5.~~
37

38 ~~**a. Residential Developments:** For residential developments one of the following shall~~
39 ~~be met:~~
40

41 ~~1. Infiltrate sufficient runoff volume so that the post-development infiltration~~
42 ~~volume shall be at least 90% of the pre-development infiltration volume, based on~~
43 ~~an average annual rainfall. However, when designing appropriate infiltration~~
44 ~~systems to meet this requirement, no more than 1% of the project site is required~~
45 ~~as an effective infiltration area.~~

1
2 ~~2. Infiltrate 25% of the post-development runoff volume from the 2-year, 24-hour~~
3 ~~design storm with a type II distribution. Separate runoff curve numbers for~~
4 ~~pervious and impervious surfaces shall be used to calculate runoff volumes, not~~
5 ~~composite curve numbers. However, when designing appropriate infiltration~~
6 ~~systems to meet this requirement, no more than 1% of the project site is required~~
7 ~~as an effective infiltration area.~~

8
9 **b. Nonresidential Developments.** For non-residential development, including
10 commercial, industrial and institutional development, one of the following shall be met:

11
12 ~~1) Infiltrate sufficient runoff volume so that the post-development infiltration~~
13 ~~volume shall be at least 60% of the pre-development infiltration volume, based on~~
14 ~~an average annual rainfall. However, when designing appropriate infiltration~~
15 ~~systems to meet this requirement, no more than 2% of the project site is required~~
16 ~~as an effective infiltration area.~~

17
18 ~~2) Infiltrate 10% of the post-development runoff volume from the 2-year, 24-hour~~
19 ~~design storm. Separate curve numbers for pervious and impervious surfaces shall~~
20 ~~be used to calculate runoff volumes, not composite curve numbers, as defined in~~
21 ~~TR-55. However, when designing appropriate infiltration systems to meet this~~
22 ~~requirement, no more than 2% of the project site is required as an effective~~
23 ~~infiltration area.~~

24
25
26 **1) Low imperviousness.** For development up to 40 percent connected
27 **imperviousness, such as parks, cemeteries and low density residential development,**
28 **infiltrate a sufficient runoff volume so that the post-development infiltration volume**
29 **shall be 90 percent of the pre-development infiltration volume based on an average**
30 **annual rainfall. However, when designing the appropriate infiltration system to**
31 **meet this requirement, no more than one-percent of the post-construction site is**
32 **required as an effective infiltration area.**

33
34 **2) Moderate imperviousness.** For development with more than 40 percent and up to
35 **80 percent connected imperviousness, such as medium density residential, multi-**
36 **family, industrial, institutional, and office parks, infiltrate a sufficient runoff volume**
37 **so that the post-development infiltration volume shall be 75 percent of the pre-**
38 **development infiltration volume based on an average annual rainfall. However,**
39 **when designing the appropriate infiltration system to meet this requirement, no**
40 **more than two-percent of the post-construction site is required as an effective**
41 **infiltration area.**

42
43 **3) High imperviousness.** For development with more than 80 percent connected
44 **imperviousness, such as commercial strip malls and shopping centers, infiltrate a**
45 **sufficient runoff volume so that the post-development infiltration volume shall be 60**

1 **percent of the pre-development infiltration volume based on an average annual**
2 **rainfall. However, when designing the appropriate infiltration system to meet this**
3 **requirement, no more than two-percent of the post-construction site is required as**
4 **an effective infiltration area.**

5
6 (e b). Modeling. Refer to sec. 26-8 (a) for details on calculating runoff volumes and pre-
7 development **and post-development** conditions. **The curve numbers in Table 2 of this**
8 **ordinance shall be used to represent the pre-development conditions.**

9
10 **(c) Source Areas.**

11
12 **1. Infiltration Exclusions Prohibitions.** Infiltration of Runoff **from the following**
13 **areas** shall not be infiltrated or credited toward meeting the requirements of this
14 subsection: ~~for the following:~~

15
16 **a.** Runoff from areas associated with a tier 1 industrial facility ~~outdoor material~~
17 ~~storage areas and loading docks for tier 1 and tier 2 industrial facilities, as~~
18 identified in **chapter NR 216(2) (a) of the** Wis. Admin. Code, including storage
19 loading areas and parking. Roof tops may be infiltrated with the concurrence of
20 Walworth County Land Conservation Division and the **Wisconsin Department**
21 **of Natural Resources**

22
23 **b. Storage and loading areas of a tier 2 industrial facility identified in s. NR**
24 **216.21 (2) (b).**

25
26 ~~2c.~~ Runoff from fueling and vehicle maintenance areas, ~~not including rooftops~~
27 ~~and canopies.~~

28 **Runoff from roof tops of fueling and vehicle maintenance areas may be**
29 **infiltrated with the concurrence of the Walworth County Land Conservation**
30 **Division and the Wisconsin Department of Natural Resources.**

31
32 **2. Infiltration Exemptions. Runoff from the following areas may be credited**
33 **toward meeting the infiltration requirement when infiltrated, but the**
34 **decision to infiltrate runoff from these source areas is optional:**

35
36 **a. Parking areas and access roads less than 5,000 square feet for commercial**
37 **development.**

38
39 **b. Parking areas and access roads less than 5,000 square feet for industrial**
40 **development not subject to the prohibitions under paragraph 1.**

41
42 **c. In-fill development less than 5 acres.**

43
44 **d. Roads on commercial, industrial, and institutional land uses and arterial**
45 **residential road.**

1
2 **(d) Location of Infiltration Practices.**

3 **1. Prohibitions. Infiltration Practices may not be located in the following**
4 **areas:**

5 **(a) Infiltration of runoff Areas** within 1,000 feet up gradient or within 100 feet
6 down gradient of karst features **direct conduits to groundwater**

7 ~~4. Infiltration of runoff from any area except rooftops with less than three feet~~
8 ~~separation distance from the top of the filtering layer to the elevation of~~
9 ~~seasonal high groundwater or the top of bedrock.~~

10 ~~5. Infiltration of runoff from industrial, commercial and institutional parking lots~~
11 ~~and roads and residential arterial roads with less than 5 feet separation distance~~
12 ~~from top of the filtering layer to the elevation of seasonal high groundwater or~~
13 ~~the top of bedrock.~~

14 **6.(b)** Areas within 400 feet of a community water system well as specified in § NR
15 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in
16 § NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial,
17 industrial and institutional land uses or regional devices for residential
18 development, not including rooftop runoff.

19 **7.(c)** Areas where contaminants of concern, as defined in § NR 720.03(2), Wis.
20 Adm. Code are present in the soil through which infiltration will occur.

21 Note: The areas listed in subsection e. above are excluded due to the potential for
22 groundwater contamination.

23
24 e. ~~Infiltration~~ Exemptions. The infiltration requirements of this subsection do not
25 apply to frozen soil conditions and may be exempted if soils have a measured
26 infiltration rate of less than 0.6 inches per hour and the county land conservation
27 division determines it would be impracticable to modify existing soil conditions.

28 f. Alternate runoff uses. Where storage and reuse of runoff are employed, such as to
29 support green roofs, landscape watering, toilet flushing, laundry or irrigation, such
30 alternate uses shall be given equal credit toward the infiltration volume required by
31 this article.

32 g. Groundwater protection.

33 1. Infiltration systems designed in accordance with this subsection shall, to the
34 extent technically and economically feasible, minimize the level of pollutants
35 infiltrating to groundwater and shall maintain compliance with the preventive
36 action limit at a point of standards application in accordance with Chapter NR
37 140 of the Wis. Adm. Code. However, if site-specific information indicates
38 that compliance with a preventive action limit is not achievable, the infiltration
39 BMP may not be installed or shall be modified to prevent infiltration to the
40 maximum extent practicable.

- 1 2. The discharge from BMPs shall remain below the enforcement standard at the
- 2 point of standards application.
- 3 3. No storm water BMP shall be installed that meets the definition of an injection
- 4 well under Chapter NR 812 Wis. Admin. Code.
- 5 4. All storm water BMPs shall comply with the provisions of any applicable
- 6 wellhead protection plan for a community water supply under Chapter NR 811
- 7 Wis. Admin. Code.

8
9 **d. Source Areas ~~Infiltration Exclusions~~ Prohibitions. Infiltration of Runoff from the**
10 **following areas** shall not be infiltrated or credited toward meeting the requirements of this
11 subsection: ~~for the following:~~

12
13 1. Runoff from outdoor material storage areas and loading docks for tier 1 and

14 tier 2 industrial facilities, as identified in NR 216(2) Wis. Admin. Code.
15
16 **2. Runoff from parking areas for a tier 1 industrial facility. Runoff from**
17 **employee and guest parking areas and roof tops may be infiltrated but may**
18 **require pre-treatment.**

19
20 ~~23. Runoff from fueling and vehicle maintenance areas, not including rooftops~~
21 ~~and canopies.~~

22 **Runoff from roof tops of fueling and vehicle maintenance areas may be**
23 **infiltrated with the concurrence of the Walworth County Land Conservation**
24 **Division and WDNR.**

- 25
26 3. Infiltration of runoff within 1,000 feet up gradient or within 100 feet down
- 27 gradient of karst features.
- 28 4. Infiltration of runoff from any area except rooftops with less than three feet
- 29 separation distance from the top of the filtering layer to the elevation of
- 30 seasonal high groundwater or the top of bedrock.
- 31 5. Infiltration of runoff from industrial, commercial and institutional parking lots
- 32 and roads and residential arterial roads with less than 5 feet separation distance
- 33 from top of the filtering layer to the elevation of seasonal high groundwater or
- 34 the top of bedrock.
- 35 6. Areas within 400 feet of a community water system well as specified in § NR
- 36 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in
- 37 § NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial,
- 38 industrial and institutional land uses or regional devices for residential
- 39 development, not including rooftop runoff.
- 40 7. Areas where contaminants of concern, as defined in § NR 720.03(2), Wis.
- 41 Adm. Code are present in the soil through which infiltration will occur.

1 Note: The areas listed in subsection e. above are excluded due to the potential for
2 groundwater contamination.

3
4 **e. Infiltration Exemptions. Runoff from the following areas may be credited toward**
5 **meeting the requirement when infiltrated, but the decision to infiltrate from these source**
6 **areas is optional:**

7
8 **(a). Parking areas and access roads less than 5,000 square for commercial and**
9 **industrial development, not subject to the prohibitions under sub. 5.**

10
11 **(b) Except as provided, redevelopment post construction sites.**

12
13 **(c). In-fill development areas less than 5 acres.**

14
15 **(d) Roads on commercial, industrial and institutional land uses and arterial**
16 **residential roads.**

17
18 **f. Location of Infiltration Practices.**

19
20 **(1) Prohibitions. Infiltration practices may not be located in the following areas.**

21
22 ~~(e)~~ **(a)** Infiltration of runoff within 1000 feet up-gradient or within 100 feet down-
23 gradient of karst features **of direct conduits to groundwater.**

24
25 ~~(f)~~ **(b).** Areas within 400 feet of a community water system well as specified in s. NR
26 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR
27 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and
28 institutional land uses or regional devices for residential development, not including
29 rooftop runoff.

30
31 ~~(g)~~ **(c).** Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm.
32 Code are present in the soil through which infiltration will occur.

33
34 **(d) Separation distances. Infiltration BMPs shall be located so the characteristics of**
35 **the soil and separation distance between the bottom of the infiltration system and**
36 **the elevation of the seasonal high groundwater of the top of the bedrock are in**
37 **accordance with Table 4.**

Table 4. Separation Distances and Soil Characteristics

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

~~(d). Infiltration of runoff from any area except rooftops with less than 3 feet separation distance from the top of the filtering layer to the elevation of seasonal high groundwater or the top of bedrock.~~

~~(e). Infiltration of runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from top of the filtering layer to the elevation of seasonal high groundwater or the top of bedrock.~~

6. g. Infiltration rate exemptions. The infiltration requirements of this subsection ~~do not apply to frozen soil conditions and~~ may be exempted if soils at the proposed bottom of the infiltration system have a measured infiltration rate of less than 0.6 inches per hour and the Land Conservation Division determines it would be impracticable to modify existing soil conditions **based on a soil profile evaluation extending 5 feet below the proposed bottom of the infiltration system.**

~~**7. h. Alternate runoff uses.** Where storage and reuse of runoff are employed, such as to support green roofs, landscape watering, toilet flushing, laundry or irrigation, such alternate uses shall be given equal credit toward the infiltration volume required by this article.~~

8 i. Groundwater protection and standards.

(1). Infiltration systems designed in accordance with this subsection 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 Chapter NR 140 Wis. Adm. Code. 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.

1
2 (2). **Notwithstanding par. A.**, ~~the~~ discharge from BMPs shall remain below the enforcement
3 standard at the point of standards application.

4
5 (3). ~~No storm water~~ **Storm water** BMPs shall comply with the applicable provision of
6 **Chapter NR 815 of the Wis. Admin. Code, related to injection wells.** ~~shall be installed that~~
7 ~~meets the definition of an injection well under Chapter NR 812 Wis. Admin. Code.~~

8
9 (4). All storm water BMPs shall comply with the provisions of any applicable wellhead
10 protection plan for a community water supply under Chapter NR 811 Wis. Admin. Code.

11
12 **4.(j) Pretreatment.** Pretreatment shall be required before infiltrating parking lot and road runoff
13 from commercial, industrial and institutional areas. The pretreatment shall be designed to protect
14 the infiltration system from clogging prior to scheduled maintenance and to protect groundwater
15 quality in accordance with sub. below. Pretreatment options may include, but are not limited to,
16 oil/grease separators, sedimentation or bio-retention basins, filtration swales or filter strips. All
17 designs shall comply with the technical standards in sec. 26-8.

18
19 **D. Protective areas. Protective areas must be permanently established and maintained to**
20 **minimize the impacts from runoff from developed areas before it reaches sensitive**
21 **resources.** The protective areas is an area of land that commences at the top of the channel of
22 lakes, streams and rivers, or at the delineated boundary of wetlands, as measured horizontally
23 from the top of the channel or delineated wetland boundary to the closest impervious surface.
24 The width of the protective areas is based on the following types, values, and condition of the
25 waterway or wetland. **However, in this section,** ~~the~~ protective areas does not include any area
26 of land adjacent to any stream enclosed within a pipe or culvert, such as runoff cannot enter the
27 enclosure at this location.

28
29 1). Width of Protective Areas. The following widths of protective areas must be established and
30 maintained on a development site subject to the post-construction storm water management
31 performance standards and plan requirements.

32
33 a) Outstanding Resource Waters ~~and~~ Exceptional Resource Waters ~~& Wetlands in Areas of~~
34 ~~Special Resource Interest.~~ **For outstanding resource waters and exceptional resource waters,**
35 **and for wetlands in areas of special natural resource interest as specified in Chapter 103**
36 **Wis. Admin. Code,** the **width of the** protective area is 75 feet. ~~in width.~~

37
38 b) Navigable Waterways. ~~For navigable and lakes, and streams, the protective is~~ **75 feet in**
39 **width. For perennial and intermittent streams on the U.S. Geological Survey 7.5 series**
40 **topography map or on the Walworth County Geographic Information System, the width of**
41 **the protective area is 50 feet.**

42
43 c) **Lakes. For lakes, the width of the protective area is 50 feet.**
44

1 e)d). **Wetlands.** The protective area for a wetland is measured horizontally from the delineated
2 wetland boundary. Wetland boundaries shall be made in accordance with s. NR 103.08(1m).
3 Wetland delineations and the accurate identification of wetland boundaries must follow the 1987
4 U.S. Army Corps of Engineers Wetland Delineation Guidance and Regional Supplements. The
5 width of the protective area is based on the following:
6

7 **1. Highly Susceptible Wetlands. For highly susceptible wetlands, the width of the**
8 **protective area is 75 feet. ~~in width.~~**
9

10 Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low
11 prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows,
12 shallow marshes, deep marshes and flooded basins.
13

14 **2. Less Susceptible Wetlands.** For less susceptible wetland, **the width of the protective**
15 **area is** 10% of the average wetland width, but no less than ten **(10)** feet or no more than
16 **thirty** (30) feet.
17

18 Less susceptible wetlands include degraded wetlands dominated by invasive species
19 such as reed canary grass; cultivated hydric soils, and any gravel pits, or dredged
20 material or fill material disposal sites that take on the attributes of a wetland.
21

22 **3. For wetlands, not subject to d(1) and d(2), the width of the protective areas is 50**
23 **feet.**
24

25 4. This paragraph does not apply to wetlands that have been completely filled in
26 accordance with all applicable state and federal regulations. The protective areas for
27 wetland that have been partially filled in accordance with all applicable state and federal
28 regulations shall be measured from the wetland boundary delineation after the fill has
29 been placed.
30

31 5. The determinations of the extent of the protective areas to wetlands shall be made on
32 the basis of sensitivity and runoff susceptibility of the wetland in accordance with the
33 standards and criteria in s. NR 103.03.
34

35 **f) Concentrated flow channels.** For concentrated flow channels with drainage areas greater
36 than 130 acres, **the width** of the protective area is **ten (10) feet. ~~in width.~~**
37

38 2). ~~Additional~~ **Requirements.** The following requirements shall be met within the protective
39 areas
40

41 a). Impervious surfaces shall be kept out of the protective area, to the maximum extent
42 practicable. Only those structures authorized or approved by the **Walworth** County Zoning
43 Division or the ~~WDNR~~ **Wisconsin Department of Natural Resources** can be located within the
44 protective areas. The storm water management plan shall contain a written site-specific
45 explanation for any parts of the protective area that are disturbed during construction.

1
2 b). If authorized or approved by the **Walworth** County Zoning Division or the ~~WDNR~~
3 **Wisconsin Department of Natural Resources** where land disturbing activities occurs within a
4 protective area, where no impervious surface is present, adequate sod or self-sustaining
5 vegetation cover of 70% or greater shall be established and maintained. The adequate sod or
6 self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of
7 fish habitat and filtering of pollutants from upslope overland flow under sheet flow conditions.
8 If authorized or permitted, by the **Walworth** County Zoning Division and the ~~WDNR~~,
9 **Wisconsin Department of Natural Resources**, non-vegetative materials, such as rock riprap,
10 may be employed on the bank as necessary to prevent erosion, on steep slopes, where high
11 velocity flows occur or where ice-damage has been documented.

12
13 c). Non-structural best management practices, such as filter strips, or swales, that are designed to
14 filter pollutants from non-point sources may be located in the protective area, if authorized or
15 approved by the **Walworth** County Zoning Division.

16
17 **3. Exemptions from Protective Area Requirements.** The protective area requirements of this
18 subsection does not apply to following activities:

19
20 a. Structures that cross or access surface waters, such as boat landings, bridges,
21 culverts, if authorized by the ~~WDNR~~. **Wisconsin Department of Natural**
22 **Resources.**

23
24 b. Structures authorized or approved by the **Walworth** County Zoning Division,
25 under ~~section~~ **Chapter** 74 of the Walworth County Code of Ordinances.

26
27 c. A post-construction site from which runoff does not enter the surface water,
28 **including wetlands, without first being treated by a BMP to meet storm**
29 **water performance standards for total suspended solids and peak flow**
30 **reduction,** except to the extent that. except to the extent that vegetative ground
31 cover is necessary to maintain bank stability.

32
33 e. **Fueling and vehicle maintenance areas.** Fueling and vehicle maintenance areas shall have
34 best management practices designed, installed and maintained to reduce petroleum within runoff,
35 such as that runoff that enters waters of the state contains no visible petroleum.

36
37 **Note: A combination of the following BMPs may be used: oil and grease separators,**
38 **canopies, petroleum spill cleanup materials, or any other structural or non-structural**
39 **method of preventing or treating petroleum in runoff.**

40
41 f. **Site Drainage.** Measures shall be implemented to ensure proper site drainage, prevent
42 property damage and protect public health and safety, and include the following minimum
43 requirements:
44

1 1. Drainage easement. Perpetual drainage easements or other deed restrictions shall be
2 recorded on the property to preserve major storm water flow paths and permanent storm
3 water BMP locations. Covenants in these areas shall not allow buildings or other
4 structures and shall prevent any grading, filling or other activities that interrupt or
5 obstruct flows in any way. Covenants shall also specify maintenance responsibilities and
6 authorities in accordance with sec. 26-16.

7
8 2. Site grading. Site grading shall ensure positive flows away from all buildings, roads,
9 driveways and septic systems, be coordinated with the general storm water drainage
10 patterns for the area, and minimize adverse impacts on adjacent properties.

11
12 3. Street drainage. All street drainage shall be designed to prevent concentrated flows
13 from crossing the traffic lanes to the maximum extent practicable. Design flow depths at
14 the road centerline for on-street drainage, shall not exceed six (6) inches during the peak
15 flows generated by the 100-year, 24 hour design storm, using planned land use conditions
16 for the entire contributing watershed area.

17
18 4. Bridges and cross-culverts. All new or modified bridges and cross-culverts shall
19 comply with applicable design standards and regulations, facilitate fish passage and
20 prevent increased flooding or channel erosion upstream or downstream from the
21 structure. Design flow depths at the road centerline for all crossings shall not exceed six
22 (6) inches during the peak flows generated by the 100-year, 24-hour design storm, using
23 planned land use conditions for the entire contributing watershed area. All
24 predevelopment runoff storage areas within the flow path upstream of bridges and cross-
25 culverts shall be preserved and designated as drainage easements, unless compensatory
26 storage is provided and accounted for in modeling. As-built documentation shall be
27 submitted in accordance with sec. 26-18, for all new or modified structures that are
28 located within a mapped floodplain or that the Land Conservation Division determines to
29 be necessary to maintain floodplain modeling for the applicable watershed.

30
31 5. Subsurface drainage. Basement floor surfaces shall be built one (1) foot above the
32 seasonal high water table elevation, as documented in the submitted soil evaluations, and
33 shall avoid hydric soils as much as possible. The Land Conservation Division shall be
34 notified of any drain tiles that are uncovered during construction, which the Land
35 Conservation Division may require to be restored or connected to other drainage systems.
36 No discharge of groundwater from tile lines, sump pumps or other means shall be
37 allowed onto another persons land or any public space without the written approval of the
38 owner or unit of government.

39
40 6. Open channels. All open channel drainage systems shall at a minimum be designed to
41 carry the peak flows from a 10-year, 24-hour design storm using planned land use for the
42 entire contributing watershed area. Side slopes shall be no steeper than 3h:1v unless
43 otherwise approved by the Land Conservation Division for unique site conditions. Open
44 channels that carry runoff from more than 130 acres shall at a minimum be designed to
45 carry the peak flows from a 25-year, 24-hour design storm.

1
2 7. Storm sewers. All storm sewers shall be designed in accordance with applicable
3 community technical standards and specifications.
4

5 8. Structure protection and safety. Flows generated by the 100-year, 24-hour design storm
6 under planned land use conditions may exceed the design capacity of conveyance
7 systems, but shall not come in contact with any buildings. For buildings designed for
8 human occupation on a regular basis, the following additional requirements shall apply:
9

10 (A) The lowest elevation of the structure that is exposed to the ground surface shall
11 be a minimum of two (2) feet above the maximum **surface** water elevation produced
12 by the 100-year, 24 hour design storm, including flows through any storm water BMP
13 that may temporarily or permanently store water at a depth of greater than one (1)
14 foot; and
15

16 (B) The structure shall be setback at least 50 feet from any storm water BMP that may
17 temporarily or permanently store water at a depth of greater than one (1) foot.
18 Setback distance shall be measured from the closest edge of water at the elevation
19 produced by the 100-year, 24-hour design storm.
20

21 g) **Additional requirements.** The **Walworth County** Land Conservation Division may
22 establish additional requirements ~~that~~ **than** the minimum performance standards set forth in this
23 section to provide additional protection to **downstream flooding**, prevent thermal impacts,
24 chronic wetness, and significant adverse impacts to critical aquatic habitats, downstream
25 property or public health and safety.
26

27 h) **Location of best management practices.** The structural BMPSs used to comply with this
28 ~~article~~ **ordinance** shall not be placed in any navigable body of water, floodplains, or wetlands,
29 Structural BMPS's used to comply with this ~~article~~ **ordinance** must meet county zoning setback
30 standards and can not be placed within the shoreyard setback area, unless authorized by the
31 **Walworth** County Zoning Division.
32

33 **i) Performance standards for treated impervious surfaces. When the Walworth County**
34 **Zoning Division determines runoff from an impervious surface must be managed by a**
35 **storm water best management practice complying with Walworth County conservation**
36 **standards and approved by the Walworth County Land Conservation Division, the**
37 **following standard shall apply:**
38

39 **1. Best management practices must be designed, constructed and maintained according to**
40 **Walworth County conservation standards and meet the following performance standards:**
41

42 **a) Total suspended solids: An 80% reduction in of the total suspended solids, as**
43 **compared to no storm water management or control.**
44

45 **b) Infiltration: Infiltrate 90% of the predevelopment runoff volume.**

1 **The above performance standards can be met by designing, constructing and maintaining a**
2 **storm water best management practice to infiltrate the first ½ inch of runoff.**

3
4 **2. The location of the storm water management best management practice required to**
5 **comply with the performance standard for treated impervious surfaces, must be approved**
6 **by the Walworth County Zoning Division and cannot be placed in any navigable**
7 **waterway, floodplain or wetland.**

8
9 **Division 3. Administration, Storm Water Management Permit and Plan Requirements**
10 **and Approval, Fees, Long-term Storm Water Maintenance Agreement, Preliminary**
11 **Storm Water Review Letter, Financial Assurance, Construction Certification, and**
12 **Enforcement**

13
14 **Sec. 26-11. General Administration.** The Walworth County Board of Supervisors designates
15 the Walworth County Land Conservation Division to administer and enforce the provisions of
16 this ~~article~~ **ordinance.**

17
18 **Sec. 26-12. Permitting Requirements, Application Procedures and Fees.**

19
20 **a). Storm water permit required.** No landowner or responsible party can commence a land
21 disturbing **or land development** activity subject to this ~~article~~ **ordinance** without receiving a
22 storm water management permit from the **Walworth** County Land Conservation Division.

23
24 **b). Storm Water Permit Application Procedures**

25
26 ~~At least one responsible party~~ A **landowner** desiring to undertake a land disturbing **or land**
27 **development** activity, subject to this ~~article~~ **ordinance**, shall submit the following to the
28 Walworth County Land Conservation Division:

29
30 (1). An application for a permit on a form provided by the **Walworth** County Land Use
31 and Resource Management Department.

32
33 (2). A storm water management plan that meets the performance standards contained in
34 Sec. 26.10. and the plan requirements in sec. 26.15.

35
36 (3). A long-term storm water maintenance agreement that meets the requirements in
37 Sec.26-16,

38
39 (4). A non-refundable permit application fee.

40
41 Submission of an application by ~~one of several~~ a landowner ~~or responsible party~~ of a particular
42 site shall constitute an affirmation by the applicant of the authority to act on behalf of the other
43 land landowners upon issuance of a permit. The county shall be under no obligation to ascertain
44 the legal authority of the applicant to so act.

1 **c). Permit Application Fee Schedule**

2
3 (1). The permit fees referred to in this ~~Article~~ **ordinance** shall be established by the
4 Walworth County Board of Supervisors, according to procedures set forth in Chapter 30
5 of the Walworth County Code of Ordinance, in a fee schedule and may, from time to
6 time, be modified.. The application fees shall be related to the costs involved in
7 processing permit applications, reviewing plans, conducting inspections, and
8 documentation. A schedule of the fees shall be available for review in the ~~county land~~
9 ~~use and resource management office~~ **Walworth County Land Use and Resource**
10 **Management Department** or on the Walworth County Website.

11
12 (2). A double permit fee shall be charged by the **Walworth County** Land Conservation
13 Division if land disturbing or construction activities are started before a permit is
14 applied for and issued. Such double fee shall not release the applicant **landowner** from
15 full compliance with this ~~article~~ **ordinance** or from prosecution for violation of this
16 ~~article~~, **ordinance**.

17
18 (3) A permit extension fee is required if the landowner ~~or the responsible party~~ has not
19 implemented the storm water management plan and desires to continue land disturbing
20 construction and **land development** activities beyond the expiration date of the permit.

21
22 (4) Plan amendment or revision fee. A plan amendment or revision fee is required, if the
23 landowner ~~or responsible party~~ amends or revises any component of the storm water
24 management plan after the **Walworth County** Land Conservation Division has
25 completed the initial review, approved the plan and issued a permit.

26
27
28 **Sec. 26-13. County Permit Review Procedures, Permit Duration and Permit Conditions.**

29
30 **(a). Permit Review Procedures**

31
32 Within 30 days of receipt of the **permit** application, a storm water management plan and an
33 application fee, the **Walworth County** Land Conservation Division staff shall review the
34 application and the storm water management plan to determine if the requirements of this ~~article~~
35 **ordinance** are met. The **Walworth County** Land Conservation Division staff may request
36 comments from other departments or agencies. If the requirements of this ~~article-ordinance~~ are
37 met, the ~~land conservation division~~ **Walworth County Land Conservation Division** staff shall
38 approve the plan, and issue a permit. If within 30 days, the **Walworth County** Land
39 Conservation Division determines that the application or the plan is incomplete, the **Walworth**
40 **County** Land Conservation shall inform the applicant in writing and may either request the
41 needed information or disapprove the plan. Within 30 days of receipt of ~~needed~~ requested
42 information, the ~~county land conservation division~~ **Walworth County Land Conservation**
43 **Division** staff shall again determine if the plan meets the requirements of this ~~article-ordinance~~.
44 If the plan is disapproved, the ~~county land conservation division~~ **Walworth County Land**

1 **Conservation Division** shall inform the applicant **landowner** in writing of the reasons for the
2 disapproval.

3
4 (b). **Permit Duration.** A permit issued under this ~~article~~ **ordinance** shall be valid for a period
5 of 180 days, from the date of issuance. The ~~county land conservation division~~ **Walworth**
6 **County Land Conservation Division** may extend the permit duration for an additional 180
7 days, if requested in writing, prior to the initial expiration date, by the landowner. ~~or the~~
8 ~~responsible party.~~ The request must include the reason for the extension, implementation status
9 of the storm water management plan, a revised construction and sequencing plan, expected
10 completion date, and a permit extension fee. The ~~county land conservation division~~ **Walworth**
11 **County Land Conservation Division** may require additional storm water management
12 measures as a condition of the permit extension, if they are necessary to meet the requirements of
13 this ~~article~~ **ordinance**.

14
15 (c). **Permit Conditions.** All permits issued under this ~~article~~ **ordinance** shall be subject to the
16 following conditions, and holders of permits **the landowner and the responsible parties** under
17 ~~this ordinance~~ shall be deemed to have accepted these conditions. The **Walworth County** Land
18 Conservation Division may suspend or revoke a permit for the violation of a permit condition,
19 following written notification of to the **landowner and/or** the responsibly party.

20
21 (1). Compliance with these permit requirements and this ~~article~~ **ordinance** does not
22 relieve the **landowner or the** responsible party of the responsibility to comply with
23 applicable federal, state and local laws, regulations and permit requirements. The
24 **landowner or** responsible party will submit copies all local state and federal permits
25 required to implement the approved plan and the permit conditions.

26
27 (2). The **landowner or the** responsible party shall design, install and maintain all
28 structural and non-structural best management practices in accordance with the approved
29 plan and the permit.

30
31 (3). A preconstruction meeting is required prior to the commencing any land disturbing
32 activity, **subject to this ordinance.** The **landowner, the** responsible party, the design
33 engineer, contractor and other parties identified by the **Walworth County** Land
34 Conservation Division shall attend the meeting at a location agreed to by the **Walworth**
35 **County** Land Conservation Division.

36
37 (4). The **landowner or the** responsible party shall notify the Walworth County Land
38 Conservation Division of the completion of any BMP within 14 days after installation
39 and provide as-built plans within 30 days of installation.

40
41 (5). The Walworth County Land Conservation Division shall be notified, in writing prior
42 to any modifications of the storm water management plan.

43
44 (6). All road drainage systems, storm water drainage systems, BMPs and other facilities
45 identified in the storm water management plan shall be maintained until the practices are

1 transferred to the owner or municipality identified in the Long-term Storm Water
2 Management Maintenance Plan.

3
4 (7). BMPs will be inspected within 24 hours after each rain of 0.5 inches or more which
5 results in runoff during active construction periods, and at least once each week, and
6 ~~make~~ needed repairs or replacements. Inspection logs and reports must be maintained
7 and include the date of each inspection, a description of the phase of the construction
8 activity at the time of inspection, the name of the inspector, a description of the findings
9 during the inspection, a description of the repairs or other actions undertaken or a listing
10 of needed actions and completion dates.

11
12 (8). The Walworth County Land Conservation Division staff be permitted to enter the
13 project site for the purpose of inspecting for compliance with the ~~Storm Water~~
14 Management Plan approved storm water management plan or for performing any
15 work necessary to bring the site into compliance with the standards of this ordinance.

16
17 (9).A copy of the Walworth County storm water management permit, written permit
18 conditions and requirements, and the storm water management plan(s) must be kept at
19 the project site.

20
21 (10). ~~Keep financial~~ Financial guarantee or assurance, must be kept current if required,
22 under sec. 26-17 of this ~~article~~ ordinance.

23
24 (11). Practice installations required as part of this ordinance shall be certified “as-built”
25 by a professional engineering, licensed in the State of Wisconsin. Completed storm
26 water management practices must pass a final inspection by the Walworth County Land
27 Conservation Division to determine if they are established in accordance with the
28 approved plan and this ~~article~~ ordinance.

29
30 (12). Other conditions, the Walworth County Land Conservation Division deems
31 necessary to insure that a Storm Water Management Plan is implemented and maintained
32 according to the standards contained in this ~~article~~ ordinance.

33
34
35 **Sec. 26-14. Storm Water Management Plan Approval and Implementation Required.**

36
37 (a) Prior to commencing any land disturbing activity, subject this ~~article~~ ordinance, the
38 landowner or the responsible party shall have a ~~County approved~~ storm water management plan,
39 approved by the Walworth County Land Conservation Division, that incorporates the
40 guiding principles, post-construction storm water management performance standards, and the
41 plan requirements of this ~~article~~ ordinance.

42
43 (b) All of the storm water best management practices specified in the Walworth County-
44 approved storm water management plan must be fully implemented when the land disturbing
45 activities have been completed and site final stabilization has been completed.

1
2 **Sec. 26-15 Storm Water Management Plan Requirements.** The following plan elements are
3 the minimum required by the Walworth County Land Conservation Division to review a storm
4 water management plan for compliance with this ~~article~~ **ordinance**;

5
6 1). Name and complete contact information for the responsible party, applicant, developer or
7 landowner, ~~and~~ project engineer, **for practice design and construction certification, person(s)**
8 **responsible for the installation of the storm water management best management practices**
9 **and person(s) responsible for the maintenance of the storm water management practices**
10 **prior to the transfer, of any of maintenance responsibility to another party**

11
12 **2). A legal description of the property to be developed, referenced to the U.S. Public Land**
13 **Survey system or to block and lot within a recorded land subdivision plat.**

14
15 **3) Identify the name of the ultimate receiving body of water for off-site discharges from**
16 **the proposed development.**

17
18 **4). Mapping, description and analysis of pre-development conditions. Site Map(s) and site**
19 **analysis of existing conditions and natural features. and Proposed Development Elements.**
20 **On one or more maps, at a scale of 1 inch equals 40 feet, include the following:** ~~A site plan~~
21 ~~map and supporting data shall be prepared and submitted to the Land Conservation Division.~~
22 ~~Existing site conditions, natural features and proposed development elements will be depicted~~
23 ~~and delineated on the site map at a scale of 1 inch equals 100 feet and will include the following~~
24 ~~applicable items:~~

25
26 (~~1~~) **a**). Development title, graphic scale and north arrow;

27
28 (~~3~~) **b**). Location map (smaller scale) showing the site location within a public land
29 survey
30 section or subdivision, ~~oriented the same as par. 4 below;~~

31
32 (~~4~~). Ownership boundaries, bearings, lengths and other survey references that will
33 accurately identify the sites location, in accordance with s. 236 Wisconsin
34 Statutes and
35 county mapping standards for all land divisions;

36
37 (~~5~~). Lot numbers and dimensions, including outlots for all land divisions;

38
39 (~~7~~). Surveyor's certificate, signed, dated and sealed for all land divisions;

40
41 (~~8~~) **c**). Sheet numbers, **drafting dates**, revision dates and **drafters name** on every
42 page.
43

1 (9d). Existing site topography at a contour interval not to exceed 2 feet, including
2 spot elevations for physical features such as culvert (invert elevations), retaining
3 walls, road and ditch centerlines and topographic high and low points;
4

5 (10e). Location and name, if applicable, of all lakes, streams, channels, ditches,
6 and other
7 water bodies or areas of channelized flow on, or adjacent to the site;
8

9 (12 f). Boundaries of shoreland zones, shoreyard setback lines, and the ordinary
10 high water mark (OHWM) for any navigable water body as defined by the
11 Walworth County Shoreland and Floodland Ordinance.
12

13 (11 g). **Delineated** wetland. boundary line(s), **wetland** field survey date and
14 source name of the wetland ~~delineation~~ **delineator**. If applicable a letter of
15 concurrence of the wetland boundary line and delineation report, from the
16 WDNR, ACOE or SEWRPC shall be submitted.
17

18 (13 h). Boundaries and elevation of the 100-year floodplains, flood fringes and
19 floodways, as defined by the Walworth County Shoreland and Floodland
20 Ordinance.
21

22 **(i) Existing watersheds, subwatersheds, and drainage flow paths and**
23 **direction, used to hydrological determinations used to show compliance with**
24 **performance standards. Show runoff patterns onto, through and from the**
25 **site. Show the location and label storm water discharge points.**
26

27 **(j). Delineate and label the existing land uses and land cover type and**
28 **condition.**
29

30 (14 k). Boundaries and soil symbol for each soil mapping unit and the
31 identification of all
32 hydric soils as defined by the USDA-Natural Resources Conservation Service;
33

34 (15 l). Locations of all available soil borings or soil profile evaluations **with**
35 **surface elevations with** unique references to supplemental data report forms, **as**
36 **needed to determine the feasibility and limitations for any proposed storm**
37 **water management best management practice and compliance with**
38 **applicable technical standards;**
39

40 (16 m). Location of primary, secondary environmental corridors, isolated natural
41 areas, woodland areas, natural areas, or critical species habitat sites as defined by
42 the Southeastern Wisconsin Regional Planning Commission; ~~For final land~~
43 ~~divisions these boundaries shall be field verified.~~
44

1 **n. Location and description of any areas with high soil infiltration capacity**
2 **and high groundwater recharge.**
3

4 (~~17 o~~). Location and descriptive notes for existing ~~and proposed~~ structures within
5 50 feet of the property boundaries and their ~~proposed~~ use, including, but not
6 limited to buildings and foundations, roads, parking areas, fence lines, access
7 lanes, culverts (include size and type), above ground utilities and retaining walls;
8

9 (~~18 p~~). Location and descriptive notes for other known existing site features
10 including, but not limited to rock outcrops or other karst features, tile drains,
11 buried utilities, dumps, landfills, manure or other waste storage facilities;
12

13 (~~19~~). ~~Boundaries and descriptive notes for “protective areas”, as required in~~
14 ~~sec.26 of this ordinance;~~
15

16 (~~20 q~~). Location and descriptive notes for any existing or proposed easements, or
17 right-of-ways, building setbacks and public dedications of parcels
18

19 (~~21~~). ~~Location and descriptive notes for preplanned building or waste disposal~~
20 ~~sites, when limited by site features;~~
21

22 (~~22 r~~). Location and documentation of any existing well and delineation of any
23 applicable regulatory setbacks **or well head protection areas**, in accordance
24 with ch. NR 811 and 812 Wis. Admin. Code;
25

26 (~~23 s~~). Notes describing source documents, date and measure of accuracy for all
27 applicable mapping features noted above;
28

29 (~~24 t~~). Other site information ~~that~~ the **Walworth County** Land Conservation
30 Division determines is necessary to administer this ~~article~~ **ordinance.**
31

32 **4). Computations of existing hydrology and pollutant loading, as needed to model existing**
33 **conditions. All major assumptions used in developing input parameters shall be clearly**
34 **stated. The geographic areas used in making the calculations shall be clearly cross**
35 **referenced to the required map(s).**
36

37 **5. Certification by a licensed engineer in the state of Wisconsin, documenting the site**
38 **investigations, computations, and site analysis have been prepared in accordance with**
39 **accepted engineering practices and the requirements of this ordinance.**
40

41 **b). The Storm Water Management Plan** shall describe and illustrate how **the landowner**
42 **and/or** responsible party will meet the storm water management requirements and other related
43 requirements in this ~~article~~ **ordinance.** The storm water management plan, at a minimum shall
44 contain the following items and elements:
45

1 **1. A narrative explanation of provisions to preserve and use natural topography and land**
2 **cover features to minimize the changes in peak flow runoff rates and volumes discharged to**
3 **surface waters and wetlands under developed conditions.**
4

5 **2. A narrative summary of the storm water management plan, including a listing of the**
6 **planned structural and non-structural best management practices and explaining any**
7 **unique information that led to the selection of the best management practices.**
8

9 **3. A narrative explanation of any restrictions on storm water best management practices**
10 **in the development area imposed by wellhead protection plans and ordinances.**
11

12 **4). Mapping, description and analysis of final storm water management plan. Site Map(s)**
13 **and site analysis of proposed conditions, including the preservation of any natural**
14 **features. and Proposed Development Elements. On one or more maps, at a scale of 1 inch**
15 **equals 40 feet, include the following:** A site plan map and supporting data shall be prepared
16 and submitted to the Land Conservation Division. Existing site conditions, natural features and
17 proposed development elements will be depicted and delineated on the site map at a scale of 1
18 inch equals 100 feet and will include the following applicable items:
19

20 (1 a). Development title, graphic scale and north arrow;
21

22 **(b). Sheet numbers, drafting dates, revision dates and drafters name on every**
23 **page.**
24

25 (1 b). Drafting date and contact information for the project engineer, with all other
26 mapping elements and scale consistent with the site plan map;
27

28 (2c). Location of existing and proposed storm water discharge points;
29

30 **(3 d). Delineation and labeling of all proposed impervious areas and pervious**
31 **areas. and accompanying area computations—Show location and label all**
32 **proposed buildings, structures and pavement.**
33

34 **(e) Planned final site topography at a contour interval not to exceed 2 feet.**
35

36 **(4f). Location and final design drawings of all proposed storm water BMPs**
37 **with unique references to support documentation, prepared in accordance**
38 **with minimum standards and of sufficient clarity for those responsible**
39 **for site grading, including:**
40

41 1) Plan views showing the location of proposed BMPs in combination
42 with the site plan map at a scale of 1 inch equals no more than 100 feet;
43

1 2). Additional detail plan view drawings at a scale of 1 inch equals no
2 more than 40 lineal feet, showing proposed 2 foot contours and all critical
3 design features and elevations;
4

5 3). Detailed cross-sections and profiles of each BMP showing all critical
6 design features, side slopes, structures, soil profiles and applicable
7 elevations, including seasonal high water table;
8

9 4). Detailed drawings or material specifications for inlets or outlets,
10

11 (5). Type, size, location and cross-sections of all pipes, open channels, grade
12 stabilization structures and other proposed storm water conveyance systems, with
13 unique references to support documentation;
14

15 (6). Location and dimensions of proposed drainage easements;
16

17 (7). Location, dimensions and surfacing material or soils data of proposed access
18 lanes and delineation of easements needed to allow future maintenance of all
19 storm water BMPs in accordance with sec. 26-16. The minimum width of any
20 access easement shall be 15 feet;
21

22 (8). Location of soil borings and soil profile evaluations with surface elevations
23 and unique references to supplemental data sheets, as needed to determine
24 feasibility of any proposed storm water BMP and to comply with applicable
25 technical standards;
26

27 (9). Detailed construction notes explaining all necessary procedures to be
28 followed to properly implement the plan, including planting and landscaping
29 specifications, timing and sequencing of construction and any temporary
30 measures needed to protect BMPs during the construction phase;
31

32 (10). A detailed construction inspection plan, outlining the critical elements in the
33 plan that need to be surveyed or inspected by a representative of the project
34 engineer, and the timing and notification requirements involved.
35

36 (11). A final storm water BMP maintenance agreement in accordance with sec.
37 26-16.
38

39 (12). Support documentation summarized in accordance Land Conservation
40 Division standards, including but not limited to:
41

42 a). A narrative summary of the storm water management plan, briefly
43 explaining any unique information that led to the selection of BMPs, how
44 the

1 proposed plan meets the storm water management guiding principles and
2 the specific storm water planning requirements.

3
4 b). Maps of existing and proposed watersheds, subwatersheds, Tc/Tt flow
5 paths, soil types, hydrologic soil groups, land uses/cover type and
6 accompanying runoff curve numbers within the site and draining into the
7 site from adjacent properties, with unique references to hydrology data
8 summaries and a description of the ultimate receiving water body(s) for
9 off-site discharges;

10
11 c). Pre-development and post-development hydrology and pollutant
12 loading (if applicable) data for each watershed, such as peak flows and
13 runoff volumes, as
14 needed to meet the requirements of this ordinance. All major assumptions
15 used in developing input parameters shall be clearly stated and cross-
16 referenced to the maps;

17
18 d). Impervious surface maps and calculations of runoff volumes and
19 effective infiltration areas, in accordance with sec.26-10 .
20

21 e). Hydraulic and hydrologic data summaries for all existing and proposed
22 pipes, open channels, grade stabilization structures and other storm water
23 conveyance systems, and the necessary documentation to demonstrate
24 compliance with the site drainage requirements under sec. 26-10.
25

26 f). BMP design data for each proposed BMP, showing how it complies
27 with applicable technical standards and the requirements of this ordinance;
28

29 g). Soil evaluation reports, following the standards in sec. 26-8 with
30 matching references to map features showing their location and elevations;
31

32 h). A cover sheet stamped and signed by a professional engineer registered
33 in the State of Wisconsin indicating that all plans and supporting
34 documentation have been reviewed and approved by the engineer and
35 certifying that they have read the requirements of this ordinance and that,
36 to the best of their knowledge, the submitted plans comply with the
37 requirements.
38

39 i). Cost estimates for the installation of proposed storm water BMPs,
40 which shall serve as a basis for the financial assurance under sec. 26-17.
41 The applicant may use average costs for BMP installations in the county
42 rather than specific estimates, upon approval by the **Walworth County**
43 **Land Conservation Division.**
44

1 j). For sites where changes are proposed in storm water flow paths, or
2 where proposed storm water discharges may otherwise have a significant
3 negative impact on downstream property owner(s), the **Walworth**
4 **County** Land Conservation Division may require the applicant to submit
5 written authorization or complete other legal arrangements with the
6 affected property owner(s); and
7

8 k). Other items deemed necessary by the **Walworth County** Land
9 Conservation Division to ensure compliance with the requirements of this
10 ~~article.~~ **ordinance.**
11

12 **Sec. 26-16. Long-term maintenance plan and agreement for storm water management best**
13 **management practices.**
14

15 (a) *Long-term maintenance plan and agreement* required. A maintenance plan and agreement
16 shall be required for all permanent storm water-BMPs **best management practices**, installed to
17 comply with the requirements of this ~~article.~~ **ordinance.** The maintenance agreement shall be
18 independent of all other restrictions or covenants and shall comply with all provisions of this
19 section.
20

21 **For sites where the existing drainage system, including internally drained areas, are**
22 **preserved to meet the storm water best management performance standards and**
23 **requirements contained in this ordinance, the storm water management practice**
24 **maintenance plan and agreement must include those features.**
25

26 **The maintenance agreement is an agreement between Walworth County and the**
27 **responsible party to provide for the maintenance of the storm water best management**
28 **practices beyond the duration of the storm water management permit issued, pursuant to**
29 **this ordinance.**
30

31 **The maintenance agreement shall be filed with the County Register of Deeds, as a property**
32 **restriction so that it is binding upon all subsequent owners served by the storm water**
33 **management best management practices.**
34

35 (1) *Agreement Provisions.* The **storm water best management practice** maintenance
36 agreement shall, at a minimum, contain the following information and provisions:
37

38 a. Ownership. Identification of the owner(s) of the land parcel(s) where the storm
39 water BMP(s) is located. Ownership shall be the same as those assigned
40 maintenance responsibilities under sub. 6. below, unless otherwise designated in
41 a regional storm water management plan and approved by the applicable unit(s)
42 of government. For subdivisions, all storm water BMPs that collect runoff from
43 more than one lot shall be located on outlots. For all privately owned outlots,
44 ownership shall be by proportional undividable interest for all properties that are

1 within the control of the applicant and drain to the BMP. However, the applicant
2 may combine ownership of more than one BMP within the site;

3
4 b. Location. A legal description and survey map of the storm water **BMP best**
5 **management practice** location(s), showing associated drainage ~~or~~ **and** access
6 easements required to maintain the **BMP storm water best management**
7 **practice.**

8
9 c. Design. Detailed drawings of each storm water **BMP best management**
10 **practice** and a general description of its purpose and design, including but not
11 limited to **BMP** dimensions and elevations, inlet and outlet designs and elevations
12 and the drainage area served by the **BMP storm water management practice.** If
13 possible, use as-built survey information.

14
15 d. **Operation and Maintenance plan. The operation and maintenance plan**
16 **for the storm water best management practices(s) shall contain the following**
17 **information:**

18
19 **1. Identification description of the storm water management best**
20 **management practices and designation of the drainage areas served**
21 **by the practices.**

22
23 2. A description of the operational level, inspection tasks **and time**
24 **interval,** and all long-term maintenance activities **and estimated time.**
25 **Interval between each activity** that will likely be required for each
26 **BMP storm water best management practice** shall be included in the
27 agreement.

28
29 **3. Scaled site plan showing the location of the storm water best**
30 **management practices and delineation of the drainage area served by**
31 **the storm water best management practice.**

32
33 **4. The estimated cost to perform inspections, and maintenance must be**
34 **included.**

35
36 e. Access. Authorization for vehicle access, including a minimum 15-foot wide
37 access easement dedicated to the local municipality and connecting to a public
38 road right-of-way, to allow for future BMP maintenance work. The access
39 easement shall be of adequate soil conditions or surfacing to withstand loads
40 produced by standard construction equipment, and shall not include any area
41 where ~~channelized~~ **channelization of water** exists.

1 **(2) Agreement Form, Approval and Recording.**

2
3 a). **Form.** The ~~Responsible Party~~ **landowner** shall provide a maintenance
4 agreement form that complies with the requirements of this section.

5
6 b). **Approval.** The **Walworth County** Land Conservation Division shall review
7 and approve the form and content of all maintenance agreements proposed under
8 this ordinance and ensure compliance with all provisions of this section. If the
9 agreement does not comply, the **Walworth County** Land Conservation Division
10 shall notify the applicant what changes are needed in order to comply, in
11 accordance with the plan review procedures in sec.

12
13 c). **Recording.** Upon certification of compliance **Walworth County** Land
14 Conservation Division, the maintenance agreement shall be recorded at the
15 Waukesha County Register of Deeds referencing any plat, certified survey or
16 other ownership transfer device pertaining to land which contains the subject
17 storm water BMP or is subject to maintenance responsibility in the approved
18 agreement. For new land divisions, the recording of the maintenance agreement
19 shall occur simultaneously with the recording of the land division. However, no
20 storm water BMP maintenance agreement shall be recorded prior to **Walworth**
21 **County** Land Conservation Division approval. The **Walworth County** Land
22 Conservation Division may require that the County Zoning Administrator or the
23 Land Conservation Division record the agreement.

24
25 d). **Copy.** The responsible party shall provide a copy of the recorded agreement,
26 including evidence of the actual recording(s), to the **Walworth County** Land
27 Conservation Division as a condition of release of the financial assurance.

28
29 **(3) Maintenance Responsibilities Prior to a Maintenance Agreement.** The
30 responsible party shall be responsible for the maintenance of all storm water BMPs prior
31 to the effective date of the Maintenance Agreement.

32
33 **Sec. 26- 17. Financial guarantee**

34
35 (a) *Purpose.* In order to insure compliance with **the requirements of** this article **ordinance and**
36 **the approved storm water management plan,** the ~~county land conservation division~~
37 **Walworth County Land Conservation Division** may require the responsible party to submit
38 proof of financial assurance or guarantee **covering the costs to the county to construct and**
39 **maintain the storm water best management practices should the responsible party fail to**
40 **do so.**

41
42 (b) *Type and form.* **The type and form of the financial assurance may include** such as an
43 **irrevocable** letter of credit, posted bond or cash escrow, in a form approved by the county land
44 conservation division. A written agreement or financial guarantee will give the ~~county land~~
45 ~~conservation division~~ **Walworth County Land Conservation Division** the authority to use the

1 funds to complete or maintain the storm water management best management practices
2 construction on the site to comply with this ~~article~~ **ordinance**.

3
4 ~~(b)~~ *Amount*. The amount of the financial guarantee shall not be less than the **cost to Walworth**
5 **County** for ~~of~~-constructing and maintaining the storm water **best** management practices.

6
7 ~~(c)~~ *Duration*. Surety must be provided for the length of the project plus one growing season.
8 Keeping the surety current at all times by renewal shall be the responsibility of the responsible
9 party At a minimum, any part of a surety renewal series shall cover all phases of the plan from
10 the clearing and stockpiling operations to final grading and landscaping for a period of not less
11 than two years.

12
13 ~~(d)~~ *Security*. Each financial guarantee shall be accompanied by a written agreement outlining ~~it~~
14 **the purpose of the financial guarantee**, applicable amounts and type and all the conditions for
15 the release. The required ~~surety~~ **financial guarantee** will be a part of a maintenance agreement
16 which will give the county land conservation division the authority to use the funds to complete
17 the project if the ~~developer~~ **landowner or responsible party** defaults or does not properly
18 implement the approved plan.

19
20 **(f) Multiple jurisdictions. In cases where in addition to Walworth County, the local**
21 **municipality, such as a township or other unit government has jurisdiction, a cooperative**
22 **financial guarantee arrangement can be developed with the Walworth County to avoid**
23 **having the landowner prove financial guarantee with more than one authority for the**
24 **same storm water management plan covering the same land development project.**

25
26 e) **Recording**. This agreement shall be recorded in the County Register of Deeds office prior to
27 issuance of any permit and shall be effective for a sufficient time period to perform the activities
28 required, make the appropriate inspections and approve the final installation. The county land
29 conservation division may extend the agreement beyond its original expiration date if necessary
30 due to unexpected or unforeseen circumstances beyond the control of the responsible party. The
31 financial guarantee shall be replaced with a maintenance agreement for a stated period of time
32 and in an amount equal to the cost of the maintenance of the best management practices
33 necessary to comply with this ordinance.

34
35 ~~(f)~~ *g) Conditions for release of the financial guarantee*. The ~~land conservation division~~
36 **Walworth County Land Conservation Division** shall release the portion of the financial
37 guarantee established under this section, less any cost incurred by the county land conservation
38 division to bring the project site into compliance with this ~~article~~ **ordinance**, **and after**
39 **following the completion of the following:**

- 40
41 **1) The Walworth County Land Conservation Division acceptance ~~submission~~ of the**
42 **“as-built plans survey,” the construction and planting certification and verification,**
43 **and the design documentation of the constructed or established storm water best**
44 **management practices, consistent with Sec. 26-18 of this ordinance.**
45

1 **2) Submittal of a copy of the recorded storm water best management practice**
2 **maintenance agreement and any applicable addenda.**

3
4 **3) Completion of a satisfactory inspection performed by the county land**
5 **conservation division, as described in Sec. 26-18 of this ordinance.**

6
7 The ~~land conservation division~~ **Walworth County Land Conservation Division** may make
8 provisions for partial pro-rated release of the financial guarantee based on the completion of
9 various stages of the approved plan and the development.

10
11 ~~(g)~~ *Violations.* Violation of performance security requirements shall be enforceable pursuant
12 to section 26-21 of this ~~article~~ **ordinance.**

13
14 (h) *Exemption.* Publicly funded land disturbing activities **and development projects** are exempt
15 from providing financial assurance.

16
17
18 **Sec. 26-18. Construction and planting verification.**

19
20 a) *As-built survey.* An as-built survey of the built **or the established** storm water best
21 management practices shall be completed and submitted to the ~~land conservation division~~
22 **Walworth County Land Conservation Division**, by a certified land surveyor registered in the
23 state **of Wisconsin** or a professional engineer licensed in the state **of Wisconsin**. The ~~land~~
24 ~~conservation division~~ **Walworth County Land Conservation Division** may require a digital
25 submittal of the as-built survey. As-built plans shall document on the maps and drawings **of** the
26 same scale and quality as the original site plan, actual locations for all storm water best
27 management practices, elevations, materials, **and** construction specifications of the
28 components of the storm water management practices.

29
30 b) **Construction and planting certification and verification.** A professional engineer, licensed
31 in the state **of Wisconsin shall prepare and submit a report to the Walworth County Land**
32 **Conservation Division**, verifying that the engineer has successfully completed all site
33 inspections outlined in the approved plans and **certifying that** the construction of all storm
34 water management practices comply with the approved plans and applicable technical and
35 construction standards. **The engineer must verify and certify the revegetation or planting**
36 **process employed at the development site and quantify the successful establishment of a**
37 **sustainable stand of vegetation, where planned. The county land conservation division may**
38 **require the responsible party to retain a landscape architect or other specialist to verify**
39 **and certify the planting.**

40
41 c) **Design documentation.** **Any changes or modification noted in the as-built survey or**
42 **final design data compared to the design summaries supporting the final storm water**
43 **management plan shall be documented and submitted to the county land conservation**
44 **division with the as built-survey and verifying that the as-built storm water management**
45 **practices satisfy the requirements of this ordinance.**

1
2 **e) Final Inspection. After completion of the construction of the storm water best**
3 **management practices, the county land conservation division shall conduct a final**
4 **inspection of the development site, subject to this ordinance to determine compliance with**
5 **approved storm water management plans and the requirements of this ordinance,**
6 **including determining if the site is successfully stabilized. If it is determined that the**
7 **storm water management plan implementation is complete, including the site stabilization,**
8 **the county land conservation division shall issue a written notice of completion. If upon**
9 **inspection, the county land conservation division determined that any of the applicable**
10 **requirements of this ordinance have not been met, the county land conservation division**
11 **shall notify the responsible party what changes would be necessary to meet the**
12 **requirements of this ordinance.**
13

14 **Sec. 26-19. General considerations for off-site storm water management**
15

16 a) *Regional treatment option.* The county land conservation division may approve the use of
17 off-site storm water best management practices to meet the storm water performance standards
18 required in this ~~article~~ **ordinance**, if the off-site storm water best management practice is part of
19 a regional storm water management plan or covered in other legal agreements and meets all of
20 the following conditions:
21

22 (1) The storm water best management practices are in-place.
23

24 (2) The storm water best management practices are designed and adequately sized to treat post
25 construction storm water runoff from the site and provide the level of storm water management
26 control equal to or greater than that which would be afforded by on-site practices meeting the
27 performance standards of this ~~article~~ **ordinance**.
28

29 (3) The storm water management practices have a legally obligated entity or responsible party
30 for the long-term maintenance of the storm water management practices.
31

32 b) *Approval of the regional treatment option.* The responsible party is required to obtain a
33 storm water management permit for land disturbing construction activities covered by this ~~article~~
34 **ordinance**. The application and application fees contained in sec. 26-12 will be apply and the
35 following information will be submitted:
36

37 (1) A site map indicating the location of the off-site regional storm water management practices,
38 expected to receive and treat storm water discharged from the site to meet the performance
39 standards contained in this ~~article~~ **ordinance**.
40

41 (2) Verification and documentation to demonstrate that the design and the construction of the
42 off-site regional storm water management practices, can receive and treat storm water runoff
43 from the site at a level equal to or greater than the performance standards contained in the ~~article~~
44 **ordinance**.
45

1 (3) A copy of the recorded storm water maintenance agreement and any other easements or legal
2 agreements to document and ensure the long-term maintenance of the off-site storm water
3 management practices.

4
5 **Section 26-20. Preliminary storm water review letter.**
6

7 (a) *Purpose and intent.* A preliminary storm water review letter is prepared by the ~~county land~~
8 ~~conservation division~~ **Walworth County Land Conservation Division** to ensure that early site
9 planning of any new development accounts for compliance with the ~~county~~ **Walworth County**
10 storm water management performance standards. Preliminary storm water planning will help
11 resolve spatial and soil limitations, identify storm water management opportunities early in the
12 site-planning phase and prevent conflict with other permit requirements or recording of land
13 divisions.
14

15 (b) *Applicability.* A preliminary storm water review letter from the ~~county land conservation~~
16 ~~division~~ **Walworth County Land Conservation Division** is required prior to the approval of a
17 preliminary plat, certified survey map, conditional use permit or zoning amendment by the
18 county zoning agency, if the proposed land division or use will result in one or more of the
19 following land development or land disturbing activities:
20

- 21 (1) Land disturbance or the removal of vegetative cover for an area greater than one (1)
22 acre.
23 (2) Construction of a new public or private road servicing more than 5 residences.
24 (3) The addition of one-half of an acre of impervious surfaces to a site.
25

26 (c) *Application for a preliminary storm water review letter.* To request a preliminary **storm**
27 **water** review letter, the applicant **landowner** shall submit a complete application to the ~~county~~
28 ~~land conservation division~~ **Walworth County Land Conservation Division** and include the
29 following:
30

- 31 (1) A complete and signed application on a form provided by the ~~land conservation~~
32 ~~division~~ **Walworth County Land Conservation Division** for that purpose.
33 (2) An application fee.
34 (3) A scaled site plan map required for the ~~zoning agency~~ **Walworth County Zoning**
35 **Agency** for conditional use permit, certified survey, subdivision plat, zoning amendment
36 or other action.
37 (4) A preliminary storm water management plan prepared in accordance with section
38 26-20 (d).
39

40 (d) *Preliminary storm water management plan.* A preliminary storm water management plan
41 shall contain the following items:
42

- 43 (1) On a scaled site plan, **titled Preliminary Storm Water Management Plan, show**
44 **delineate and label** the existing and proposed watersheds, subwatersheds and primary

1 flow paths of storm water runoff flowing into the site, through the site and discharge
2 points off of the site. ~~will be delineated and drawn on a scaled site plan.~~

3
4 (2) **On a scaled site plan, titled Preliminary Storm Water Management Plan, show**
5 **lakes, streams, channels, ditches, delineated wetland boundary lines, and other**
6 **watercourses on, and immediately adjacent to the site. Delineate the limits of the**
7 **100-year floodplain; show the location of wells and well head protection areas**
8 **covering the project area.** Provide ~~the~~ the name of the ultimate receiving water for off-
9 site discharges should be identified.

10
11 (3) On a scaled site plan, **titled Preliminary Storm Water Management Plan, show**
12 the location(s), **label the** description, and **provide** the preliminary design of proposed
13 storm water best management practices ~~need~~ **required** to meet the **performance**
14 standards of this ~~article~~ **ordinance.**

15
16 (4) On a scaled site plan, **titled Preliminary Storm Water Management Plan, show**
17 the location and **provide** a description of the type(s) of storm water collection and
18 conveyance systems, proposed for the site.

19
20 (5) On the **scaled site plan, titled Preliminary Storm Water Management Plan,**
21 **show** ~~development plan or the preliminary plat,~~ the location and preliminary
22 dimensions of proposed drainage or storm water management easements.

23
24 (6) On a **scaled site plan** ~~drawing,~~ **titled Preliminary Storm Water Management**
25 **Plan, show** the location(s) of soil borings and **provide** soil profiles evaluations and
26 data sheets to determine feasibility of any proposed storm water best management
27 practice ~~and~~ **for** compliance with **Walworth County and state** technical standards.

28
29 (7) On a scaled **site plan** ~~drawing,~~ **titled Preliminary Storm Water Management**
30 **Plan,** ~~development plan, preliminary plat map, or a scaled drawing~~ show the
31 preliminary location of access roadways or lanes to perform maintenance of storm water
32 best management practices.

33
34 (8) **Provide** preliminary hydrology and hydraulic calculations, **and pollutant loading**
35 **computations for each discharge point, as needed to show compliance with**
36 **Walworth County and State storm water performance standards.** ~~reflecting changes~~
37 ~~in land use.~~

38
39 (9) **Provide name(s) and contact information of** ~~P~~proposed ownership and **describe**
40 maintenance responsibilities for all proposed storm water best management practices.

41
42 (10) **A preliminary maintenance agreement for all proposed storm water best**
43 **management practices.**

1 (101) On a scaled site plan, titled Preliminary Storm Water Management Plan,
2 include the ~~D~~rafting date (s) and the name and contact information for the Wisconsin-
3 licensed Engineer preparing the preliminary storm water management plan and **plan**
4 **documentation.** ~~information.~~

5
6 (142) On a scaled site plan, titled Preliminary Storm Water Management Plan,
7 locate and label the ~~S~~etback requirements from wells, structures, steep slopes,
8 wetlands, waterways, roads, right-of-ways and other features related to the location of
9 storm water best management practices.

10
11 (13) Provide wetland screening documentation to verify whether or not a wetland is
12 present in the project area. If wetlands or potential wetlands are present on the
13 project site or within 100 feet of the project area, a wetland review must be
14 conducted on a proposed project site. A wetland review for a preliminary storm
15 water review letter can include one of the following investigations completed by:

16
17 (a) The WDNR Wetland Identification Service. The WDNR Wetland
18 Identification Service;

19
20 (b) A WDNR Assured Wetland Delineator.

21
22 (c) Other qualified wetland investigators, approved by the Walworth County
23 Land Conservation Division.

24
25
26 (e) Preliminary storm water review letter application process.

27
28 (1) ~~The county land conservation division~~ Walworth County Land Conservation
29 Division shall have 10 working days from the date ~~county land conservation division~~
30 Walworth County Land Conservation Division ~~received~~ the application for a
31 preliminary storm water review letter is received to issue a review letter to the applicant
32 landowner. ~~and the County Land Use Division.~~

33
34 (2) If within the 10 working days, the ~~county land conservation division~~ Walworth
35 County Land Conservation Division determines that the application for a preliminary
36 storm water review letter is not complete or additional information is needed, the
37 ~~county land conservation division~~ Walworth County Land Conservation
38 Division shall have 10 days from the date the additional information is received, to
39 review and act on the application.

40
41 **Sec. 26-21. Enforcement.**

42
43 (a) Any land disturbing construction activity or post-construction runoff initiated after the
44 effective date of this article ordinance by any person, firm, association or corporation subject

1 to the ordinance provision shall be deemed a violation unless conducted in accordance with the
2 **any** requirements of this ~~article~~ **ordinance**.

3
4 (b) The ~~county land conservation division~~ **Walworth County Land Conservation Division**
5 **shall provide written notice** ~~notify~~ **to the landowner and/or** the responsible party of any
6 non-compliance land disturbing construction activity or post construction runoff. ~~by certified~~
7 ~~mail~~. The notice shall describe the nature of the violation, remedial actions needed, a schedule
8 for remedial action and additional enforcement that may be taken.
9

10 (c) Upon receipt of written notification from the ~~county land conservation division~~ **Walworth**
11 **County Land Conservation Division** under sub (2), **the landowner or** the responsible party
12 shall correct those deficiencies that do not comply with the storm water management plan or
13 other provisions of the permit, if issued. **The landowner or the responsible party shall make**
14 **corrections as necessary to meet the specifications and schedule set for by the Walworth**
15 **County Land Conservation Division in the notice.**
16

17 (d) If the violations to a permit issued pursuant to this ~~article~~ **ordinance** are likely to result in
18 damage to properties, public facilities, or waters of the state, the ~~county land conservation~~
19 ~~division~~ **Walworth County Land Conservation Division** may enter the land and take
20 emergency actions necessary to prevent such damage. The cost incurred by the ~~county land~~
21 ~~conservation division~~ **Walworth County Land Conservation Division** plus interest and legal
22 costs shall be billed to the responsible party **or subtracted from the financial assurance.**
23

24 If **the** responsible party or landowner fails to pay the amount due, the clerk shall enter the
25 amount due on the tax rolls and collect as a special assessment against the property pursuant to
26 Wis. Stats. § 66.0701.
27

28 (e) The ~~land conservation division~~ **Walworth County Land Conservation Division** is
29 authorized to post a stop work order, on all land disturbing construction activities that **is are** in
30 violation of this ~~article~~ **ordinance**. The ~~county land conservation committee or the board of~~
31 ~~adjustment may retract the stop work order or the revocation.~~ **A stop-work order shall remain**
32 **in effect unless retracted by Walworth County Land Conservation Division or a court with**
33 **jurisdiction.**
34

35 (f) Any person who continues to conduct land disturbing activities on a project site after being
36 given written notice by the ~~county land conservation division~~ **Walworth County Land**
37 **Conservation Division** regarding need for permit review and approval prior to conducting land
38 disturbance subject to this ~~article~~ **ordinance** shall be in violation of this ~~article~~ **ordinance.**
39

40 (g) The ~~county land conservation division~~ **Walworth County Land Conservation Division** is
41 authorized to issue an ordinance citation, pursuant to Chapter 14 of the **Walworth** County
42 Code of Ordinances, **to the landowner, the responsible party or any** person, firm, association
43 or corporation for engaging in land disturbing construction activities that are in violation of this
44 ~~article~~ **ordinance.**
45

1 (h) Each day a land disturbing construction activity continues in violation of this ~~article~~
2 **ordinance** shall be considered a separate offense and subject to additional enforcement action,
3 including, but limited to the issuance of additional ordinance citations.
4

5 (i) The ~~county land conservation division~~ **Walworth County Land Conservation Division**
6 may revoke a permit issued under this article for non-compliance with any ordinance provision..
7

8 (j) The ~~county land conservation division~~ **Walworth County Land Conservation Division** can
9 request the ~~county corporation counsel~~ **Walworth County Corporation Counsel** to obtain a
10 cease and desist order in any court with jurisdiction, to stop work on all land disturbing
11 construction activities that are in violation of this ~~article~~ **ordinance**.
12

13 (k) Any permit revocation, stop work order or cease and desist order shall remain in effect unless
14 retracted by the ~~county land conservation division~~ **Walworth County Land Conservation**
15 **Division** or by a court with jurisdiction.
16

17 l). Compliance with the provisions of this ~~article~~ **ordinance** may also be enforced by injunction
18 in any court with jurisdiction.
19

20 m). The ~~county land conservation division~~ **Walworth County Land Conservation Division** is
21 authorized to refer any violation of this ~~article~~ **ordinance**, or of a stop work order or cease and
22 desist order issued pursuant to this article to the county corporation counsel for the
23 commencement of further legal proceedings in any court of jurisdiction.
24

25 **Sec. 26-22. Compliance inspection fees**

26

27 (a) The ~~county land conservation division~~ **Walworth County Land Conservation Division** may
28 assess an inspection fee, to cover the cost to conduct a site inspection performed by the division
29 staff to assess the status of a project site in violation of this ~~article~~ **ordinance**.
30

31 (b) The inspection fee shall be established by the county board of supervisors, pursuant to
32 Chapter 30 of the **Walworth** County Code of Ordinances. Responsible parties subject to an
33 inspection fee, are limited **to** those where formal enforcement action has been undertaken and the
34 responsible party has been issued a notice of non-compliance, an ordinance citation, a cease and
35 desist order, or is under an order or judgment issued by a court with jurisdiction
36

37 **Sec. 26-23. Appeals.**

38

39 The Walworth County Board of Adjustment, established and operating under ~~section~~ **Chapter**
40 **74** of the Walworth County Code of Ordinances, and authorized pursuant to **Wis. Stats.**
41 **§59.694, Wis. Stats.**, shall hear and decide appeals where it is alleged that there is error in an
42 order, decision or determination made by the ~~county land conservation division~~ **Walworth**
43 **County Land Conservation Division** in administering this ~~article~~ **ordinance**. **The Walworth**
44 **County Board of Adjustment shall use the rules, procedures, duties and powers authorized**
45 **by statute in hearing and deciding appeals.** Upon appeal, the board may authorize variances

1 from the provisions of this ~~article~~ **ordinance** that are not contrary to the public interest, and
2 where owing to special conditions a literal enforcement of the ~~article~~ **ordinance** will result in
3 unnecessary hardship.

4
5 **Sec. 26-24. Severability.**

6
7 If any section, clause, provision or portion of this ~~article~~ **ordinance** is judged unconstitutional or
8 invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force
9 and not be affected by such judgment.

10
11
12
13

14 **Effective date.**

15

16 This ordinance shall be in force and effective from after its adoption and publication. The above
17 and foregoing ordinance was duly adopted by the Walworth County Board of Supervisors on the
18 _____ day of _____, 2016.

