

**Ordinance No. 4-22-750**  
**Monona Common Council**

**AMENDING CHAPTER 216 OF THE MONONA CODE OF ORDINANCES**  
**REGARDING EROSION AND STORMWATER CONTROL**

**WHEREAS**, Chapter 216 is intended to regulate construction site erosion and storm water runoff and to accomplish objectives such as promoting regional storm water management by watershed, minimize sedimentation and water pollution, promote infiltration and groundwater recharge, and protect public and private property from damage resulting from runoff erosion; and,

**WHEREAS**, Chapter 216 is being amended to meet the minimum requirements for construction site erosion control and storm water management and to provide a set of performance standards that are consistent with the standards as set forth by Dane County; and,

**WHEREAS**, the Public Works Committee discussed this topic at its April 6, 2022 meeting and is recommending that Chapter 216 of the Monona Code of Ordinances be amended to reflect these changes.

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

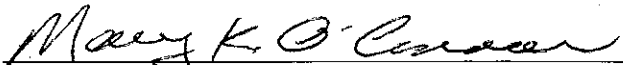
**Section 1:** Chapter 216 is hereby amended as provided on the attached Exhibit A.

**Section 2:** The fees, fines, and penalties schedule is hereby amended as provided on the attached Exhibit B.

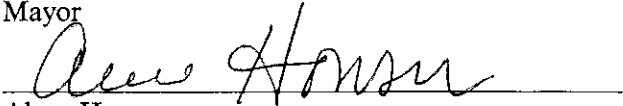
**Section 2:** This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 18<sup>th</sup> day of April, 2022.

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

  
\_\_\_\_\_  
Mary K. O'Connor  
Mayor

ATTEST:

  
\_\_\_\_\_  
Alene Houser  
City Clerk

Recommended By: Public Works Committee, 4/6/22

Council Action:

Date Introduced: 4-4-22

Date Approved: 4/18/22

Date Disapproved: \_\_\_\_\_

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

## **EXHIBIT A**

### Chapter 216

# **Erosion and Stormwater Control Erosion Control, Stormwater Management, and Illicit Discharge Prevention~~Detection and Elimination~~**

[**HISTORY: Adopted by the Common Council of the City of Monona as Title 15, Ch. 2, of the 1994 Code; amended in its entirety 12-15-2014 by Ord. No. 12-14-669. Subsequent amendments noted where applicable.**]

#### GENERAL REFERENCES

Floodplain and Shoreland-Wetland Zoning — See Ch. **466**.

Subdivision of land — See Ch. **473**.

Zoning — See Ch. **480**.

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#### § 216-1 **Title.**

This chapter shall be known, cited and referred to as the "Erosion and Stormwater Runoff Control Ordinance."

#### § 216-2 **General provisions.**

- A. Applicability. This chapter applies to the use of lands within the incorporated boundaries of the City, and the use of lands subject to extraterritorial review as provided by § 236.10, Wis. Stats.
- B. Performance time requirement. All action required in this chapter shall be conducted as soon as possible as determined by the administrative authority.

#### § 216-3 **Authority.**

This chapter is adopted by the City of Monona under the authority of § 62.234 of the Wisconsin Statutes.

#### § 216-4 **Definitions.**

For the purposes of this chapter certain words used herein are defined as follows:

#### **ADMINISTRATIVE AUTHORITY**

The governmental employee designated by the Common Council to administer this chapter, and includes any other governmental employees who are supervised by the said authority, for the implementation and enforcement of this chapter. The Common Council has designated the City of Monona Director of Public Works ("Director") to administer this chapter.

[**Amended 6-19-2017 by Ord. No. 6-17-688**]

#### **AFFECTED**

Means a regulated activity has significantly:

- A. Caused negative impacts on water quality or the use or maintenance of one's property or business; or

B. Endangered one's health, safety or general welfare.

~~C. Caused negative impacts to the environment to a degree causing possible endangerment to public health.~~

## **AGRICULTURAL**

Related to or used for the commercial production of food and fiber, including but not limited to general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities. Clearing and grubbing of an area or structural development are not agricultural activity.

## **AGRICULTURAL LAND USES**

Alterations or disturbances of the land used for the commercial production of food and fiber.

## **AVERAGE ANNUAL RAINFALL**

The rainfall information for an average year as determined by the information in the following rainfall file: WisReg-Madison WI 1981. RAN. This file represents a synthetic rainfall record for the Madison area of 1981- from March 12 through December 2.

[Added 6-19-2017 by Ord. No. 6-17-688]

## **BANK EROSION**

The removal of soil or rock fragments along the banks or bed of a stream channel resulting from high flow after rain events.

## **BEST MANAGEMENT PRACTICE**

A practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff both during and after land development activities. These can include structural, vegetative or operational practices.

## **CLOSED WATERSHED**

An area that does not have a surface outlet, with water only able to leave through evaporation, infiltration, or mechanical means. For the purposes of this ordinance, the following are considered closed watersheds:

- A. Internally drained watersheds that are at least 20,000 square feet in area and at least 1 foot in depth from invert to lowest surface outlet.
- B. Watersheds with no surface outlet discharges from a 2-year, 24-hour design storm.
- C. Areas that have historically not drained through surface outlets, as determined by the Director.

## **CEASE AND DESIST ORDER**

A means of giving notice to the permittee or violator that the Director believes that the permittee or violator has violated one or more provisions of this chapter. Notice is given by posting upon the lands where the disturbing activity occurs one or more copies of a poster so stating the violation and by mailing a copy of this poster by certified mail to the permittee or violator at the address shown on the

permit or to the violator at any address of record.

[Amended 6-19-2017 by Ord. No. 6-17-688]

### CHECKLIST PLAN

An erosion control plan available from the Director, which is designed to control soil erosion and sedimentation resulting from land-disturbing activities on sites less than 20,000 square feet and less than six-percent slopes.

[Amended 6-19-2017 by Ord. No. 6-17-688]

### CITY

The City of Monona.

### CONNECTED IMPERVIOUSNESS

An impervious surface that directly drains to a separate storm sewer or water of the state via an impervious or concentrated flow path.

[Added 6-19-2017 by Ord. No. 6-17-688]

### CONSTRUCTION SITE EROSION CONTROL

Preventing or reducing soil erosion and sedimentation from land-disturbing activity.

### CONTROL PLAN

(Erosion and sediment control plan and runoff control plan) A plan approved by the Director of methods for controlling soil erosion, surface water runoff and sediment deposition caused by or resulting from land-disturbing activities.

[Amended 6-19-2017 by Ord. No. 6-17-688]

### DESIGN STORM

A hypothetical rainstorm that occurs with a specified recurrence interval in Dane County. For example, a 10-year, 24-hour design storm defines a rainstorm that occurs over 24 hours, with a recurrence interval of 10 years. The amounts associated with these storms are further defined as follows:

- A. 1-year, 24-hour design storm = 2.49 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- B. 2-year, 24-hour design storm = 2.84 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- C. 10-year, 24-hour design storm = 4.09 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- D. 100-year, 24-hour design storm = 6.66 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.

E. 200-year, 24-hour design storm = 7.53 inches over 24 hours duration using the MSE4NRCS Rainfall Distribution.

F. 500-year, 24-hour design storm = 8.94 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.

## **DETENTION STORAGE**

The temporary detaining or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed devices.

## **DEVELOPMENT**

Any of the following activities:

A. Structural development, including construction of a new building or other structure;

B. Expansion or alteration of an existing structure that results in an increase in the ground surface dimensions of the building or structure;

C. Land disturbing activity; or

D. Creation or expansion of impervious surfaces.

## **DIRECTOR**

The City of Monona Director of Public Works or appointed designee.

## **DIRECT CONDUITS TO GROUND WATER**

Wells, sinkholes, swalletts, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

## **DISCHARGE**

Any discharge, release, or spill of any substance.

## **EASEMENT**

An interest in land owned by another that creates a nonpossessory right to enter and use the land of another and obligates the owner not to interfere with the uses authorized by the easement.

## **EASEMENT HOLDER**

The holder of a legally enforceable easement that authorizes the activity on the land for which a permit is sought under this chapter, including all required maintenance and access obligations.

## **EFFECTIVE INFILTRATION AREA**

The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

## **EROSION (SOIL EROSION)**

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

## **EXCAVATION**

Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

## **EXISTING DEVELOPMENT**

Buildings and other structures and impervious areas existing prior to ~~ordinance adoption~~ August 22, 2001.

## **EXISTING GRADE**

The vertical location of the existing ground surface prior to excavation or filling.

## **FILL**

Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the resulting conditions.

## **FINAL STABILIZATION**

All land disturbing activity has been completed and that a uniform perennial vegetative cover with a density of at least 70% has been established.

## **FINANCIAL SECURITY INSTRUMENT**

A surety bond, performance bond, maintenance bond, irrevocable letter of credit, or similar guarantees submitted to the City to assure that requirements of the chapter are carried out in compliance with the stormwater management plan.

## **GRADING**

Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

## **GREEN INFRASTRUCTURE**

Practices that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. Green Infrastructure includes, but is not limited to, the following practices: rainwater harvesting/reuse, rain gardens, bioretention systems, infiltration basins, planters that are connected to roof drainage, vegetated swales, permeable pavement, green roofs, and rain barrels.

## **GULLY EROSION**

A severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.

## **HEAVILY DISTURBED SITE**

A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities, including filling.

## **HYDROLOGIC SOIL GROUP (HSG)**

Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

## **ILLCIT DISCHARGE**

Any discharge not composed entirely of stormwater that reaches a municipal storm sewer system, drainage way, or waterbody, except those authorized by a Wisconsin Pollutant Discharge Elimination System (WPDES) permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, flows from riparian habitats and wetlands, and similar discharges.

## **IMPERVIOUS SURFACE**

Any land cover that prevents rain or melting snow from infiltrating into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces, including gravel surfaces, shall be considered impervious, unless specifically designed to encourage infiltration and approved by the Director.

## **INFILTRATION**

~~The process by which rainfall or runoff seeps into the soil.~~ Precipitation that does not leave the site as surface runoff. Also known as “stay-on”.

## **INFILTRATION SYSTEM**

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

## **LAND-DISTURBING ACTIVITY~~IES~~**

Any land alterations or disturbances that may result in soil erosion, sedimentation or change in runoff, including but not limited to removal of ground cover, grading, excavating and filling of land.

## **~~LAND TREATMENT MEASURES~~**

~~Structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.~~

## **LIGHTLY DISTURBED SITE**

A site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earthmoving activities.

## **MAXIMUM EXTENT PRACTICABLE (MEP)**

A level of implementing best management practices in order to achieve a performance standard

specified in this chapter which takes into account the best available technology, cost-effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet performance standards and may vary based on the performance standard and site conditions.

[Added 6-19-2017 by Ord. No. 6-17-688]

### **MUNICIPAL STORM SEWER SYSTEM**

A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets the following criteria:

- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
- b. Designed or used for collecting or conveying stormwater.
- c. Which is not a combined sewer conveying both sanitary wastewater and stormwater.
- d. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

### **NEW DEVELOPMENT**

Development that results in the cumulative increase of 20,000 square feet of impervious surface to a site since August 21, 2001. Sites may be a combination of new development and redevelopment. Any of the following activities:

- A. Structural development, including construction of a new building or other structures;
- B. Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;
- C. Land-disturbing activities; or
- D. Creation or expansion of impervious surface.

### **NONEROSIVE VELOCITY**

A rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.

### **~~NRCS MSE4 STORM DISTRIBUTION~~**

~~The rainfall distribution and twenty-four hour rainfall depths for storms of varying reoccurrence intervals as published by the USDA Natural Resources Conservation Service for Dane County, Wisconsin, using precipitation data from NOAA Atlas 14, Precipitation Frequency Atlas of the United States, Volume 8 (Midwestern United States).~~

~~[Added 6-19-2017 by Ord. No. 6-17-688]~~

### **PEAK FLOW**



The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the predetermined storm or flood.

### **PERSON**

An individual, owner, operator, corporation, partnership, association, limited liability company, municipality, interstate agency, state agency or federal agency

### **PERVIOUS SURFACE**

Any land cover that permits rain or melting snow to soak into the ground.

### **PLAN**

An erosion control plan required by § 216-7 or a stormwater management plan required by § 216-8.

### **PLAN REVIEW AGENCY**

The Plan Commission.

### **PLAT REVIEW OFFICER**

The Director or his or her designee.

### **PERMITTEE**

A land owner or easement holder who has applied for a permit under this Chapter and is responsible for the requirements of the permit.

### **POST-DEVELOPMENT**

Refers to the extent and distribution of land cover types ~~anticipated to occur under conditions of full development of the submitted plan. This term is used to match predevelopment and post-development stormwater peak flows as required by the chapter after proposed site development.~~

### **POTENTIALLY POLLUTING SUBSTANCE**

Includes, but is not limited to, fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sanitary sewer wastes, storm sewer catch basin wastes, oil or petroleum waste, dredged soil, solid waste, incinerator residue, sewage, garbage, refuse, munitions, chemical wastes, biological materials, radioactive substance, wrecked or discarded equipment, waste from mobile sources, industrial, municipal and agricultural waste.

### **PREDEVELOPMENT**

Refers to the extent and distribution of land cover types present before ~~the proposed land development activity of the submitted plans~~, assuming that all land uses prior to development land disturbing activity are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55). ~~This term is used to match predevelopment and post-development stormwater peak flows as required by the chapter. In a situation where the cumulative impervious surface created after August 21, 2001 the adoption of this chapter exceeds the 20,000 twenty thousand square-foot threshold, the predevelopment conditions shall be those that prior to August 21, 2001 the proposed land disturbance.~~

## **PRE-REDEVELOPMENT**

Refers to the extent and distribution of land cover types present before proposed redevelopment, assuming that all land uses prior to redevelopment are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55).

## **PUBLIC LANDS**

All government-owned lands which are subject to regulation by the City, including but not limited to:

- A. All lands owned or controlled by the City.
- B. All lands which are owned by another unit of government.

## **REDEVELOPMENT**

~~Any construction, alteration or improvement exceeding 3,000 square feet of land disturbance performed on sites where the entire existing site is predominantly developed to commercial, industrial, institutional or multifamily residential uses.~~ Development that replaces existing impervious surfaces or results in the cumulative increase of less than 20,000 square feet of impervious surface to a site since August 21, 2001 on sites predominately developed as commercial, industrial, institutional of multifamily. Sites may be a combination of new development and redevelopment.

## **~~RETENTION STORAGE~~**

~~A temporary detaining of stormwater in engineered facilities, under controlled conditions.~~

## **RUNOFF**

The portion of rainfall, melted snow or irrigation water that flows across the ground surface.

## **RUNOFF CURVE NUMBER (RCN)**

Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

## **SEDIMENT**

Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

## **SEDIMENTATION**

The deposition of eroded soils at a site different from the one where the erosion occurred.

## **SHEET AND RILL EROSION**

A loss of soil caused by sheet flow or shallow concentrated flow and characterized by an absence of channeling or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.

## **SITE**

The bounded area described in an erosion control plan or stormwater management plan, including areas that are part of a larger common plan of development.

## **SLOPE**

The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

## **SOIL LOSS**

Soil moved from a given site because of land-disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.

## **SOIL LOSS RATE**

The rate, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and which occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from concentrated flow such as gully or bank erosion.

## **SOIL STABILIZATION**

The condition in which soil has been protected from the erosive impacts of wind, rain, and stormwater runoff as determined by the Director or appointed designee.

## **~~STORM EVENTS~~**

~~The precipitation amounts that occur over a twenty-four-hour period that have a specified recurrence interval for Dane County, Wisconsin. For example, one-, two-, ten- and one-hundred-year storm events mean the precipitation amounts that occur over a twenty-four-hour period that have a recurrence interval of one-, two-, 10 and 100 years, respectively.~~

## **STORMWATER**

The flow of water which results from, and which occurs during and immediately following, a rainfall, snow- or ice-melt event.

## **STORMWATER MANAGEMENT**

Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land development activities.

## **STORMWATER RUNOFF**

The waters derived from rains falling or snowmelt or icemelt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

## **STREET RECONSTRUCTION**

Removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.

## **STRUCTURAL MEASURES**

Works of improvement for land stabilization to prevent erosion, sediment or runoff.

## **STRUCTURE**

Any human-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, streambed or lake bed.

## **UNNECESSARY HARDSHIP**

That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

### **§ 216-5 Legislative findings.**

A. The City Council of the City of Monona finds that construction site erosion and uncontrolled stormwater runoff from land-disturbing activity and land development activities have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- (1) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams and wetlands;
- (2) Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life;
- (3) Clog existing drainage systems, increasing maintenance problems and costs;
- (4) Cause bank and channel erosion;
- (5) Increase downstream flooding;
- (6) Reduce groundwater recharge, which may diminish stream base flows and lower water levels in regional lakes, ponds and wetlands;
- (7) Contaminate drinking water supplies;
- (8) Increase risk of property damage and personal injury; and
- (9) Cause damage to agricultural fields and crops.

B. The City Council of the City of Monona also finds that effective sediment and stormwater management depends on proper planning, design and timely installation of conservation and management practices and their continued maintenance.

### **§ 216-6 Purpose and intent.**

A. The purpose of this chapter is to set forth the minimum requirements for construction site erosion control, ~~and~~ stormwater management, and prevention of potentially polluting substances from reaching the municipal storm sewer system that will diminish threats to public health, safety, public and private property and natural resources of the City of Monona.

B. This chapter is intended to regulate construction site erosion, ~~and~~ stormwater runoff, and the discharge of potentially polluting substances to the municipal storm sewer system to accomplish the following objectives:

- (1) Promote regional stormwater management by watershed;
- (2) Minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the water resources of the City of Monona;
- (3) Promote infiltration and groundwater recharge;
- (4) Protect functional values of natural watercourses and wetlands;
- (5) Provide a set of performance standards that are consistent with the standards set forth by Dane County;
- (6) Achieve an eighty-percent reduction in sediment load rates to Dane County waters compared to no controls for all parcels where new development occurs, a forty-percent reduction in sediment load rates compared to no controls for all redeveloped parcels and street reconstructions, and a twenty-percent reduction in sediment load rates compared to no controls for existing developments;
- (7) Ensure no increase in the rate of surface water drainage from sites during or after construction; and
- (8) Protect public and private property from damage resulting from runoff or erosion.

(9) Protect the health, safety, and general welfare of the citizens of the City of Monona and protect the waters resources of the City of Monona by preventing potentially polluting substances from reaching the municipal storm sewer system, lakes, streams, and groundwater as required by federal and state law.-

**§ 216-7 Applicability of requirement for erosion control permits.**

Unless expressly exempted by § 216-9, an erosion control permit under § 216-11 shall be required, and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in the City of Monona:

A. Land-disturbing activity in excess of 43,000 square feet;

~~B. Land disturbing activity on a slope of greater than 12%;~~

BC. Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

CD. Land-disturbing activity that disturbs more than 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross section of the channel;

DE. Any public or private roads or access drives longer than 125 feet;

EF. Development that requires a ~~subdivision~~ plat, as defined in the applicable local land division ordinance(s);

**FG.** Land-disturbing activity that disturbs less than ~~43~~,000 square feet of land, including the installation of access drives, that the Director determines to have a high risk of soil erosion or water pollution or that may significantly impact a lake, stream, ~~or wetland area,~~ or the City's stormwater infrastructure. Examples of activities with a high risk of soil erosion or water pollution may include, but are not limited to, land disturbance on slopes greater than 12%, erodible soil or disturbance adjacent to lakes, rivers, streams or wetlands. All such determinations made by the Director shall be in writing, unless waived by applicant.

~~H. All land disturbing activities in excess of 3,000 square feet and within 500 feet of navigable water as defined by the Wisconsin DNR.~~

**§ 216-8 Applicability of requirement for stormwater control permits.**

Unless otherwise exempted by § 216-9 a stormwater control permit under § 216-11 shall be required, and all stormwater management provisions of this chapter shall apply, to any of the following activities within the City of Monona:

- A. Any development(s) after ~~August 22, 2001~~ the adoption date of this chapter (December 15, 2014) that result(s) in the cumulative addition of 20,000 square feet of impervious surface to the site;  
-
- B. Any development that requires a ~~subdivision~~ plat, as defined in applicable local land division ordinance(s);  
-
- C. Any development that requires a certified survey map, as defined in the applicable local land division ordinance(s); for property intended for commercial or industrial use;
- D. ~~Redevelopment, as defined in § 216-4, shall meet the following stormwater management performance standards: § 216-13B~~ Land disturbing activity in excess of 4,000 square feet on sites developed as commercial, industrial, institutional or multifamily;  
-
- E. Other land development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the Director determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream or wetland area. All such determinations shall be made in writing unless waived by the applicant.

**§ 216-9 Exemptions and clarifications.**

A. The following ~~activities~~ are exempt from all requirements of this chapter:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops except the construction of a building or other structure;

(2) Projects specifically exempted from local stormwater ordinances under state or federal statute. It is the responsibility of the landowner or easement holder to demonstrate such exemption with documentation

acceptable to the Director.

B. The following activities are exempt from the construction site erosion control provisions of § 216-7:

(1) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code; the City of Monona shall regulate these sites during the period that residential building permits are in effect, consistent with then-existing Wisconsin Uniform Dwelling Code requirements. Land-disturbing activities in excess of one acre or not associated with the construction of a dwelling are not exempt from this chapter.

~~(2) Construction of public buildings and buildings that are places of employment relating to activities specifically regulated by the Wisconsin Department of Safety and Professional Services, during the period that the Department of Safety and Professional Services authorized building permits are in effect and specific erosion control procedures on these construction sites are effective, pursuant to § 101.1206, Wis. Stats.~~

~~(3) State building projects subject to § 13.48(13) Wis. Stats. and state highway projects subject to Wisconsin Administrative Code Chapter Trans 401.~~

~~C. Notwithstanding the language of Subsection B(2), activities unrelated to actual building construction shall be subject to all the requirements of this chapter. These activities shall include but are not limited to:~~

~~(1) Land-disturbing activity prior to excavation for foundation work;~~

~~(2) Landscaping;~~

~~(3) Installation of driveways, parking areas and sidewalks;~~

~~(4) Earthwork on an area greater than 3,000 square feet on sites not directly related to structural concerns; and~~

~~(5) Development of ponds and channelized watercourses, commercial parks, and landing strips or airport runways.~~

~~D. Notwithstanding the language of Subsection B(3), the following activities are subject to the requirements of this chapter:~~

~~(1) Buildings and activities of municipalities;~~

~~(2) Buildings and activities of school districts;~~

~~(3) Any public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed; or~~

~~(4) Any use by a unit of government or by public or private utilities in which underground pipe or facilities~~

~~will be laid, repaired, replaced or enlarged for a distance of over 125 feet.~~

E. The following are exempted from the runoff rate control standards of § 216-13 B. (3) & (4):

(1) Municipal road or county highway projects not exempted under § 216-9 A. (2) where all of the following conditions are met:

(a) The purpose of the project is only to meet current state or federal design or safety guidelines;

(b) Proposed impervious areas are within existing public right-of-way;

(c) All other requirements of § 216-13 are met; and

(d) The project does not include the addition of new driving lanes.

FE. The following activities are exempt from the infiltration standards described in § 216-13B(6):

(1) New development ~~sites~~ with less than 10% connected imperviousness ~~based on complete development of the post construction site~~, provided the cumulative area of all impervious surface is less than one acre.

(2) Agricultural facilities and practices.

(3) Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the bottom of the proposed infiltration system where the soil layer is not easily removed or manipulated.

(4) ~~Expansion of municipal or county roads. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.~~

~~(5) Roads in commercial, industrial and institutional land uses and arterial roads.~~

#### § 216-10 Preliminary review conference.

Purpose and intent. A preliminary review conference provides a potential permit applicant with an initial simple evaluation of whether erosion and stormwater control standards can be met for a proposed site, lot layout, construction design. This review is intended to assist applicants in preparing general site plans and other submittals necessary to obtain an erosion control and stormwater permit. A preliminary review conference does not guarantee that an erosion or stormwater control plan will be approved or that a permit will be issued. Erosion and stormwater control plans and permit applications must meet all applicable standards and criteria for approval. A preliminary review conference is recommended for all large sites and small sites with complex design, implementation and maintenance issues.

#### § 216-11 Erosion and stormwater control permits and administration.

A. No activity meeting the criteria described in § 216-7 or 216-8 shall occur and no zoning permit may be issued until an erosion control and stormwater control permit is issued by the Director.

B. The applicant must provide the following when requesting a permit:



- (1) Completed application form signed by the landowner or easement holder. If the applicant is not the landowner or easement holder, a notarized statement authorizing the applicant to act on behalf of the landowner or easement holder must be provided. By signing the statement, the landowner or easement holder shall be bound by all requirements of this ordinance and the terms of any permit issued to the applicant;
  - ~~(a) The application must be signed by the landowner or include a notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent and bind the landowner to the terms of this chapter.~~
  - ~~(b) If a landowner appoints an agent to submit an application pursuant to Subsection B(1)(a), the landowner shall be bound by all of the requirements of this chapter and the terms of any permit issued to the agent.~~
- (2) Fees as required by § ~~216-21~~;
- (3) Attendance at the preliminary review conference, as described in § **216-10**, if applicable;
- (4) If required by § **216-7**, an erosion control plan meeting all ~~requirements~~the standards of § **216-12** ~~or a simplified checklist as described in § 216-12.~~
- (5) Simplified plan materials, described in § 216-12, may be provided for sites with land disturbance less than 20,000 square feet, slopes steeper than 6% disturbed for less than 15 days, and slopes flatter than 6% disturbed for less than 6 months.
- ~~(6)~~ If required by § **216-8**, a stormwater management plan meeting all of the standards of § **216-13** and a draft maintenance agreement as described in § **216-13A(7)**.
- ~~(7)~~ Copies of permits or permit applications or approvals required by any other governmental entity.
- ~~(8)~~ A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a detailed schedule for completion of construction.
- ~~(9)~~ An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans.
- ~~(10)~~ Evidence of financial responsibility to complete the work proposed in the plan. The Director may require a financial security instrument sufficient to guarantee completion of the project.
- 
- C. Approval process.
  - (1) The Director or appointed designee shall verify that the permit application is complete under § **216-11B**. The plan(s) shall be reviewed for compliance with the standards identified in §§ **216-12** and **216-13**. Additional information may be requested at any time to help determine ordinance compliance.
  - (2) Within a thirty-day time frame, the Director shall either approve the submitted plan or notify the applicant of any deficiencies.

- (3) The Director shall notify the applicant in writing of any deficiency in the proposed plan, and the applicant shall be given an opportunity to correct any deficiency. Staff engaged in this review and approval process shall be certified where appropriate by the Wisconsin Department of Safety and Professional Services for this purpose.
- (4) Where ~~installed~~ stormwater practices will be ~~implemented~~~~privately owned~~, an affidavit which describes the property by legal description, notifying future prospective purchasers of the existence of a stormwater permit issued under this chapter and applicable plan, timetables and potential liability imposed by Subsection **I(3)** for failure to bring the property into compliance with this chapter after notification shall be recorded with the Dane County Register of Deeds prior to issuance of an erosion and stormwater control permit. The foregoing information shall also be noted on every plat and certified survey map.
- (5) The erosion control or stormwater management permit shall be issued by the Director after the applicant has met all other requirements of this chapter.

D. Permit conditions.

- (1) The plan shall be implemented prior to the start of any land-disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.
- (2) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
- (3) Application for a permit shall constitute express permission by the permittee and landowner for the Director to enter the property for purposes of inspection under Subsection **E** or curative action under Subsection **I(3)**. If the permittee is an easement holder such entry must be consistent with the terms of the easement. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.
- (4) All incidental mud-tracking off site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.
- (5) A copy of the approved permit and erosion control plan shall be kept on the project site, in a place readily accessible to contractors, engineers, City inspection staff and other authorized personnel.

E. Inspections.

- (1) Application for a permit under this chapter shall constitute permission by the applicant and landowner for the Director to enter upon the property and inspect during the construction phase prior to the inspections pursuant to Subsection **E(4)** and **(8)**, as necessary to confirm compliance with the requirements of this chapter.
- (2) As part of the plan approval process, the Director shall determine the minimum number of inspections

required to assure compliance.

- (3) The permittee shall notify the Director within 24 hours prior to beginning installation of erosion control practices and ~~w~~Within 10 days after installation of all practices in an approved erosion control plan and achievement of Ssoil Sstabilization, ~~the permittee shall notify the Director.~~
- (4) The Director shall inspect the property to verify compliance with the erosion control plan within 10 days of ~~after~~ notification of Ssoil Sstabilization.
- (5) During construction the permittee shall inspect the site weekly, prior to ~~after~~ every forecasted rainfall event of 0.5 inches or greater, and within 24 hours after a precipitation event of 0.5 inches or greater. A precipitation event may be considered to be the total amount of precipitation recorded in any continuous twenty-four-hour period.
- (6) The format and content of inspection reports used by the permittee shall be approved by the Director.
- (7) Within 130 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the Director and submit ~~drawings documenting construction. The professional engineer who designed the stormwater management plan for the permittee shall submit~~ as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the details and specifications included in the approved plans. The ~~At minimum,~~ as-built certification shall include a set of drawings, stamped by a professional engineer, comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the Director.
- (8) The Director shall inspect the property to verify compliance within 10 days after receiving notification of the stormwater management facilities installation.
- (9) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.

F. Permit transfers.

- (1) When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Director.
- (2) When a permittee and landowner transfers ownership, possession or control of real estate subject to either or both an uncompleted erosion control stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this chapter.
- (3) When ownership, possession or control of property subject to an uncompleted erosion control or stormwater management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance with notice to the authority and provide a copy of the erosion control plan or stormwater management plan, or both.

- (4) Transfers of interest in real estate subject to an approved uncompleted plan may be conducted consistent with this chapter under any of the following arrangements:
  - (a) The transferee shall file a new approved erosion control or stormwater management plan, or both, with the authority;
  - (b) The transferee shall obtain an approved assignment from the authority as subpermittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property.
  - (c) The permittee shall provide the authority with a duly completed and executed continuing surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan; at the time of transfer the permittee may seek to reduce the surety bond or certified check to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferees to complete an approved plan, these funds shall be available to the authority to attain plan compliance. When an approved erosion control plan and, if required, a stormwater management plan is or are not completed as proposed, the authority may use the surety bond to complete remaining work to achieve plan compliance.
- G. Plan or permit amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land-disturbing ~~site activity~~ies shall be approved by the Director prior to implementation of said changes.
- H. Permit application durations.
  - (1) Erosion control plan timetables and construction schedules must begin within one year of the date the permit application is filed.
  - (2) All permit applications shall expire ~~upon the earlier of:~~
    - (a) One year ~~after from the date~~ the applicant is notified of, but does not adequately address, an application deficiency, or up to if the applicant has not submitted additional information to adequately address the deficiency within the year; or
    - (b) A maximum of tThree years from the date of application, whichever is sooner.
- I. Enforcement.
  - (1) Stop-work order.
    - (a) Whenever the Director finds any noncompliance with the provisions of this chapter, the Director shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to off-site runoff, the Director shall post in a conspicuous place on the premises, a stop-work order, which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.

- (b) The stop-work order shall provide the following information: date of issuance, street address, reason for posting, and the signature of the inspector posting the order.
  - (c) ~~It shall be a violation of the chapter for T~~the unauthorized removal of the stop-work order from the premises shall be a violation of the chapter.
- (2) In addition to posting a stop-work order, the Director shall provide notification to the owner or contractor by personal service, written notice by certified mail, electronic mail, or facsimile transmission.
    - (a) The permittee, landowner and contractor shall have 24 hours from the time and date of notification by the Director to correct any noncompliance with the plan when notification is by either personal communication of noncompliance to owner or contractor or their respective agents or written notice is sent by certified mail to owner or contractor.
    - (b) If notice is not provided under Subsection **I(2)(a)**, the permittee and landowner shall have 72 hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission to owner or contractor.
  - (3) If any noncompliance is not corrected within the time periods specified in Subsection **I(2)(a)** or **(b)**, the permittee and landowner authorize the Director to take any action, to perform any work, or to commence any operations necessary to correct conditions upon the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the authority for the total costs and expenses of the aforementioned actions, said reimbursement may be collected as a special charge upon the property for current services rendered, as provided by law.
  - (4) If the permittee has filed an appeal under § **216-17A(1)** prior to the expiration of the time for compliance under Subsection **I(2)(a)** or **(b)**, the Director may take action, perform work or correct conditions only to the extent necessary to protect against or correct an imminent hazard or a condition that will cause or threatens to cause personal injury or damage to off-site property.

#### J. Penalties.

- (1) Any person or persons, firm, company or corporation, owner, occupant or other user of the premises who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture as listed in the City's Schedule of Fees, Fines and Forfeitures.
- (2) Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so may be confined in the County Jail until such forfeiture is paid, in accordance with § 800.095, Wis. Stats.
- (3) As a substitute for or as an addition to forfeiture actions under Subsection **J(1)** or corrective action under Subsection **I(3)**, the Monona City Attorney is authorized to seek enforcement of any part of this chapter by court action seeking injunctive relief. It shall not be necessary for the City of Monona to take corrective action or prosecute for forfeiture before resorting to injunctive relief.

- K. Fees. The permit fee shall be payable at the time an application for either an erosion control or a stormwater management permit, or both, is submitted.

§ 216-12 **Erosion control plan requirements.**

- A. Plan materials. Erosion control plans ~~required under § 216-7 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment and, except as specifically exempted below,~~ shall include at a minimum the following information:
- (1) Property lines, lot dimensions and limits of disturbed area including disturbed areas within five (5) feet of the property line;
  - (2) Limits and quantities of impervious area, including, but not necessarily limited to, buildings, roads, driveways, parking lots, and indicate type of paving and surfacing material;
  - (3) All natural and artificial water features, including, but not limited to, lakes, ponds, streams (including intermittent streams) and ditches; ~~and areas of natural woodland or prairie~~. The plan must show ordinary high-water marks of all navigable waters, one-hundred-year flood elevations and delineated wetland boundaries. A certified flood zone determination and/or wetland delineation may be required at the applicant's expense;
  - (4) Areas of natural woodland and prairie;
  - ~~(54)~~ Cross sections of and profiles of channels, swales and road ditches;
  - ~~(65)~~ Culvert sizes;
  - ~~(76)~~ Direction of flow of runoff;
  - ~~(87)~~ Watershed size for each drainage area;
  - ~~(98)~~ Design discharge for ditches and structural measures;
  - ~~(109)~~ Runoff velocities;
  - ~~(110)~~ Fertilizer and seeding rates and recommendations;
  - ~~(124)~~ Time schedules for stabilization of ditches and slopes;
  - ~~(132)~~ Description of methods by which sites are to be developed and a detailed land disturbance schedule including time schedules for stabilization of ditches and slopes;
  - ~~(143)~~ Provision for sequential steps mitigating erosive effect of land-disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt revegetation including runoff calculations as appropriate;
  - ~~(154)~~ Provisions to prevent mud-tracking off site onto public thoroughfares during the construction period;
  - ~~(165)~~ Provisions to disconnect impervious surfaces, where feasible;

- (176) Provisions to prevent sediment delivery to, and accumulation in, any proposed or existing stormwater conveyance systems;
- (187) Copies of permits or permit applications required by any other unit of government or agency;
- (198) Existing and proposed elevations (referenced to the North American Vertical Datum of 1988, where available) and existing and proposed contours in the area, where deemed necessary; and
- (2019) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

B. Simplified plan materialscheeklist.

- (1) Sites meeting the conditions of § 216-11 B. (5) may instead provide, at a minimum, the following information: Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices on a standard form approved by the Director, wherever all of the following conditions exist:
  - (a) Narrative describing the project; The site does not exceed 20,000 square feet in area;
  - (b) Site plan of known scale that includes property lines, disturbed area limits, impervious area limits (existing and proposed), natural and artificial water features, 100-yr flood plain, delineated wetland boundaries, and location of all proposed erosion control practices; Soil on slopes steeper than 6% will be disturbed for less than 15 days; and
  - (c) Contours (existing and proposed); Soil on slopes less than 6% will be exposed for less than six months.
  - (d) Watershed size for each drainage area, including areas draining to the site;
  - (e) Provisions to prevent tracking sediment onto public roads;
  - (f) Provisions to prevent sediment delivery to, and accumulation in, any proposed or existing stormwater conveyance systems;
  - (g) Proposed erosion control practices
  - (h) Construction schedule that includes dates of erosion control practice installation, start of land disturbance and site stabilization.
  - (i) Culvert sizes (existing and proposed)
  - (j) Any other information necessary to reasonable determine the location, nature and conditions of any physical or environmental features of the site
- (2) Simplified plan checklists shall be reviewed by the Director for completeness and accuracy.

C. Erosion control performance standards.



(1) Proposed design, suggested location and phased implementation of effective practicable erosion control measures for plans shall be designed, engineered and implemented to achieve the following results:

(a) Prevent gully and bank erosion; ~~and~~

(b) Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed 7.5.0 tons sediment yield per acre annually, as determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by The Dane County Land and Water Resources Department, that considers season of year, site characteristics, soil erodibility and slope. Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.

~~(c) Provide stable outlet capable of carrying design discharge flow as required in § 216-13 B. (4) (e) —Discharges from new construction sites must have a stable outlet capable of carrying designed flow as required in § 216-13B(4), at a nonerosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.~~

(d) Prevent or reduce all of the following:

[1] The deposition of soil from being tracked onto streets by vehicles.

[2] The discharge of sediment from disturbed areas into on-site storm water inlets.

[3] The discharge of sediment from disturbed areas into adjacent waters of the state.

[4] The discharge of sediment from drainage ways that flow off the site.

[5] The discharge of sediment by dewatering activities.

[6] The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

[7] The transport by runoff of chemicals, cement and other building compounds and materials on the construction site during the construction period.

#### D. Implementation

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

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing activity begins.

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

(c) Final stabilization activity shall commence when land disturbing activity ceases and final grade has been reached on any portion of the site.



(d) Temporary stabilization activity shall commence when land disturbing activity has temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed.

~~(2) Plan compliance under Subsection C(1) shall be determined using the United States Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the Dane County Conservationist that considers season of year, site characteristics, soil erodibility and slope.~~

~~(3) Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.~~

#### E. Grading within five feet of property line

(14) Except as authorized in this section, the topography within five feet of any property line at the commencement of any development shall remain unchanged.

(a) When land-disturbing activities associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land-disturbing activity begins. A positive slope of 1/2 inch vertical per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one- or two-family residence.

(b) The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line. ~~The Director may require detailed site grading plans of existing and proposed conditions to be submitted before commencement of land disturbing activities.~~

(c) Existing drainageways and drainage easements along property lines shall be maintained, including, but not limited to, natural watercourses and stormwater management areas shown on plats and certified survey maps.

~~(d5) Upon written application, the Director may authorize grading exceptions resulting in changes to the existing topography at and within five feet of any property line if the following are provided:~~

(1) The intent of the grading and an explanation of its necessity, and

(2) Documentation showing that stormwater runoff will not negatively affect adjacent properties.

~~that would promote the purposes stated in this chapter. An exception authorized under this subsection may not direct additional stormwater runoff toward adjacent properties. Proposed exceptions may include, but are not limited to, retaining walls, berms and other structures, and other changes to existing grade at and within five feet of a property line. The Director may require the submittal of detailed site grading plans of existing and proposed conditions, including, but not limited to, detailed topographical information of the subject and adjoining properties, before land disturbing activities commence.~~

~~(6) Existing drainageways and drainage easements along property lines shall be maintained, including, but not limited to, natural watercourses and stormwater management areas shown on subdivision plats and certified survey maps.~~

§ 216-13 Stormwater management plan requirements.

A. Plan materials. Stormwater management plans shall satisfy all of the requirements in Subsection B and shall address at a minimum the following information:

~~(1)A.~~ A narrative describing the proposed project, including implementation schedule for planned practices:

~~(2)~~ Identification of the entity responsible for long-term maintenance of the project;

~~(3)~~ A map showing drainage areas for each watershed area;

~~(4)~~ A summary of runoff peak flow rate calculations by watershed area, including:

(a) Predevelopment peak flow rates, ~~(two-, ten-year)~~;

(b) Post-development peak flow rates with no detention, ~~(two-, ten- and one hundred year)~~;

(c) Post-development peak flow rates with detention, ~~(two-, ten- and one hundred year)~~;

(d) Assumed runoff curve numbers (RCNs); and

(e) Time of concentration (Tc) used in calculations.

(f) Demonstration of the ability to meet the runoff rate control performance standards of § 216-13 B. (4) ~~safely pass one hundred year post-construction storm~~ without inundating buildings or causing damage to structures.

~~(5)~~ A complete site plan and specifications, signed by the person who designed the plan. All plans shall be drawn to an easily legible scale, shall be clearly labeled, and shall include, at a minimum, all of the following information:

(a) Property lines and lot dimensions;

(b) All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks;

(c) All public and private roads, interior roads, driveways and parking lots. Show traffic patterns and type of paving and surfacing material;

(d) All natural and artificial water features, including, but not limited to, lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high-water marks of all navigable waters, one-hundred-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetlands delineation, or both, may be required at the applicant's expense;

(e) Depth to bedrock;

- (f) Depth to seasonal high-water table;
  - (g) The extent and location of all soil types as described in the Dane County Soil Survey, slopes exceeding 12%, and areas of natural woodland or prairie;
  - (h) Existing and proposed elevations [referenced to the North American Vertical Datum (USGS) of 1988] and existing and proposed contours in the area requiring a grading and filling permit with a maximum of two-foot contour intervals;
  - (i) Elevations, sections, profiles and details as needed to describe all natural and artificial features of the project;
  - (j) Soil erosion control and overland runoff control measures, including runoff calculations as appropriate;
  - (k) Detailed construction schedule;
  - (l) Copies of permits or permit applications required by any other governmental entities or agencies;
  - (m) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features;
  - (n) Location of all stormwater management practices;
  - (o) All existing and proposed drainage features;
  - (p) The location and area of all proposed impervious surfaces; and
  - (q) The limits and area of the disturbed area.
- (5) Engineered designs for all structural management practices.
- (6) A description of methods to control oil and grease or written justification for not providing such control.
- (7) A maintenance plan and schedule for all permanent stormwater management practices as recorded on the affidavit required in § 216-11C(4) as well as a description for methods to inspect and report to the City of any illicit discharges.
- (8) A summary of infiltration calculations, including:
- (a) Predevelopment infiltration volume.
  - (b) Calculated infiltration volume goal.
  - (c) Achieved post-development infiltration volume.
- (9) Flood elevation for the 200-yr design storm and proposed minimum opening elevation.

B. Stormwater management performance standards. Proposed design, suggested location and phased

implementation of effective practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

- (1) Sediment control.
  - (a) For new ~~development~~~~construction~~, design practices to retain soil particles greater than five microns on the site (eighty-percent reduction) resulting from a one-year ~~design storm~~ ~~twenty-four-hour storm event~~, according to approved procedures and assuming no sediment resuspension;
  - (b) For redevelopment resulting in exposed surface parking ~~lots~~ and ~~associated trafficked~~~~drive~~ areas, design practices to retain soil particles greater than 20 microns on the entire site (forty-percent reduction) resulting from a one-year ~~design storm~~~~twenty-four-hour storm event~~, according to approved procedures,

and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.

(c) For redevelopment with proposed impervious surface area greater than 80% of existing, the first 0.5 inch of runoff from impervious surfaces must be captured using green infrastructure.

**Table 1. Maximum Predevelopment Runoff Curve Numbers**

| <b>Runoff Curve Number</b> | <b>Hydrologic Soil Group*</b> |           |           |           |
|----------------------------|-------------------------------|-----------|-----------|-----------|
|                            | <b>A</b>                      | <b>B</b>  | <b>C</b>  | <b>D</b>  |
| <b>Woodland</b>            | <b>30</b>                     | <b>55</b> | <b>70</b> | <b>77</b> |
| <b>Grassland</b>           | <b>39</b>                     | <b>61</b> | <b>71</b> | <b>78</b> |
| <b>Cropland</b>            | <b>51</b>                     | <b>68</b> | <b>78</b> | <b>83</b> |

\* ~~When dual HSG are specified, the drained condition shall be assumed.~~

- (2) Oil and grease control. For all ~~stormwater plans for~~ commercial or industrial developments and all other uses where the potential for pollution by oil or grease, or both, exists, the first 0.5 inches of runoff ~~must~~~~will~~ be treated using the best oil and grease removal technology available. This requirement may be waived by the plan reviewer only when the applicant can demonstrate that installation of such practices is ~~not~~ unnecessary.
- (3) Runoff rate control - hydrologic calculations. All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by the Director. The maximum runoff curve number (RCN) used in such calculations shall be those shown in Table 1. The TR-55-specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.

| <b>Table 1. Maximum Predevelopment Runoff Curve Numbers</b> |                               |           |           |           |
|---|-------------------------------|-----------|-----------|-----------|
| <b>Runoff Curve Number</b>                                  | <b>Hydrologic Soil Group*</b> |           |           |           |
|   | <b>A</b>                      | <b>B</b>  | <b>C</b>  | <b>D</b>  |
| <b>Woodland</b>   | <b>30</b>                     | <b>55</b> | <b>70</b> | <b>77</b> |

| <u>Table 1. Maximum Predevelopment Runoff Curve Numbers</u>           |                               |           |           |           |
|---|-------------------------------|-----------|-----------|-----------|
| <u>Runoff Curve Number</u>  | <u>Hydrologic Soil Group*</u> |           |           |           |
|   | <u>A</u>                      | <u>B</u>  | <u>C</u>  | <u>D</u>  |
| <u>Grassland</u>  | <u>39</u>                     | <u>61</u> | <u>71</u> | <u>78</u> |
| <u>Cropland</u>   | <u>51</u>                     | <u>68</u> | <u>78</u> | <u>83</u> |
| *When dual HSG are specified, the drained condition shall be assumed. |                               |           |           |           |

- (4) Runoff rate control - design standards. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:
- (a) Redevelopment. [Amended 6-19-2017 by Ord. No. 6-17-688]
- [1] Maintain pre-redevelopment peak runoff rates for the two-year, twenty-four-hour design storm-event (~~2.84 inches over 24 hours' duration using the NRCS MSE4 storm distribution~~).
  - [2] Maintain pre-redevelopment peak runoff rates for the ten-year, twenty-four-hour design storm-event (~~4.09 inches over 24 hours' duration using the NRCS MSE4 storm distribution~~).
  - [3] Safely pass peak runoff from the ~~two~~one-hundred-year design storm, twenty four hour storm event (~~6.66 inches over 24 hours' duration using the NRCS MSE4 storm distribution~~) ~~without storm without~~ inundating buildings or causing damage to structures.
- (b) New development. [Amended 6-19-2017 by Ord. No. 6-17-688]
- [1] Maintain predevelopment peak runoff rates for the ~~one~~ 1, 2, 10, 100, and 200-year design storms, twenty four hour storm event (~~2.49 inches over 24 hours' duration using the NRCS MSE4 storm distribution~~).
  - ~~[2] Maintain predevelopment peak runoff rates for the two-year, twenty four hour storm event (2.84 inches over 24 hours' duration using the NRCS MSE4 storm distribution).~~
  - ~~[3] Maintain predevelopment peak runoff rates for the ten-year, twenty four hour storm event (4.09 inches over 24 hours' duration using the NRCS MSE4 storm distribution).~~
  - ~~[4] Maintain predevelopment peak runoff rates for the one hundred year, twenty four hour storm event (6.66 inches over 24 hours' duration using the NRCS MSE4 storm distribution).~~
- (5) Outlets. ~~Provide Discharges from new construction sites must have~~ a stable outlet capable of carrying designed flow as required in Subsection B.(4), at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.
- (6) Infiltration.
- (a) Redevelopment. All downspouts, driveways, and other impervious areas shall be directed to pervious

surfaces, where feasible, ~~or unless or or~~ the applicant can demonstrate that the practice is likely to result in groundwater contamination.

(b) New development.

- [1] For ~~new both residential and nonresidential~~ developments, design practices to infiltrate sufficient runoff volume so that post-development infiltration volume shall be at least 90% of the predevelopment infiltration volume, based upon average annual rainfall.
- [2] The maximum predevelopment runoff curve number (RCN) used in such calculations shall be those ~~shown as specified~~ in § ~~216-13B(31)(b)~~, Table 1.
- [3] If when designing appropriate infiltration systems more than 2% of the site is required to be used as effective infiltration area, the applicant may alternately design infiltration systems and pervious surfaces to meet or exceed the annual predevelopment recharge rate. The annual predevelopment recharge rate shall be determined from the Wisconsin Geological and Natural History Survey's 2009 report, Groundwater Recharge in Dane County, Estimated by a GIS-Based Water-Balanced Model, or subsequent updates to this report, or by a site-specific analysis using other appropriate techniques. If this alternative design approach is taken, at least 2% of the site must be used for infiltration.
- [4] Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall conform to the design standards in § ~~216-16~~ and be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality.

[e] Separation distances. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 2 below:

**Table 2. Separation Distances and Soil Characteristics**

| <u>Source Area</u>  | <u>Separation Distance</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 source areas</u>                            | <u>3 feet or more</u>      | <u>Filtering layer</u>   |

[5] Prohibitions. ~~Notwithstanding Subsection B(6)(b)[1] through [3],~~ infiltration systems may not be installed in any of the following areas:

[a] Areas associated with Tier 1 industrial facilities identified in § NR 216.21(2)(a), Wis. Adm. Code,

including storage, loading, rooftop and parking.

- [b] Storage and loading areas of Tier 2 industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.
- [c] Fueling and vehicle maintenance areas.
- [d] Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
- [f] Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet of separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
- [g] Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
- [h] Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
- [6] Alternate use of runoff. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- [7] Minimizing groundwater pollution. According to Ch. NR 151, Wis. Adm. Code, infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with the preventive action limit is not reasonably achievable, the infiltration system may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(7) Closed Water Sheds. Pre-development modeling must include closed watersheds areas. Sites within closed watersheds must be designed to achieve 90% stay-on without exemption. Sites with areas subject to inundation (ground elevations below the watershed outlet elevation) must include:

- (a) A stable outlet capable of handling overflow events.
- (b) An emergency drawdown or pumping plan.
- (c) Storage capacity for back-to-back 100-yr storm events.

C. Stormwater management goals. The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:



- (1) For existing development, design practices to retain soil particles greater than 40 microns on the site (twenty-percent reduction) resulting from a one-year twenty-four-hour design storm-event, according to approved procedures and assuming no sediment resuspension.
- (2) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (forty-percent reduction) resulting from a one-year, twenty-four-hour design storm-event, according to approved procedures and assuming no sediment resuspension.

§ 216-14 **Off-site stormwater management.**

Off-site stormwater management is allowed, provided that all of the following conditions for the off-site facility are met:

- A. The facility is in place.
- B. The facility is designed and adequately sized to provide a level of stormwater control that at least meets the ordinance standards.
- C. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- D. All required fees have been paid to the operator of the off-site stormwater management.

§ 216-15 **Stormwater management facilities condition report.**

[Added 6-19-2017 by Ord. No. 6-17-688]

- A. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the Director a report on the condition of the site's stormwater management facilities. This report shall be submitted by June 30 in each of the first two years following the Director's inspection and approval of the stormwater management facilities per § 216-11E(8). Following the first two years' reports, subsequent report submittals shall be due every even-numbered year thereafter.
- B. The report shall be completed and sealed by a professional engineer currently licensed in the State of Wisconsin on forms provided by the Director. The Director, at his or her discretion, may allow other appropriately credentialed professionals to complete and seal this work. The requirement that the report be sealed by a professional engineer or other approved credentialed professional may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation and dated photos acceptable to the Director as outlined in § 216-15D(1) and (2).
- C. Sites which include detention and/or infiltration basins require completion and submittal of a topographic survey every four years. The Director, at his or her discretion, may allow the topographic survey to be submitted less frequently, or may allow that the survey be satisfied through the submittal of adequate photographic documentation as outlined in § 216-15D(2).
- D. The report shall include the following:
  - (1) Documentation of the completion of the required periodic maintenance, as required by the stormwater management maintenance agreement for the site, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.



(2) Documentation of inspection for evidence of illicit discharges.

- (32) Photos of the stormwater management facilities at the time of inspection. This shall include photos of the existing conditions and photos after completion of any required maintenance.
- E. If the report identifies any shortcomings in required stormwater facility maintenance, the responsible for the maintenance shall complete the maintenance within 90 days of the date the report is filed. Such maintenance shall include, but not be limited to, dredging and vegetative restoration, as applicable.
- F. If an applicant fails to timely submit any required report, or fails to complete any required maintenance, the Director shall authorize completion of the report or required maintenance, with the cost to complete the report or maintenance charged back against the real property under § 66.0627, Wis. Stats.

**§ 216-16 Technical standards and specifications.**

The design of all best management practices designed to meet the requirements of this chapter shall comply with the following technical standards:

- A. Natural Resources Conservation Service's Field Office Technical Guide, Chapter 4, or its successor;
- B. Wisconsin Department of Natural Resources' Wisconsin Construction Site Best Management Practice Handbook, or its successor.
- C. Any other technical methodology approved by the Director.

**§ 216-17 Appeals and variances.**

- A. Appeals.
- (1) Any person aggrieved by any decision of the Director pursuant to this chapter may appeal to the Zoning Board of Appeals. Such appeal shall be taken within 30 days after the challenged decision. Notice of appeal setting forth the specific grounds for the appeal shall be filed with the Director and the Zoning Board of Appeals. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals the record upon which the action appealed from was taken.
- (2) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under Ch. 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.
- (3) The Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.
- (4) The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse the decision of the Director.
- (5) A person aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Common Council by filing a notice of appeal with the Director and City Clerk within 30 days of the

decision.

B. Variances.

- (1) An applicant may include in the application a request for a variance from the requirements of § **216-12** or **216-13**. No variance shall be granted unless applicant demonstrates that all of the following conditions are present:
  - (a) Enforcement of the standards set forth in this chapter will result in unnecessary hardship to the landowner;
  - (b) The hardship is due to exceptional physical conditions unique to the property;
  - (c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this chapter;
  - (d) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property;
  - (e) The net cumulative effect of the variance will not impact downstream conditions; and
  - (f) Existing regional facilities are shown to meet the performance standards of this chapter.
- (2) If all of the conditions set forth in Subsection **B(1)** are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.
- (3) A variance from the provisions of § **216-13B** may only be granted if:
  - (a) The applicant has met the requirements of § **216-17B(1)**; and
  - (b) The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.
- (4) A person aggrieved by a decision of the Zoning Board of Appeals regarding a variance may appeal that decision to the Common Council by filing a notice of appeal with the Director and City Clerk within 30 days of the decision.

§ 216-18 **Permit duration.**

A. Erosion control permits shall expire:

- (1) Upon the stabilization date included in the approved plan, ~~or and up to included in the analysis provided to meet the requirements of § 216-12C(1)(b).~~
- (2) ~~A maximum of 12-24~~ months after the permit is issued.

B. The Director is authorized to extend the expiration date of the erosion control permit if such a request is received in writing and to require modifications of the plans to prevent any increase in sedimentation,

erosion or runoff resulting from the extension.

**§ 216-19 Illicit discharge prohibited.**

The provisions of Chapter 50 – Discharge of Pollutants to the Waters of Dane County, Dane County Code of Ordinances, as may be amended from time to time, are adopted by reference and made part of this chapter as if set fourth in full. A violation of any such rules shall constitute a violation of this section.

**§ 216-20 Administration.**

A. Delegation of administrative authority.

- (1) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on private lands within the City of Monona.
- (2) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on public lands and, upon request, shall review and approve erosion and runoff control plans for private property in the City of Monona.
- (3) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on lands being subdivided by plat or certified survey within the extraterritorial limits for plat review in accordance with § 236.10, Wis. Stats., for erosion and runoff control, including both public lands and private land.

B. Administrative duties. The administration and enforcement of this chapter shall include the following duties:

- (1) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official records.
- (2) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee, and issue the permits.
- (3) Investigate all complaints made to the application of this chapter.
- (4) Revoke any permit granted under this chapter if the holder of the permit has misrepresented any material fact in the permit application or plan, or has failed to comply with the plan as originally approved or as modified in writing, or has violated one of the other conditions of the permit as issued to the applicant.

**§ 216-21 ~~Permit fees and forfeitures.~~**

Permits are subject to a fee and violations of, or non-compliance with, the provisions of this ordinance are subject to forfeitures as prescribed in the Schedule of Fees, Fines and Forfeitures adopted by the Common Council.

~~B. Impervious area adjustment factor:~~

**Impervious Area**

**Fee Reduction**

**Impervious Area**

~~85 to 100%~~

~~60 to 84%~~

~~45 to 59%~~

~~30 to 44%~~

~~0 to 29%~~

**Fee Reduction**

~~0%~~

~~15%~~

~~25%~~

~~35%~~

~~40%~~

§ 216-~~22~~ **Additional standards.**

In addition to the requirements of this chapter, every person required to obtain a permit hereunder shall comply with all applicable regulations promulgated by state or federal agencies governing construction site erosion control and stormwater runoff, as they may be amended from time to time, including, but not limited to, the regulations contained in Chapter NR 151, Wis. Adm. Code. Should the requirements of this chapter conflict with the applicable state or federal requirements, the more restrictive standard shall apply. Every application for a permit under this chapter shall demonstrate compliance with all applicable standards.

## Chapter 216

# Erosion Control, Stormwater Management, and Illicit Discharge Prevention

[**HISTORY:** Adopted by the Common Council of the City of Monona as Title 15, Ch. 2, of the 1994 Code; amended in its entirety 12-15-2014 by Ord. No. 12-14-669. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Floodplain and Shoreland-Wetland Zoning — See Ch. 466. Subdivision of land — See Ch. 473.

Zoning — See Ch. 480.

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### § 216-1 Title.

This chapter shall be known, cited and referred to as the "Erosion and Stormwater Runoff Control Ordinance."

### § 216-2 General provisions.

- A. Applicability. This chapter applies to the use of lands within the incorporated boundaries of the City, and the use of lands subject to extraterritorial review as provided by § 236.10, Wis. Stats.
- B. Performance time requirement. All action required in this chapter shall be conducted as soon as possible as determined by the administrative authority.

### § 216-3 Authority.

This chapter is adopted by the City of Monona under the authority of § 62.234 of the Wisconsin Statutes.

### § 216-4 Definitions.

For the purposes of this chapter certain words used herein are defined as follows:

### ADMINISTRATIVE AUTHORITY

The governmental employee designated by the Common Council to administer this chapter, and includes any other governmental employees who are supervised by the said authority, for the implementation and enforcement of this chapter. The Common Council has designated the City of Monona Director of Public Works ("Director") to administer this chapter. [Amended 6-19-2017 by Ord. No. 6-17-688]

### AFFECTED

Means a regulated activity has significantly:

- A. Caused negative impacts on water quality or the use or maintenance of one's property or business; or
- B. Endangered one's health, safety or general welfare.

## **AGRICULTURAL**

Related to or used for the commercial production of food and fiber, including but not limited to general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities. Clearing and grubbing of an area or structural development are not agricultural activity.

## **AGRICULTURAL LAND USES**

Alterations or disturbances of the land used for the commercial production of food and fiber.

## **AVERAGE ANNUAL RAINFALL**

The rainfall information for an average year as determined by the information in the following rainfall file: WisReg-Madison WI 1981. RAN. This file represents a synthetic rainfall record for the Madison area of 1981 from March 12 through December 2. **[Added 6-19-2017 by Ord. No. 6-17-688]**

## **BANK EROSION**

The removal of soil or rock fragments along the banks or bed of a stream channel resulting from high flow after rain events.

## **BEST MANAGEMENT PRACTICE**

A practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff both during and after land development activities. These can include structural, vegetative or operational practices.

## **CLOSED WATERSHED**

An area that does not have a surface outlet, with water only able to leave through evaporation, infiltration, or mechanical means. For the purposes of this ordinance, the following are considered closed watersheds:

- A. Internally drained watersheds that are at least 20,000 square feet in area and at least 1 foot in depth from invert to lowest surface outlet.
- B. Watersheds with no surface outlet discharges from a 2-year, 24-hour design storm.
- C. Areas that have historically not drained through surface outlets, as determined by the Director.

## **CEASE AND DESIST ORDER**

A means of giving notice to the permittee or violator that the Director believes that the permittee or violator has violated one or more provisions of this chapter. Notice is given by posting upon the lands where the disturbing activity occurs one or more copies of a poster so stating the violation and by mailing a copy of this poster by certified mail to the permittee or violator at the address shown on the permit or to the violator at any address of record. **[Amended 6-19-2017 by Ord. No. 6-17-688]**

## **CHECKLIST PLAN**

An erosion control plan available from the Director, which is designed to control soil erosion and sedimentation resulting from land-disturbing activities on sites less than 20,000 square feet and less than six-percent slopes. **[Amended 6-19-2017 by Ord. No. 6-17-688]**

## **CITY**

The City of Monona.

## **CONNECTED IMPERVIOUS**

An impervious surface that directly drains to a separate storm sewer or water of the state via an impervious or concentrated flow path. **[Added 6-19-2017 by Ord. No. 6-17-688]**

## **CONSTRUCTION SITE EROSION CONTROL**

Preventing or reducing soil erosion and sedimentation from land-disturbing activity.

### **CONTROL PLAN**

(Erosion and sediment control plan and runoff control plan) A plan approved by the Director of methods for controlling soil erosion, surface water runoff and sediment deposition caused by or resulting from land-disturbing activities. [Amended 6-19-2017 by Ord. No. 6-17-688]

### **DESIGN STORM**

A hypothetical rainstorm that occurs with a specified recurrence interval in Dane County. For example, a 10-year, 24-hour design storm defines a rainstorm that occurs over 24 hours, with a recurrence interval of 10 years. The amounts associated with these storms are further defined as follows:

- A. 1-year, 24-hour design storm = 2.49 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- B. 2-year, 24-hour design storm = 2.84 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- C. 10-year, 24-hour design storm = 4.09 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- D. 100-year, 24-hour design storm = 6.66 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.
- E. 200-year, 24-hour design storm = 7.53 inches over 24 hours duration using the MSE4NRCS Rainfall Distribution.
- F. 500-year, 24-hour design storm = 8.94 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.

### **DETENTION STORAGE**

The temporary detaining or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed devices.

### **DEVELOPMENT**

Any of the following activities:

- A. Structural development, including construction of a new building or other structure;
- B. Expansion or alteration of an existing structure that results in an increase in the ground surfacedimensions of the building or structure;
- C. Land disturbing activity; or
- D. Creation or expansion of impervious surfaces.

### **DIRECTOR**

The City of Monona Director of Public Works or appointed designee.

### **DIRECT CONDUITS TO GROUND WATER**

Wells, sinkholes, swalletts, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

### **DISCHARGE**

Any discharge, release, or spill of any substance.

### **EASEMENT**

An interest in land owned by another that creates a nonpossessory right to enter and use the land of another and obligates the owner not to interfere with the uses authorized by the easement.

#### **EASEMENT HOLDER**

The holder of a legally enforceable easement that authorizes the activity on the land for which a permit is sought under this chapter, including all required maintenance and access obligations.

#### **EFFECTIVE INFILTRATION AREA**

The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

#### **EROSION (SOIL EROSION)**

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

#### **EXCAVATION**

Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

#### **EXISTING DEVELOPMENT**

Buildings and other structures and impervious areas existing prior to August 22, 2001.

#### **EXISTING GRADE**

The vertical location of the existing ground surface prior to excavation or filling.

#### **FILL**

Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the resulting conditions.

#### **FINAL STABILIZATION**

All land disturbing activity has been completed and that a uniform perennial vegetative cover with a density of at least 70% has been established.

#### **FINANCIAL SECURITY INSTRUMENT**

A surety bond, performance bond, maintenance bond, irrevocable letter of credit, or similar guarantees submitted to the City to assure that requirements of the chapter are carried out in compliance with the stormwater management plan.

#### **GRADING**

Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

#### **GREEN INFRASTRUCTURE**

Practices that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. Green Infrastructure includes, but is not limited to, the following practices: rainwater harvesting/reuse, rain gardens, bioretention systems, infiltration basins, planters that are connected to roof drainage, vegetated swales, permeable pavement, green roofs, and rain barrels.

#### **GULLY EROSION**

A severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.

#### **HEAVILY DISTURBED SITE**



A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities, including filling.

### **HYDROLOGIC SOIL GROUP (HSG)**

Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

### **ILLICIT DISCHARGE**

Any discharge not composed entirely of stormwater that reaches a municipal storm sewer system, drainage way, or waterbody, except those authorized by a Wisconsin Pollutant Discharge Elimination System (WPDES) permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, flows from riparian habitats and wetlands, and similar discharges.

### **IMPERVIOUS SURFACE**

Any land cover that prevents rain or melting snow from infiltrating into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces, including gravel surfaces, shall be considered impervious, unless specifically designed to encourage infiltration and approved by the Director.

### **INFILTRATION**

Precipitation that does not leave the site as surface runoff. Also known as “stay-on.”

### **INFILTRATION SYSTEM**

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

### **LAND-DISTURBING ACTIVITY**

Any land alterations or disturbances that may result in soil erosion, sedimentation or change in runoff, including but not limited to removal of ground cover, grading, excavating and filling of land.

### **LIGHTLY DISTURBED SITE**

A site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earthmoving activities.

### **MAXIMUM EXTENT PRACTICABLE (MEP)**

A level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost-effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet performance standards and may vary based on the performance standard and site conditions. **[Added 6-19-2017 by Ord. No. 6-17-688]**

### **MUNICIPAL STORM SEWER SYSTEM**

A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets the following criteria:

- A. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that

discharges into waters of the United States.

- B. Designed or used for collecting or conveying stormwater.
- C. Which is not a combined sewer conveying both sanitary wastewater and stormwater.
- D. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

#### **NEW DEVELOPMENT**

Development that results in the cumulative increase of 20,000 square feet of impervious surface to a site since August 21, 2001. Sites may be a combination of new development and redevelopment.

#### **NONEROSIVE VELOCITY**

A rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.

#### **PEAK FLOW**

The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the predetermined storm or flood.

#### **PERSON**

An individual, owner, operator, corporation, partnership, association, limited liability company, municipality, interstate agency, state agency or federal agency

#### **PERVIOUS SURFACE**

Any land cover that permits rain or melting snow to soak into the ground.

#### **PLAN**

An erosion control plan required by § 216-7 or a stormwater management plan required by § 216-8.

#### **PLAN REVIEW AGENCY**

The Plan Commission.

#### **PLAT REVIEW OFFICER**

The Director or his or her designee.

#### **PERMITTEE**

A land owner or easement holder who has applied for a permit under this Chapter and is responsible for the requirements of the permit.

#### **POST-DEVELOPMENT**

Refers to the extent and distribution of land cover types after proposed site development.

#### **POTENTIALLY POLLUTING SUBSTANCE**

Includes, but is not limited to, fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sanitary sewer wastes, storm sewer catch basin wastes, oil or petroleum waste, dredged soil, solid waste, incinerator residue, sewage, garbage, refuse, munitions, chemical wastes, biological materials, radioactive substance, wrecked or discarded equipment, waste from mobile sources, industrial, municipal and agricultural waste.

#### **PREDEVELOPMENT**

Refers to the extent and distribution of land cover types present before proposed development, assuming that all land uses prior to development are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55). Where the

cumulative impervious surface created after August 21, 2001 exceeds 20,000 square-feet, the predevelopment condition shall be that prior to August 21, 2001.

### **PRE-REDEVELOPMENT**

Refers to the extent and distribution of land cover types present before proposed redevelopment, assuming that all land uses prior to redevelopment are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55).

### **PUBLIC LANDS**

All government-owned lands which are subject to regulation by the City, including but not limited to:

- A. All lands owned or controlled by the City.
- B. All lands which are owned by another unit of government.

### **REDEVELOPMENT**

Development that replaces existing impervious surfaces or results in the cumulative increase of less than 20,000 square feet of impervious surface to a site since August 21, 2001 on sites predominately developed as commercial, industrial, institutional or multifamily. Sites may be a combination of new development and redevelopment.

### **RUNOFF**

The portion of rainfall, melted snow or irrigation water that flows across the ground surface.

### **RUNOFF CURVE NUMBER (RCN)**

Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

### **SEDIMENT**

Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

### **SEDIMENTATION**

The deposition of eroded soils at a site different from the one where the erosion occurred.

### **SHEET AND RILL EROSION**

A loss of soil caused by sheet flow or shallow concentrated flow and characterized by an absence of channeling or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.

### **SITE**

The bounded area described in an erosion control plan or stormwater management plan, including areas that are part of a larger common plan of development.

### **SLOPE**

The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

### **SOIL LOSS**

Soil moved from a given site because of land-disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.

### **SOIL LOSS RATE**

The rate, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and which occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from concentrated flow such as gully or bank erosion.

## **SOIL STABILIZATION**

The condition in which soil has been protected from the erosive impacts of wind, rain, and stormwater runoff as determined by the Director or appointed designee.

## **STORMWATER**

The flow of water which results from, and which occurs during and immediately following, a rainfall, snow- or ice-melt event.

## **STORMWATER MANAGEMENT**

Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land development activities.

## **STORMWATER RUNOFF**

The waters derived from rains falling or snowmelt or icemelt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

## **STREET RECONSTRUCTION**

Removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.

## **STRUCTURAL MEASURES**

Works of improvement for land stabilization to prevent erosion, sediment or runoff.

## **STRUCTURE**

Any human-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, streambed or lake bed.

## **UNNECESSARY HARDSHIP**

That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

### **§ 216-5 Legislative findings.**

A. The City Council of the City of Monona finds that construction site erosion and uncontrolled stormwater runoff from land-disturbing activity and land development activities have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- (1) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams and wetlands;
- (2) Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life;
- (3) Clog existing drainage systems, increasing maintenance problems and costs;
- (4) Cause bank and channel erosion;
- (5) Increase downstream flooding;
- (6) Reduce groundwater recharge, which may diminish stream base flows and lower water levels in regional lakes, ponds and wetlands;
- (7) Contaminate drinking water supplies;
- (8) Increase risk of property damage and personal injury; and

- (9) Cause damage to agricultural fields and crops.
- B. The City Council of the City of Monona also finds that effective sediment and stormwater management depends on proper planning, design and timely installation of conservation and management practices and their continued maintenance.

**§ 216-6 Purpose and intent.**

- A. The purpose of this chapter is to set forth the minimum requirements for construction site erosion control, stormwater management, and prevention of potentially polluting substances from reaching the municipal storm sewer system that will diminish threats to public health, safety, public and private property and natural resources of the City of Monona.
- B. This chapter is intended to regulate construction site erosion, stormwater runoff, and the discharge of potentially polluting substances to the municipal storm sewer system to accomplish the following objectives:
  - (1) Promote regional stormwater management by watershed;
  - (2) Minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the water resources of the City of Monona;
  - (3) Promote infiltration and groundwater recharge;
  - (4) Protect functional values of natural watercourses and wetlands;
  - (5) Provide a set of performance standards that are consistent with the standards set forth by Dane County;
  - (6) Achieve an eighty-percent reduction in sediment load rates to Dane County waters compared to no controls for all parcels where new development occurs, a forty-percent reduction in sediment load rates compared to no controls for all redeveloped parcels and street reconstructions, and a twenty-percent reduction in sediment load rates compared to no controls for existing developments;
  - (7) Ensure no increase in the rate of surface water drainage from sites during or after construction; and
  - (8) Protect public and private property from damage resulting from runoff or erosion.
  - (9) Protect the health, safety, and general welfare of the citizens of the City of Monona and protect the waters resources of the City of Monona by preventing potentially polluting substances from reaching the municipal storm sewer system, lakes, streams, and groundwater as required by federal and state law.

**§ 216-7 Applicability of requirement for erosion control permits.**

Unless expressly exempted by § **216-9**, an erosion control permit under § **216-11** shall be required, and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in the City of Monona:

- A. Land-disturbing activity in excess of 4,000 square feet;
- B. Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;
- C. Land-disturbing activity that disturbs more than 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross section of the channel;
- D. Any public or private roads or access drives longer than 125 feet;
- E. Development that requires a plat, as defined in the applicable local land division ordinance(s);
- F. Land-disturbing activity that disturbs less than 4,000 square feet of land, including the installation of access drives, that the Director determines to have a high risk of soil erosion or water pollution or that may

significantly impact a lake, stream, wetland area, or the City's stormwater infrastructure. Examples of activities with a high risk of soil erosion or water pollution may include, but are not limited to, land disturbance on slopes greater than 12%, erodible soil or disturbance adjacent to lakes, rivers, streams or wetlands. All such determinations made by the Director shall be in writing, unless waived by applicant.

**§ 216-8 Applicability of requirement for stormwater control permits.**

Unless otherwise exempted by § **216-9** a stormwater control permit under § **216-11** shall be required, and all stormwater management provisions of this chapter shall apply, to any of the following activities within the City of Monona:

- A. Any development(s) after August 22, 2001 that result(s) in the cumulative addition of 20,000 square feet of impervious surface to the site;
- B. Any development that requires a plat, as defined in applicable local land division ordinance(s);
- C. Any development that requires a certified survey map, as defined in the applicable local land division ordinance(s); for property intended for commercial or industrial use;
- D. Land disturbing activity in excess of 4,000 square feet on sites developed as commercial, industrial, institutional or multifamily;
- E. Other land development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the Director determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream or wetland area. All such determinations shall be made in writing unless waived by the applicant.

**§ 216-9 Exemptions and clarifications.**

- A. The following are exempt from all requirements of this chapter:
  - (1) Any activity directly related to the planting, growing and harvesting of agricultural crops except the construction of a building or other structure.
  - (2) Projects specifically exempted from local stormwater ordinances under state or federal statute. It is the responsibility of the landowner or easement holder to demonstrate such exemption with documentation acceptable to the Director.
- B. The following activities are exempt from the construction site erosion control provisions of § **216-7**:
  - (1) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code; the City of Monona shall regulate these sites during the period that residential building permits are in effect, consistent with then-existing Wisconsin Uniform Dwelling Code requirements. Land-disturbing activities in excess of one acre or not associated with the construction of a dwelling are not exempt from this chapter.
- C. The following are exempted from the runoff rate control standards of § 216-13 B. (3) & (4):
  - (1) Municipal road or county highway projects not exempted under § 216-9 A. (2) where all of the following conditions are met:
    - (a) The purpose of the project is only to meet current state or federal design or safety guidelines;
    - (b) Proposed impervious areas are within existing public right-of-way;
    - (c) All other requirements of § 216-13 are met; and
    - (d) The project does not include the addition of new driving lanes.
- D. The following activities are exempt from the infiltration standards described in § **216-13B(6)**:
  - (1) New development with less than 10% connected imperviousness, provided the cumulative area of all

impervious surface is less than one acre.

- (2) Agricultural facilities and practices.
- (3) Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the bottom of the proposed infiltration system where the soil layer is not easily removed or manipulated.
- (4) Expansion of municipal or county roads.

#### § 216-10 **Preliminary review conference.**

Purpose and intent. A preliminary review conference provides a potential permit applicant with an initial simple evaluation of whether erosion and stormwater control standards can be met for a proposed site, lot layout, construction design. This review is intended to assist applicants in preparing general site plans and other submittals necessary to obtain an erosion control and stormwater permit. A preliminary review conference does not guarantee that an erosion or stormwater control plan will be approved or that a permit will be issued. Erosion and stormwater control plans and permit applications must meet all applicable standards and criteria for approval. A preliminary review conference is recommended for all large sites and small sites with complex design, implementation and maintenance issues.

#### § 216-11 **Erosion and stormwater control permits and administration.**

- A. No activity meeting the criteria described in § **216-7** or **216-8** shall occur and no zoning permit may be issued until an erosion control and stormwater control permit is issued by the Director.
- B. The applicant must provide the following when requesting a permit:
  - (1) Completed application form signed by the landowner or easement holder. If the applicant is not the landowner or easement holder, a notarized statement authorizing the applicant to act on behalf of the landowner or easement holder must be provided. By signing the statement, the landowner or easement holder shall be bound by all requirements of this ordinance and the terms of any permit issued to the applicant;
  - (2) Fees as required by § **216-21**;
  - (3) Attendance at the preliminary review conference, as described in § **216-10**, if applicable;
  - (4) If required by § **216-7**, an erosion control plan meeting all requirements of § **216-12**.
  - (5) Simplified plan materials, described in § **216-12**, may be provided for sites with land disturbance less than 20,000 square feet, slopes steeper than 6% disturbed for less than 15 days, and slopes flatter than 6% disturbed for less than 6 months.
  - (6) If required by § **216-8**, a stormwater management plan meeting all of the standards of § **216-13** and a draft maintenance agreement as described in § **216-13A(7)**.
  - (7) Copies of permits or permit applications or approvals required by any other governmental entity.
  - (8) A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a detailed schedule for completion of construction.
  - (9) An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans.
  - (10) Evidence of financial responsibility to complete the work proposed in the plan. The Director may require a financial security instrument sufficient to guarantee completion of the project.
- C. Approval process.
  - (1) The Director or appointed designee shall verify that the permit application is complete under § **216-11B**. The plan(s) shall be reviewed for compliance with the standards identified in §§ **216-12** and **216-13**.

Additional information may be requested at any time to help determine ordinance compliance.

- (2) Within a thirty-day time frame, the Director shall either approve the submitted plan or notify the applicant of any deficiencies.
- (3) The Director shall notify the applicant in writing of any deficiency in the proposed plan, and the applicant shall be given an opportunity to correct any deficiency. Staff engaged in this review and approval process shall be certified where appropriate by the Wisconsin Department of Safety and Professional Services for this purpose.
- (4) Where stormwater practices will be implemented, an affidavit which describes the property by legal description, notifying future prospective purchasers of the existence of a stormwater permit issued under this chapter and applicable plan, timetables and potential liability imposed by Subsection **I(3)** for failure to bring the property into compliance with this chapter after notification shall be recorded with the Dane County Register of Deeds prior to issuance of an erosion and stormwater control permit. The foregoing information shall also be noted on every plat and certified survey map.
- (5) The erosion control or stormwater management permit shall be issued by the Director after the applicant has met all other requirements of this chapter.

#### D. Permit conditions.

- (1) The plan shall be implemented prior to the start of any land-disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.
- (2) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
- (3) Application for a permit shall constitute express permission by the permittee and landowner for the Director to enter the property for purposes of inspection under Subsection **E** or curative action under Subsection **I(3)**. If the permittee is an easement holder such entry must be consistent with the terms of the easement. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.
- (4) All incidental mud-tracking off site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.
- (5) A copy of the approved permit and erosion control plan shall be kept on the project site, in a place readily accessible to contractors, engineers, City inspection staff and other authorized personnel.

#### E. Inspections.

- (1) Application for a permit under this chapter shall constitute permission by the applicant and landowner for the Director to enter upon the property and inspect during the construction phase prior to the inspections pursuant to Subsection **E(4)** and **(8)**, as necessary to confirm compliance with the requirements of this chapter.
- (2) As part of the plan approval process, the Director shall determine the minimum number of inspections required to assure compliance.
- (3) The permittee shall notify the Director within 24 hours prior to beginning installation of erosion control practices and within 10 days after installation of all practices in an approved erosion control plan and achievement of Soil Stabilization.
- (4) The Director shall inspect the property to verify compliance with the erosion control plan within 10 days of notification of Soil Stabilization.
- (5) During construction the permittee shall inspect the site weekly, prior to every forecasted rainfall event of 0.5



inches or greater, and within 24 hours after a precipitation event of 0.5 inches or greater. A precipitation event may be considered to be the total amount of precipitation recorded in any continuous twenty-four-hour period.

- (6) The format and content of inspection reports used by the permittee shall be approved by the Director.
- (7) Within 10 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the Director and submit as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the details and specifications included in the approved plans. The as-built certification shall include a set of drawings, stamped by a professional engineer, comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the Director.
- (8) The Director shall inspect the property to verify compliance within 10 days after receiving notification of the stormwater management facilities installation.
- (9) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.

F. Permit transfers.

- (1) When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Director.
- (2) When a permittee and landowner transfers ownership, possession or control of real estate subject to either or both an uncompleted erosion control stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this chapter.
- (3) When ownership, possession or control of property subject to an uncompleted erosion control or stormwater management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance with notice to the authority and provide a copy of the erosion control plan or stormwater management plan, or both.
- (4) Transfers of interest in real estate subject to an approved uncompleted plan may be conducted consistent with this chapter under any of the following arrangements:
  - (a) The transferee shall file a new approved erosion control or stormwater management plan, or both, with the authority;
  - (b) The transferee shall obtain an approved assignment from the authority as subpermittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property.
  - (c) The permittee shall provide the authority with a duly completed and executed continuing surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan; at the time of transfer the permittee may seek to reduce the surety bond or certified check to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferees to complete an approved plan, these funds shall be available to the authority to attain plan compliance. When an approved erosion control plan and, if required, a stormwater management plan is or are not completed as proposed, the authority may use the surety bond to complete remaining work to achieve plan compliance.

G. Plan or permit amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land-disturbing activity shall be approved by the Director prior to implementation of said changes.

H. Permit application durations.

- (1) Erosion control plan timetables and construction schedules must begin within one year of the date the permit application is filed.
- (2) All permit applications shall expire:
  - (a) One year after the applicant is notified of, but does not adequately address, a deficiency, or
  - (b) three years from the date of application, whichever is sooner.

I. Enforcement.

- (1) Stop-work order.
  - (a) Whenever the Director finds any noncompliance with the provisions of this chapter, the Director shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to off-site runoff, the Director shall post in a conspicuous place on the premises, a stop-work order, which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.
  - (b) The stop-work order shall provide the following information: date of issuance, street address, reason for posting, and the signature of the inspector posting the order.
  - (c) The unauthorized removal of the stop-work order from the premises shall be a violation of the chapter.
- (2) In addition to posting a stop-work order, the Director shall provide notification to the owner or contractor by personal service, written notice by certified mail, electronic mail, or facsimile transmission.
  - (a) The permittee, landowner and contractor shall have 24 hours from the time and date of notification by the Director to correct any noncompliance with the plan when notification is by either personal communication of noncompliance to owner or contractor or their respective agents or written notice is sent by certified mail to owner or contractor.
  - (b) If notice is not provided under Subsection **I(2)(a)**, the permittee and landowner shall have 72 hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission to owner or contractor.
- (3) If any noncompliance is not corrected within the time periods specified in Subsection **I(2)(a)** or **(b)**, the permittee and landowner authorize the Director to take any action, to perform any work, or to commence any operations necessary to correct conditions upon the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the authority for the total costs and expenses of the aforementioned actions, said reimbursement may be collected as a special charge upon the property for current services rendered, as provided by law.
- (4) If the permittee has filed an appeal under § **216-17A(1)** prior to the expiration of the time for compliance under Subsection **I(2)(a)** or **(b)**, the Director may take action, perform work or correct conditions only to the extent necessary to protect against or correct an imminent hazard or a condition that will cause or threatens to cause personal injury or damage to off-site property.

J. Penalties.

- (1) Any person or persons, firm, company or corporation, owner, occupant or other user of the premises who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture as listed in the City's Schedule of Fees, Fines and Forfeitures.

- (2) Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so may be confined in the County Jail until such forfeiture is paid, in accordance with § 800.095, Wis. Stats.
  - (3) As a substitute for or as an addition to forfeiture actions under Subsection **J(1)** or corrective action under Subsection **I(3)**, the Monona City Attorney is authorized to seek enforcement of any part of this chapter by court action seeking injunctive relief. It shall not be necessary for the City of Monona to take corrective action or prosecute for forfeiture before resorting to injunctive relief.
- K. Fees. The permit fee shall be payable at the time an application for either an erosion control or a stormwater management permit, or both, is submitted.

**§ 216-12 Erosion control plan requirements.**

- A. Plan materials. Erosion control plans shall include at a minimum the following information:
- (1) Property lines, lot dimensions and limits of disturbed area including disturbed areas within five (5) feet of the property line;
  - (2) Limits and quantities of impervious area, including, but not necessarily limited to, buildings, roads, driveways, parking lots, and indicate type of paving and surfacing material;
  - (3) All natural and artificial water features, including, but not limited to, lakes, ponds, streams (including intermittent streams) and ditches. The plan must show ordinary high-water marks of all navigable waters, one-hundred-year flood elevations and delineated wetland boundaries. A certified flood zone determination and/or wetland delineation may be required at the applicant's expense;
  - (4) Areas of natural woodland and prairie;
  - (5) Cross sections of and profiles of channels, swales and road ditches;
  - (6) Culvert sizes;
  - (7) Direction of flow of runoff;
  - (8) Watershed size for each drainage area;
  - (9) Design discharge for ditches and structural measures;
  - (10) Runoff velocities;
  - (11) Fertilizer and seeding rates and recommendations;
  - (12) Time schedules for stabilization of ditches and slopes;
  - (13) Description of methods by which sites are to be developed and a detailed land disturbance schedule including time schedules for stabilization of ditches and slopes;
  - (14) Provision for sequential steps mitigating erosive effect of land-disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt revegetation including runoff calculations as appropriate;
  - (15) Provisions to prevent mud-tracking off site onto public thoroughfares during the construction period;
  - (16) Provisions to disconnect impervious surfaces, where feasible;
  - (17) Provisions to prevent sediment delivery to, and accumulation in, any proposed or existing stormwater conveyance systems;
  - (18) Copies of permits or permit applications required by any other unit of government or agency;
  - (19) Existing and proposed elevations (referenced to the North American Vertical Datum of 1988, where available) and existing and proposed contours in the area, where deemed necessary; and

- (20) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

B. Simplified plan materials.

- (1) Sites meeting the conditions of § 216-11 B. (5) may instead provide, at a minimum, the following information:
- (a) Narrative describing the project;
  - (b) Site plan of known scale that includes property lines, disturbed area limits, impervious area limits (existing and proposed), natural and artificial water features, 100-yr flood plain, delineated wetland boundaries, and location of all proposed erosion control practices;
  - (c) Contours (existing and proposed);
  - (d) Watershed size for each drainage area, including areas draining to the site;
  - (e) Provisions to prevent tracking sediment onto public roads;
  - (f) Provisions to prevent sediment delivery to, and accumulation in, any proposed or existing stormwater conveyance systems;
  - (g) Proposed erosion control practices
  - (h) Construction schedule that includes dates of erosion control practice installation, start of land disturbance and site stabilization.
  - (i) Culvert sizes (existing and proposed)
  - (j) Any other information necessary to reasonable determine the location, nature and conditions of any physical or environmental features of the site
- (2) Simplified plan checklists shall be reviewed by the Director for completeness and accuracy.

C. Erosion control performance standards.

- (1) Proposed design, suggested location and phased implementation of effective practicable erosion control measures for plans shall be designed, engineered and implemented to achieve the following results:
- (a) Prevent gully and bank erosion;
  - (b) Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed 5.0 tons sediment yield per acre annually, as determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by The Dane County Land and Water Resources Department, that considers season of year, site characteristics, soil erodibility and slope. Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.
  - (c) Provide stable outlet capable of carrying design discharge flow as required in § 216-13 B. (4) at a nonerosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.
  - (d) Prevent or reduce all of the following:
    - [1] The deposition of soil from being tracked onto streets by vehicles.
    - [2] The discharge of sediment from disturbed areas into on-site storm water inlets.
    - [3] The discharge of sediment from disturbed areas into adjacent waters of the state.
    - [4] The discharge of sediment from drainage ways that flow off the site.

- [5] The discharge of sediment by dewatering activities.
- [6] The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
- [7] The transport by runoff of chemicals, cement and other building compounds and materials on the construction site during the construction period.

D. Implementation

- (1) The BMPs used to comply with this section shall be implemented as follows:
  - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing activity begins.
  - (b) Erosion and sediment control practices shall be maintained until final stabilization.
  - (c) Final stabilization activity shall commence when land disturbing activity ceases and final grade has been reached on any portion of the site.
  - (d) Temporary stabilization activity shall commence when land disturbing activity has temporarily ceased and will not resume for a period exceeding 14 calendar days.
  - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed.

E. Grading within five feet of property line

- (1) Except as authorized in this section, the topography within five feet of any property line at the commencement of any development shall remain unchanged.
  - (a) When land-disturbing activity associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land-disturbing activity begins. A positive slope of 1/2 inch vertical per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one- or two-family residence.
  - (b) The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line.
  - (c) Existing drainageways and drainage easements along property lines shall be maintained, including, but not limited to, natural watercourses and stormwater management areas shown on plats and certified survey maps.
  - (d) The Director may authorize grading resulting in changes to the existing topography at and within five feet of any property line if the following are provided:
    - (1) The intent of the grading and an explanation of its necessity, and
    - (2) Documentation showing that stormwater runoff will not negatively affect adjacent properties.

**§ 216-13 Stormwater management plan requirements.**

- A. Plan materials. Stormwater management plans shall satisfy all of the requirements in Subsection B and shall address at a minimum the following information:
  - (1) A narrative describing the proposed project, including implementation schedule for planned practices;
  - (2) Identification of the entity responsible for long-term maintenance of the project;
  - (3) A map showing drainage areas for each watershed area;
  - (4) A summary of runoff peak flow rate calculations by watershed area, including:
    - (a) Predevelopment peak flow rates;
    - (b) Post-development peak flow rates with no detention;

- (c) Post-development peak flow rates with detention;
  - (d) Assumed runoff curve numbers (RCNs); and
  - (e) Time of concentration (Tc) used in calculations.
  - (f) Demonstration of the ability to meet the runoff rate control performance standards of § 216-13 B. (4) without inundating buildings or causing damage to structures.
- (5) A complete site plan and specifications, signed by the person who designed the plan. All plans shall be drawn to an easily legible scale, shall be clearly labeled, and shall include, at a minimum, all of the following information:
- (a) Property lines and lot dimensions;
  - (b) All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks;
  - (c) All public and private roads, interior roads, driveways and parking lots. Show traffic patterns and type of paving and surfacing material;
  - (d) All natural and artificial water features, including, but not limited to, lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, one-hundred-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetlands delineation, or both, may be required at the applicant's expense;
  - (e) Depth to bedrock;
  - (f) Depth to seasonal high water table;
  - (g) The extent and location of all soil types as described in the Dane County Soil Survey, slopes exceeding 12%, and areas of natural woodland or prairie;
  - (h) Existing and proposed elevations [referenced to the North American Vertical Datum (USGS) of 1988] and existing and proposed contours in the area requiring a grading and filling permit with a maximum of two-foot contour intervals;
  - (i) Elevations, sections, profiles and details as needed to describe all natural and artificial features of the project;
  - (j) Soil erosion control and overland runoff control measures, including runoff calculations as appropriate;
  - (k) Detailed construction schedule;
  - (l) Copies of permits or permit applications required by any other governmental entities or agencies;
  - (m) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features;
  - (n) Location of all stormwater management practices;
  - (o) All existing and proposed drainage features;
  - (p) The location and area of all proposed impervious surfaces; and
  - (q) The limits and area of the disturbed area.
- (6) Engineered designs for all structural management practices.
- (7) A description of methods to control oil and grease or written justification for not providing such control.
- (8) A maintenance plan and schedule for all permanent stormwater management practices as recorded on the affidavit required in § 216-11C(4) as well as a description for methods to inspect and report to the City of any illicit discharges.
- (9) A summary of infiltration calculations, including:
- (a) Predevelopment infiltration volume.

- (b) Calculated infiltration volume goal.
  - (c) Achieved post-development infiltration volume.
- (10) Flood elevation for the 200-yr design storm and proposed minimum opening elevation.
- B. Stormwater management performance standards. Proposed design, suggested location and phased implementation of effective practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:
- (1) Sediment control.
    - (a) For new development, design practices to retain soil particles greater than five microns on the site (eighty-percent reduction) resulting from a one-year design storm, according to approved procedures and assuming no sediment resuspension;
    - (b) For redevelopment resulting in exposed surface parking and drive areas, design practices to retain soil particles greater than 20 microns on the entire site (forty-percent reduction) resulting from a one-year design storm, according to approved procedures, and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.
    - (c) For redevelopment with proposed impervious surface area greater than 80% of existing, the first 0.5 inch of runoff from impervious surfaces must be captured using green infrastructure.
  - (2) Oil and grease control. For all commercial or industrial development and all other uses where the potential for pollution by oil or grease, or both, exists, the first 0.5 inches of runoff must be treated using the best oil and grease removal technology available. This requirement may be waived by the plan reviewer only when the applicant can demonstrate that installation of such practices is unnecessary.
  - (3) Runoff rate control - hydrologic calculations. All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by the Director. The maximum runoff curve number (RCN) used in such calculations shall be those shown in Table 1. The TR-55-specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.

**Table 1. Maximum Predevelopment Runoff Curve Numbers**

| Runoff Curve Number | Hydrologic Soil Group* |    |    |    |
|---------------------|------------------------|----|----|----|
|                     | A                      | B  | C  | D  |
| Woodland            | 30                     | 55 | 70 | 77 |
| Grassland           | 39                     | 61 | 71 | 78 |
| Cropland            | 51                     | 68 | 78 | 83 |

\*When dual HSG are specified, the drained condition shall be assumed.

- (4) Runoff rate control - design standards. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:
  - (a) Redevelopment. **[Amended 6-19-2017 by Ord. No. 6-17-688]**
    - [1] Maintain pre-redevelopment peak runoff rates for the two-year, twenty-four-hour design storm.

- [2] Maintain pre-redevelopment peak runoff rates for the ten-year, twenty-four-hour design storm.
  - [3] Safely pass peak runoff from the two-hundred-year design storm without inundating buildings or causing damage to structures.
- (b) New development. **[Amended 6-19-2017 by Ord. No. 6-17-688]**
- [1] Maintain predevelopment peak runoff rates for the 1, 2, 10, 100, and 200-year design storms.
- (5) Outlets. Provide a stable outlet capable of carrying designed flow as required in Subsection **B.(4)**, at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.
- (6) Infiltration.
- (a) Redevelopment. All downspouts, driveways, and other impervious areas shall be directed to pervious surfaces, where feasible, or the applicant can demonstrate that the practice is likely to result in groundwater contamination
  - (b) New development.
    - [1] For new development, design practices to infiltrate sufficient runoff volume so that post-development infiltration volume shall be at least 90% of the predevelopment infiltration volume, based upon average annual rainfall.
    - [2] The maximum predevelopment runoff curve number (RCN) used in such calculations shall be those shown in § **216-13B(3)**, Table 1.
    - [3] If when designing appropriate infiltration systems more than 2% of the site is required to be used as effective infiltration area, the applicant may alternately design infiltration systems and pervious surfaces to meet or exceed the annual predevelopment recharge rate. The annual predevelopment recharge rate shall be determined from the Wisconsin Geological and Natural History Survey's 2009 report, Groundwater Recharge in Dane County, Estimated by a GIS-Based Water-Balanced Model, or subsequent updates to this report, or by a site-specific analysis using other appropriate techniques. If this alternative design approach is taken, at least 2% of the site must be used for infiltration.
    - [4] Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall conform to the design standards in § **216-16** and be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality.
    - [5] Separation distances. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 2 below:

**Table 2. Separation Distances and Soil Characteristics**

| Source Area  | Separation Distance | Soil Characteristics |
|--|---------------------|----------------------|
| Industrial, commercial, institutional parking lots and roads | 5 feet or more      | Filtering layer      |
| Residential arterial roads                                   | 5 feet or more      | Filtering layer      |



|   |                |   |
|---|----------------|---|
| Roofs draining to subsurface infiltration practices | 1 foot or more | Native or engineered soil with particles finer than coarse sand |
| Roofs draining to surface infiltration practices    | Not applicable | Not Applicable  |
| All other impervious source areas                   | 3 feet or more | Filtering layer   |

[6] Prohibitions. Infiltration systems may not be installed in any of the following areas:

- [a] Areas associated with Tier 1 industrial facilities identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
- [b] Storage and loading areas of Tier 2 industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.
- [c] Fueling and vehicle maintenance areas.
- [d] Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
- [e] Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet of separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
- [f] Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
- [g] Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.

[7] Alternate use of runoff. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

[8] Minimizing groundwater pollution. According to Ch. NR 151, Wis. Adm. Code, infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with the preventive action limit is not reasonably achievable, the infiltration system may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(7) Closed Water Sheds. Pre-development modeling must include closed watersheds areas. Sites within closed watersheds must be designed to achieve 90% stay-on without exemption. Sites with areas subject to inundation (ground elevations below the watershed outlet elevation) must include:

- (a) A stable outlet capable of handling overflow events.
- (b) An emergency drawdown or pumping plan.
- (c) Storage capacity for back-to-back 100-yr storm events.

C. Stormwater management goals. The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:

(1) For existing development, design practices to retain soil particles greater than 40 microns on the site (twenty-percent reduction) resulting from a one-year twenty-four-hour design storm, according to

approved procedures and assuming no sediment resuspension.

- (2) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (forty-percent reduction) resulting from a one-year, twenty-four-hour design storm, according to approved procedures and assuming no sediment resuspension.

**§ 216-14 Off-site stormwater management.**

Off-site stormwater management is allowed, provided that all of the following conditions for the off-site facility are met:

- A. The facility is in place.
- B. The facility is designed and adequately sized to provide a level of stormwater control that at least meets the ordinance standards.
- C. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- D. All required fees have been paid to the operator of the off-site stormwater management.

**§ 216-15 Stormwater management facilities condition report. [Added 6 19-2017 by Ord. No. 6-17-688]**

- A. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the Director a report on the condition of the site's stormwater management facilities. This report shall be submitted by June 30 in each of the first two years following the Director's inspection and approval of the stormwater management facilities per § **216-11E(8)**. Following the first two years' reports, subsequent report submittals shall be due every even-numbered year thereafter.
- B. The report shall be completed and sealed by a professional engineer currently licensed in the State of Wisconsin on forms provided by the Director. The Director, at his or her discretion, may allow other appropriately credentialed professionals to complete and seal this work. The requirement that the report be sealed by a professional engineer or other approved credentialed professional may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation and dated photos acceptable to the Director as outlined in § **216-15D(1)** and **(2)**.
- C. Sites which include detention and/or infiltration basins require completion and submittal of a topographic survey every four years. The Director, at his or her discretion, may allow the topographic survey to be submitted less frequently, or may allow that the survey be satisfied through the submittal of adequate photographic documentation as outlined in § **216-15D(2)**.
- D. The report shall include the following:
  - (1) Documentation of the completion of the required periodic maintenance, as required by the stormwater management maintenance agreement for the site, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.
  - (2) Documentation of inspection for evidence of illicit discharges.
  - (3) Photos of the stormwater management facilities at the time of inspection. This shall include photos of the existing conditions and photos after completion of any required maintenance.
- E. If the report identifies any shortcomings in required stormwater facility maintenance, the responsible for the maintenance shall complete the maintenance within 90 days of the date the report is filed. Such maintenance shall include, but not be limited to, dredging and vegetative restoration, as applicable.

- F. If an applicant fails to timely submit any required report, or fails to complete any required maintenance, the Director shall authorize completion of the report or required maintenance, with the cost to complete the report or maintenance charged back against the real property under § 66.0627, Wis. Stats.

**§ 216-16 Technical standards and specifications.**

The design of all best management practices designed to meet the requirements of this chapter shall comply with the following technical standards:

- A. Natural Resources Conservation Service's Field Office Technical Guide, Chapter 4, or its successor;
- B. Wisconsin Department of Natural Resources' Wisconsin Construction Site Best Management Practice Handbook, or its successor.
- C. Any other technical methodology approved by the Director.

**§ 216-17 Appeals and variances.**

A. Appeals.

- (1) Any person aggrieved by any decision of the Director pursuant to this chapter may appeal to the Zoning Board of Appeals. Such appeal shall be taken within 30 days after the challenged decision. Notice of appeal setting forth the specific grounds for the appeal shall be filed with the Director and the Zoning Board of Appeals. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals the record upon which the action appealed from was taken.
- (2) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under Ch. 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.
- (3) The Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.
- (4) The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse the decision of the Director.
- (5) A person aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Common Council by filing a notice of appeal with the Director and City Clerk within 30 days of the decision.

B. Variances.

- (1) An applicant may include in the application a request for a variance from the requirements of § **216-12** or **216-13**. No variance shall be granted unless applicant demonstrates that all of the following conditions are present:
  - (a) Enforcement of the standards set forth in this chapter will result in unnecessary hardship to the landowner;
  - (b) The hardship is due to exceptional physical conditions unique to the property;
  - (c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this chapter;
  - (d) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property;

- (e) The net cumulative effect of the variance will not impact downstream conditions; and
  - (f) Existing regional facilities are shown to meet the performance standards of this chapter.
- (2) If all of the conditions set forth in Subsection **B(1)** are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.
- (3) A variance from the provisions of § **216-13B** may only be granted if:
- (a) The applicant has met the requirements of § **216-17B(1)**; and
  - (b) The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.
- (4) A person aggrieved by a decision of the Zoning Board of Appeals regarding a variance may appeal that decision to the Common Council by filing a notice of appeal with the Director and City Clerk within 30 days of the decision.

**§ 216-18 Permit duration.**

- A. Erosion control permits shall expire:
- (1) Upon the stabilization date included in the approved plan, or
  - (2) 24 months after the permit is issued.
- B. The Director is authorized to extend the expiration date of the erosion control permit if such a request is received in writing and to require modifications of the plans to prevent any increase in sedimentation, erosion or runoff resulting from the extension.

**§ 216-19 Illicit discharge prohibited.**

The provisions of Chapter 50 – Discharge of Pollutants to the Waters of Dane County, Dane County Code of Ordinances, as may be amended from time to time, are adopted by reference and made part of this chapter as if set fourth in full. A violation of any such rules shall constitute a violation of this section.

**§ 216-20 Administration.**

- A. Delegation of administrative authority.
- (1) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on private lands within the City of Monona.
  - (2) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on public lands and, upon request, shall review and approve erosion and runoff control plans for private property in the City of Monona.
  - (3) The Director or appointed designee shall administer, approve plans and enforce the provisions of this chapter on lands being subdivided by plat or certified survey within the extraterritorial limits for plat review in accordance with § 236.10, Wis. Stats., for erosion and runoff control, including both public lands and private land.
- B. Administrative duties. The administration and enforcement of this chapter shall include the following duties:
- (1) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official records.
  - (2) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee, and issue the permits.
  - (3) Investigate all complaints made to the application of this chapter.

- (4) Revoke any permit granted under this chapter if the holder of the permit has misrepresented any material fact in the permit application or plan, or has failed to comply with the plan as originally approved or as modified in writing, or has violated one of the other conditions of the permit as issued to the applicant.

**§ 216-21 Permit fees and forfeitures.**

Permits are subject to a fee and violations of, or non-compliance with, the provisions of this ordinance are subject to forfeitures as prescribed in the Schedule of Fees, Fines and Forfeitures adopted by the Common Council.

**§ 216-22 Additional standards.**

In addition to the requirements of this chapter, every person required to obtain a permit hereunder shall comply with all applicable regulations promulgated by state or federal agencies governing construction site erosion control and stormwater runoff, as they may be amended from time to time, including, but not limited to, the regulations contained in Chapter NR 151, Wis. Adm. Code. Should the requirements of this chapter conflict with the applicable state or federal requirements, the more restrictive standard shall apply. Every application for a permit under this chapter shall demonstrate compliance with all applicable standards.