STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF LANNON

AN ORDINANCE TO REPEAL CHAPTER 34 AND SECTION 78-42 OF THE VILLAGE OF LANNON CODE OF ORDINANCES AND TO RECREATE CHAPTER 34 REGULATING STORM WATER MANAGEMENT AND CONSTRUCTION SITE EROSION CONTROL

THE VILLAGE BOARD OF THE VILLAGE OF LANNON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 34 of the Village of Lannon Code of Articles is hereby REPEALED in its entirety.

SECTION 2: Section 78-42 of the Village of Lannon Zoning Code is hereby REPEALED in its entirety.

SECTION 3: Chapter 34 of the Village of Lannon Code of Articles is hereby RE-CREATED to read as follows:

CHAPTER 34
STORM WATER MANAGEMENT AND CONSTRUCTION SITE EROSION CONTROL

ARTICLE I. STORM WATER MANAGEMENT

34-1 Authority.

(1) This article is adopted by the Village of Lannon under the authority granted by Wis. Stat. § 61.354. This article supersedes all provisions of previously enacted storm water regulations. Except as otherwise specified in Wis. Stat. § 61.354, Wis. Stat. § 61.35 applies to this article and to any amendments to this article.

(2) The provisions of this article are deemed not to limit any other lawful regulatory powers of the Village of Lannon, including the Village's authority under § 61.35, Wis. Stats.

(3) The Village of Lannon hereby designates the Village Building Inspector and the Village Engineer, or their respective designees, as the individuals responsible for the administration and enforcement of the provisions of this article.

(4) The requirements of this article do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

a. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stat. §§ 281.16 and 283.33.

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

34-2 Findings of Fact.

The Village of Lannon finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

34-3 Purpose and Intent.

(1) Purpose. The general purpose of this article is to establish long-term, post- construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(2) Intent. It is the intent of the Village of Lannon that this article regulates post-construction storm water discharges to waters of the state. This article may be applied on a site-by-

site basis; however, nothing herein shall be construed as limiting the Village's authority to adopt regional storm water devices, practices, or systems designed to treat runoff from more than one site prior to discharge from the site(s). Where such regional plans are adopted in conformance with the performance standards developed under Wis. Stat. § 281.16 for regional storm water management measures and have been approved by the Village of Lannon, it is the intent of this article that the approved regional plan be used to identify post-construction management measures acceptable for the community.

34-4 Applicability and Jurisdiction.

(1) APPLICABILITY

(a) Where not otherwise limited by law, this article applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).

i. A post construction site that had 5 or more acres of land disturbing construction activity.

ii. A post—development construction site that had one or more acres of land disturbing construction activity after March 10, 2003.

(b) Unless otherwise exempted in this article, a storm water permit be required and all storm water management and other provisions of this article shall apply to all proposed land development activity that meet any of the following:

i. Is a subdivision plat; or

ii. Is a certified survey map, planned unit development, or any other land development activity that may ultimately result in the addition of 0.5 acres or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times; or

iii. Involves the construction of any new public or private road; or

iv. Is a land development activity, regardless of size, that the Plan Commission, upon recommendation of the Village Engineer, determines is likely to cause an adverse impact to an environmentally sensitive area or other property. For purposes of this section, adverse impacts shall include causing chronic wetness on other property due to reoccurring discharges of storm water or violating any other storm water management standard set forth in this Article.

(c) A site that meets any of the criteria in this paragraph is exempt from the requirements of this article.

i. A redevelopment post—construction site with no increase in impervious area where the Village of Lannon has determined there is not significant change to the existing site such as (but not limited to) demolition of existing structures and pavement for a new structure and pavement, and/or incorporating storm water controls would cause site redevelopment

hardships. Said hardship shall be reviewed and determined by a three-fourths vote of the Village Plan Commission.

ii. A post—construction site with less than 10% connected imperviousness based on complete development of the post—construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

iii. Nonpoint discharges from agricultural facilities and practices.

iv. Nonpoint discharges from silviculture activities.

v. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

vi. Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(2) JURISDICTION

This article applies to post-construction sites within the boundaries and jurisdiction of the Village of Lannon.

(3) EXCLUSIONS

This article is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

34-5 Definitions.

(1) “Agricultural facilities and practices” has the meaning given in Wis. Stat. § 281.16.

(2) “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.

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

(4) “Business day” means a day the office of the Village Clerk is routinely and customarily open for business.

(5) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(6) “Connected imperviousness" means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

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

(8) “Development” means residential, commercial, industrial or institutional land uses and associated roads.

(9) “Division of land” means either a subdivision or land division, as defined in Chapter 62 of this Code.

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

(11) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

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

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

(14) “Governing body” means the Village of Lannon Board of Trustees.

(15) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil.

(16) “In-fill area” means an undeveloped area of land located within existing development on all immediately adjacent sides of the subject site.

(17) “Infiltration” means the entry of precipitation or runoff into or through the soil.

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

(19) “Land Development Activity” means any construction related activity that results in the addition or replacement of impervious surfaces such as (but not limited to) rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(20) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(21) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices and facilities.

(22) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this article 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 the performance standards and may vary based on the performance standard and site conditions.

(23) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(24) “Off-site” means located outside the property boundary described in the permit application.

(25) “On-site” means located within the property boundary described in the permit application.

(26) "Ordinary high-water mark" has the meaning given in Wis. Admin. Code § NR 115.03(6).

(27) “Outstanding resource waters” means waters listed in Wis. Admin. Code § NR 102.10.

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

(29) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(30) “Permit” means a written authorization made by the Village Building Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

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

(32) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(33) “Pollutant” has the meaning given in Wis. Stat. § 283.01(13).

(34) “Pollution” has the meaning given in is. Stat. § 281.01(10).

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

(36) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(37) “Preventive action in limit” has the meaning given in Wis. Admin. Code § NR 140.05(17).

(38) "Redevelopment” means areas where development is replacing older development. Older development is limited to impervious areas such as (but not limited to) rooftops, roads, parking lots, and other structures. Pervious areas such as (but not limited to) lawns are not considered developed areas.

(39) “Responsible party” means any person or entity holding fee title to the property.

(40) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(41) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not draining to a storm water treatment device or system.

(d) Discharges directly or indirectly to waters of the state.

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

(43) “Stop work order” means an order issued by the Village Building Inspector or his designee which requires that all construction activity on the site be stopped.

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

(45) “Storm water management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

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

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

(48) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(49) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(50) “Waters of the state” has the meaning given in Wis. Stat. § 281.01 (18).

34-6 Technical Standards.

(1) The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this article:

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

(b) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Village of Lannon.

(c) In this chapter, the following year and location has been selected as average annual rainfall(s): Milwaukee, 1969 (Mar. 28—Dec. 6)

34-7 Performance Standards

(1) RESPONSIBLE PARTY. The responsible party shall implement a post—construction storm water management plan that incorporates the requirements of this section.

(2) PLAN. A written storm water management plan in accordance with 34-9 shall be developed and implemented for each post—construction site.

(3) REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post—construction site as follows:

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

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

iii. For mixed development where there is a combination of new development and redevelopment, by design, a weighted average shall be determined for the site to determine the requirement to reduce to the maximum extent practicable, the total suspended solids load percentage, based on the average annual rainfall, as compared to no runoff management controls. The weighted average shall be based on the requirements of (3)(a)i and ii above. No person shall be required to exceed an 80% total suspended solids reduction of the requirements of this subdivision.

iv. For in—fill development under 5 acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.

v. For in—fill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no

runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.

vi. Notwithstanding subds. **i. to v.,** if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site—specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(b) PEAK DISCHARGE.

i. To minimize downstream bank erosion and the failure of downstream conveyance systems, the calculated post-development peak storm water discharge rate shall not exceed, to the maximum extent practicable, the calculated pre-development discharge rates for the 2-year, 10-year, and 100-year, 24-hour design storms. Pre—development conditions shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre—development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used.

Table 1 — Maximum Pre—Development Runoff Curve Numbers for Cropland Areas				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	55	69	78	83

ii. This subsection of the article does not apply to any of the following:

a. A post—construction site where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 of a foot for the 2—year, 24—hour storm event.

b. A redevelopment post—construction site that does not increase the impervious area of the site.

c. An in—fill development area less than 5 acres.

(c) INFILTRATION. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in subds. v. through viii:

i. For residential developments one of the following shall be met:

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

b. Infiltrate 25% of the post—development runoff from the 2 year —24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

ii. For non—residential development, including commercial, industrial and institutional development, one of the following shall be met:

a. Infiltrate sufficient runoff volume so that the post—development infiltration volume shall be at least 60% of the pre—development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

b. Infiltrate 10% of the runoff from the 2 year — 24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

iii. Pre—development condition shall be the same as in par. (b).

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

v. Exclusions. The runoff from the following areas are excluded from the requirements of this paragraph (c):

a. Areas associated with tier 1 industrial facilities identified in s. 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 s. NR 216.21(2)(b), Wis. Adm. Code.

c. Fueling and vehicle maintenance areas.

d. Areas within 1000 feet upgradient or within 100 feet downgradient of karst features.

e. Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subd. v.e. does not prohibit infiltration of roof runoff.

f. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet 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 s. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR 812.08(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 s. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.

i. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high ground water and top of bedrock: at least a 3—foot soil layer with 20% fines or greater; or at least a 5—foot soil layer with 10 percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subd. v.i. does not prohibit infiltration of roof runoff.

vi. Exemptions. The following are not required to meet the requirements of this paragraph (c):

a. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.

b. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

c. Redevelopment post—construction sites that do not increase the impervious area of the site. This does not apply to additions to commercial, industrial, or institutional sites.

d. In—fill development areas less than 5 acres.

e. Infiltration areas during periods when the soil on the site is frozen.

f. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

vii. 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 paragraph.

viii. (a). Infiltration systems designed in accordance with this paragraph 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 a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(b). Notwithstanding subd. par. (a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(d) PROTECTIVE AREAS.

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

a. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in s. NR 103.04, 75 feet.

b. For perennial and intermittent streams identified on a United States geological survey 7.5—minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

c. For lakes, 50 feet.

d. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with s. NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

e. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

f. In subd. 1.a., d. and e., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

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

ii. This paragraph applies to post—construction sites located within a protective area, except those areas exempted pursuant to subd. iv.

iii. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The storm water management plan shall contain a written site—specific explanation for any parts of the protective area that are disturbed during construction.

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

c. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non—point sources may be located in the protective area.

iv. This paragraph does not apply to:

a. Redevelopment post—construction sites.

b. In—fill development areas less than 5 acres.

c. Structures that cross or access surface waters such as boat landings, bridges and culverts.

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

e. Post—construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

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

(f) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.

i. Applicability. Except as provided in subd. ii., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

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

b. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2—year, 24—hour design storm or a 2—year storm with a duration equal to the time of

concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

ii. Exemptions. The Village may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:

a. An outstanding resource water.

b. An exceptional resource water.

c. Waters listed in s. 303(d) of the federal clean water act that are identified as impaired in whole or in part, due to nonpoint source impacts.

d. Waters where targeted performance standards are developed under s. NR 151.004, Wis. Adm. Code, to meet water quality standards.

(4) GENERAL CONSIDERATIONS FOR ON—SITE AND OFF—SITE STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) LOCATION AND REGIONAL TREATMENT OPTION.

(a) The BMPs may be located on—site or off—site as part of a regional storm water device, practice or system.

(b) Post—construction runoff within a non—navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this article. Post—construction BMPs may be located in non—navigable surface waters.

(c) Except as allowed under par. (d), post—construction runoff from new development shall meet the post—construction performance standards prior to entering a navigable surface water.

(d) Post—construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this article if:

i. The BMP was constructed prior to the effective date of this article and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and

ii. The BMP is designed to provide runoff treatment from future upland development.

(e) Runoff from existing development, redevelopment and in—fill areas shall meet the post—construction performance standards in accordance with this paragraph.

i. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

ii. Post—construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.

(f) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(g) The Village may approve off—site management measures provided that all of the following conditions are met:

i. The Village Engineer determines that the post—construction runoff is covered by a storm water management system plan that is approved by the Village of Lannon and that contains management requirements consistent with the purpose and intent of this article.

ii. The off—site facility meets all of the following conditions:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on—site practices meeting the performance standards of this article.

c. The facility has a legally obligated entity responsible for its long—term operation and maintenance.

(h) Where a regional treatment option exists such that Village exempts the applicant from all or part of the minimum on—site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Village. In determining the fee for post—construction runoff, the Village shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) ALTERNATE REQUIREMENTS. The Village may establish storm water management requirements more stringent than those set forth in this chapter if the Village determines that an added level of protection is needed to protect sensitive resources.

34-8 Permitting Requirements, Procedures, and Fees

(1) PERMIT REQUIRED. No responsible party may undertake a land disturbing construction activity without receiving a Storm Water Management Permit from the Village Engineer prior to commencing the proposed activity.

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

(a) Unless otherwise excepted by this article, a permit application must be accompanied by a storm water management plan, a maintenance agreement (where required) and, where not otherwise covered by a developer's agreement, a non-refundable permit administration fee as determined by the Village.

(b) The storm water management plan shall be prepared to meet the requirements of 34-8 and 34-9, the maintenance agreement shall be prepared to meet the requirements of 34-10, the financial guarantee shall meet the requirements of 34-11, and fees shall be those established by the Village of Lannon from time-to-time.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Village Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) The Village Staff or Engineer may request additional information if required for a complete permit application.

(b) The Village Staff or Engineer may require map items listed above to be submitted in a digital format, if available.

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

(d) If the storm water permit application, plan or maintenance agreement is disapproved, the Village Staff shall detail in writing the reasons for disapproval.

(e) Prior to commencing the land development activity, the project may be subject to additional approvals under the Village's code.

(4) PERMIT REQUIREMENTS. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Building Inspector or Village Engineer may suspend or revoke a permit for violation of a permit condition by issuing written notification to the responsible party. An action to suspend or revoke a permit may be appealed in accordance with section 34-14.

(a) Compliance with a permit issued under this Article does not relieve the responsible party of the responsibility to comply with any other applicable federal, state, and local laws and regulation(s).

(b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

(c) The responsible party shall notify the Village Engineer/Building Inspector at least two (2) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices.

(d) Installations required as part of this article shall be certified "as built" by a licensed professional engineer. The permit holder shall provide an engineer licensed in the state of Wisconsin to be responsible for achieving compliance with approved construction plans, including implementation of the approved inspection plan and verification of construction in accordance with approved plans. If warm season or wetland plantings are involved, the permit holder shall also provide a landscape architect or other qualified professional to oversee and verify the planting process and its successful establishment. Completed storm water management practices must pass a final inspection by the Village Engineer or their designee to determine compliance with the approved storm water management plan and article. The Village Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(e) The responsible party shall notify the Village Engineer of any proposed modifications to an approved storm water management plan prior to incorporation into the storm water management plan.

(f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Village of Lannon, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(g) The responsible party authorizes the Village to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of Wis. Stat. ch. 66, or to charging such costs against the financial guarantee posted under section 34-11.

(h) Activities that are not in compliance with the approved storm water management plan shall constitute a public nuisance and the responsible party shall repair, at the responsible party's own expense, all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by such activities.

(i) The responsible party shall permit property access to the Village Engineer or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village Board may require the responsible party to make appropriate legal arrangements with affected property owners.

(k) The responsible party is subject to the enforcement actions and penalties detailed in section 34-13 if the responsible party fails to comply with the terms of a permit issued under this Chapter.

(5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by the Village related to the requirements needed to meet the performance standards in 34-10 or a financial guarantee as provided for in section 34-11.

(6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Village notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d). The permit shall be invalid if work is not commenced within 1 year of permit issuance.

34-9 Storm Water Management Plan

(1) PLAN REQUIREMENTS. The storm water management plan required under 34-8 shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

i. One or more site maps at a scale of not less than 1 inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

ii. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross—referenced to the required map(s).

(d) Post—development site conditions, including:

i. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

ii. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and articles.

iii. One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post—construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post—construction topographic contours of the site at a scale not to exceed 1 foot; post—construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on—site and off—site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

iv. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross—referenced to the required map(s).

v. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross—sections and profiles of all permanent storm water conveyance and treatment practices.

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in 34-7.

(f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(h) Other information requested in writing by the Village Engineer to determine compliance of the proposed storm water management measures with the provisions of this article.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this article.

(2) SITE DRAINAGE REQUIREMENTS. Measures shall be implemented to ensure proper site drainage, prevent property damage and protect public health and safety, including the following minimum requirements:

(a) *Drainage easement.* Perpetual drainage easements or other deed restrictions shall be recorded on the property to preserve major storm water flow paths and permanent storm water BMP locations. Covenants in these areas shall not allow buildings or other structures and shall prevent any grading, filling or other activities that interrupt or obstruct flows in any way. Covenants shall also specify maintenance responsibilities and authorities in accordance with Section 34-10.

(b) *Site grading.* Site grading shall ensure positive flows away from all buildings, roads, driveways and septic systems, be coordinated with the general storm water drainage patterns for the area, and minimize adverse impacts on adjacent properties.

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

(d) *Bridges and cross-culverts.* All new or modified bridges and cross-culverts shall comply with applicable design standards and regulations, facilitate fish passage and prevent increased flooding or channel erosion upstream or downstream from the structure. Design flow depths at the road centerline for all crossings shall not exceed six (6) inches during the peak flows generated by the 100-year, 24-hour design storm, using planned land use conditions for the entire contributing watershed area. All predevelopment runoff storage areas within the flow path upstream of bridges and cross-culverts shall be preserved and designated as drainage easements, unless compensatory storage is provided and accounted for in modeling. As-built documentation shall be submitted in accordance with Section 34-8 for all new or modified structures that are located within a mapped floodplain or that the Village Engineer determines to be necessary to maintain floodplain modeling for the applicable watershed.

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

(f) *Open channels.* All open channel drainage systems shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed area. Side slopes shall be no steeper than 3h:1v unless otherwise approved by the Village Engineer for unique site conditions. Open channels that carry runoff from more than

130 acres shall at a minimum be designed to carry the peak flows from a 25-year, 24-hour design storm.

(g) *Storm sewers.* All storm sewers shall be designed in accordance with applicable community technical standards and specifications.

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

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

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

(3) ADDITIONAL REQUIREMENTS. The Plan Commission, upon recommendation of the Village Engineer, may establish more stringent requirements than the minimums set forth in this section, such as addressing thermal impacts of storm water or chronic wetness conditions, if the Plan Commission determines that an added level of protection is needed to protect:

(a) A cold water stream, outstanding water resource or exceptional water resource, as referenced in Chapter 14 of the Waukesha County Code of Ordinances;

(b) An environmentally sensitive area;

(c) A downstream property; or

(d) Public health or safety.

(4) ALTERNATE REQUIREMENTS. The Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on—site storm water management performance standards under 34-7 (5).

34-10 Maintenance Agreement

(1) MAINTENANCE AGREEMENT REQUIRED. The required maintenance agreement shall be an agreement between the Village and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the Waukesha County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following, minimum information and provisions:

(a) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 34-9.

(c) Identification of the property or easement owner, organization or county, or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under 34-9. For land divisions and planned unit developments, all storm water BMPs that collect runoff from multiple lots or dwellings shall be located on separate outlots which shall be owned in proportional, undivided shares by all properties that drain to the BMP.

(d) Requirement that the responsible party(s), organization, or county, or town shall maintain storm water management practices in accordance with the schedule included under par. (b).

(e) Authorization for the Village staff or contractors to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Village of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Village.

(g) Authorization for the Village to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Village Treasurer shall enter the amount due on the tax rolls and collect the money as a special assessment or charge against the property pursuant to subch. VII of Wis. Stat. Ch. 66 as amended from time-to-time.

34-11 Financial Guarantee

(1) ESTABLISHMENT OF THE GUARANTEE. The Village Board may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Attorney. The financial guarantee shall be in an amount determined by the Village Engineer to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period initial construction phase of the underlying development. The financial guarantee shall give the Village the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved

storm water management plan, upon written notice to the responsible party by the administering authority that the requirements of this article have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The Village Board shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a Wisconsin licensed professional engineer and approval of said plans by the Village Engineer. The engineer shall shall verify that the engineer has successfully completed all site inspections outlined in the approved plans and that the construction of all storm water management BMPs comply with the approved plans and applicable technical standards or otherwise satisfy all requirements of this article. If warm season or wetland plantings are involved, a landscape architect or other qualified professional shall verify the planting process and its successful establishment. As-built plans shall be submitted for all storm water BMPs, bridges and culverts, and other permanent practices or practice components as deemed necessary by the Village Engineer to ensure its long-term maintenance. The Village Engineer may require a digital submittal of the as-built plans. The Village Engineer may recommend provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Village Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices and facilities, less any costs incurred by the Village, at such time that the practice or facility and underlying development are completed.

34-12 Fee Schedule.

The fees referred to in other sections of this chapter shall be established by the Village of Lannon and may from time to time be modified by resolution.

34-13 Inspection and Enforcement.

(1) The Village Engineer, or his designee(s), may access the site periodically to inspect storm water management practices and facilities to evaluate compliance with the approved storm water management plan.

(2) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this article by any person, firm, association, or corporation subject to the article provisions shall be deemed a violation unless conducted in accordance with the requirements of this article.

(3) The Village Engineer, or his designee(s), shall provide written notice to the responsible party by of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(4) Upon receipt of written notification from the Village Engineer under sub. (3), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village Engineer in the notice.

(5) If the violations to a permit issued pursuant to this article are likely to result in damage to properties, public facilities, or waters of the state, the Village Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village plus interest and legal costs shall be billed to the responsible party as a special charge under Wis. Stat. Chapter 66.

(6) The Village Engineer, or his designee(s), are authorized to post a stop work order on all land disturbing construction activity that is in violation of this article, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

(7) The Village Engineer may revoke a permit issued under this article for non-compliance with article provisions.

(8) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village Engineer, Village Attorney, the Village Board of Trustees, or by a court with jurisdiction.

(9) The Village Engineer is authorized to refer any violation of this article, or of a stop work order, or of a cease and desist order issued pursuant to this article, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(10) Any person, firm, association, or corporation violating the provisions of this article shall be subject to penalties as provided in Section 1-4 of the Village Code of Ordinances. Each day of each violation shall constitute a separate offense.

(11) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

(12) When the Village Engineer determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Village Engineer, or his designee(s), may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

34-14 Appeals.

(1) BOARD OF ZONING APPEALS. The board of zoning appeals, created pursuant to Wis. Stat. s. 61.35(7)(e) shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in

administering this article. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this article that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the article will result in unnecessary hardship.

(2) WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, or board of the Village of Lannon affected by any decision of the Village Engineer/Building Inspector.

Sections 34-15 through 34-50 (Reserved).

ARTICLE II.
CONSTRUCTION SITE EROSION CONTROL

34-51 Authority.

(1) This article is adopted under the authority granted by Wis. Stat. § 61.354. This article supersedes all provisions of any previously enacted article related to construction site erosion control. Except as otherwise specified in Wis. Stat. § 61.35, Wis. Stat. § 61.354 applies to this article and to any amendments to this article.

(2) The provisions of this article shall not be deemed to limit any other lawful regulatory powers of the Village.

(3) The Village of Lannon hereby designates the Village Building Inspector/Village Engineer to administer and enforce the provisions of this article.

(4) The requirements of this article do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stat. §§ 281.16 and 283.33.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

34-52 Findings of Fact.

The Village of Lannon finds that runoff from land disturbing construction activity may carry a significant amount of sediment and other pollutants into ground and surface waters and waterways in the Village of Lannon.

34-53 Purpose.

It is the purpose of this article to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged

from land disturbing construction activity to ground and surface waters and waterways in Village of Lannon.

34-54 Applicability and Jurisdiction.

(1) APPLICABILITY.

(a) Any land disturbing activity shall be subject to erosion and sediment control provisions of this article, if:

i. A subdivision plat would result, or if construction of buildings on platted lots results;

ii. A certified map would result, or if construction of buildings on certified survey map lots results;

iii. An area of 4,000 square feet or greater will be disturbed by excavation, grading, filling, or other earth moving activities, resulting in a loss or removal of protective ground cover, vegetations;

iv. Excavation, fill, or any combination thereof, will exceed 400 cubic yards; or more than 15 cubic yards within areas specified by the Waukesha County Shoreland and Floodland Protection Article;

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

vi. Any watercourse is to be changed, enlarged or materials are removed from a river, stream, swamp, or lake bed; or

vii. Any utility work in which underground conduits, piping, wiring, water lines, sanitary sewers, storm sewers or similar structures will be laid, repaired, replaced or enlarged, if such work involves more than 300 linear feet of each disturbance.

viii. Grading, removal of protective ground cover or vegetation, excavation, landfilling or land disturbing activity within 200 feet of a lake, stream, or wetland when work affects more than 10 cubic yards of material.

(b) This article does not apply to the following:

i. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under Wis. Admin. Code §§ Comm. 21.125 or 50.115.

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

iii. Nonpoint discharges from agricultural facilities and practices that are conducted more than fifty feet (50’) from any navigable waterway or wetlands.

iv. Nonpoint discharges from silviculture activities that are conducted more than fifty feet (50’) from any navigable waterway or wetlands.

v. Routine maintenance for project sites under one-half acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this article applies to construction sites of any size that, in the opinion of the Village Engineer or Village Building Inspector, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This article applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Lannon.

34-55 Definitions.

(1) “Administering authority” means a governmental employee, or a regional planning commission empowered under Wis. Stat. § 62.234 that is designated by the Village of Lannon to administer this article.

(2) “Agricultural facilities and practices” has the meaning in Wis. Stat § 281.16(1).

(3) “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.

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

(5) “Business day” means a day the office of the Building Inspector/Village Engineer is routinely and customarily open for business.

(6) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(8) “Division of land” means the creation from one parcel of two or more parcels or building sites of [number] or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.

(9) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(10) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

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

(12) “Governing body” means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

(13) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. “Land disturbing construction activity” includes activities such as clearing and grubbing, demolition, excavating, pit trench dewatering, filling, grading, and other similar activities.

(14) “MEP” or “maximum extent practicable” means 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 the performance standards and may vary based on the performance standard and site conditions.

(15) “Performance standard” means an objective, measurable number specifying the minimum acceptable outcome for a facility or practice.

(16) “Permit” means a written authorization issued by the Building Inspector/Village Engineer to an applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(17) “Pollutant” has the meaning given in Wis. Stat. § 283.01 (13).

(18) “Pollution” has the meaning given in Wis. Stat. § 281.01 (10).

(19) “Responsible party” means the entity holding fee title to the property.

(20) “Runoff” means storm water or precipitation including rain, snow, ice melt, or similar water that moves on the land surface via sheet or channelized flow.

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

(22) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which is designed or used for collecting and conveying storm water runoff.

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

(24) “Stop work order” means an order issued by the Building Inspector/Village Engineer that requires that all construction activity on the site be stopped.

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

34-56 Technical Standards.

(1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this article shall meet the design criteria, standards and specifications based on any of the following:

(a) Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.

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

(c) For this article, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Village Engineer or Plan Commission.

34-57 Performance Standards.

(1) RESPONSIBLE PARTY. The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with section 34-59, that incorporates the requirements of this section.

(2) PLAN. A written plan shall be developed in accordance with section 34-59 and implemented for applicable land development activities.

(3) EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS. The plan required under sub. (2) shall include the following:

(a) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

(b) Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce

the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(c) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

i. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

ii. Prevent the discharge of sediment as part of site de- watering.

iii. Protect the separate storm drain inlet structure from receiving sediment.

(d) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

(4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering any lake, stream, river, swamp, or wetlands or any storm water management system.

(5) ALTERNATE REQUIREMENTS. The Village Engineer may establish alternative erosion and sediment control requirements more stringent than those set forth herein if the Village Engineer determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this article and Village of Lannon Erosion Control and Storm water Management Requirements shall be considered in accordance with section 34-12.

34-58 Permitting Requirements, Procedures, and Fees.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Building Inspector or Village Engineer.

(2) PERMIT APPLICATION AND FEES. The responsible party desiring to undertake a land disturbing construction activity subject to this article shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 34-59. The applicant shall pay an application fee as determined by the Village. By submitting an application, the applicant is authorizing the Village staff to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Building Inspector or Village Engineer shall review any permit application that is submitted with an erosion

and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) The Building Inspector or Village Engineer may request additional information if required for a complete application within 15 business days of receipt of any permit application. Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2) and any additional information requested by the Village Building Inspector or Village Engineer the Building Inspector or Village Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.

(b) If the permit application and plan are approved, the Building Inspector or Village Engineer shall issue the permit.

(c) If the permit application or plan is disapproved, the Building Inspector or Village Engineer shall state in writing the reasons for disapproval.

(4) FINANCIAL GUARANTEE. As a condition of approval and issuance of the permit, the Building Inspector or Village Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions. The amount of financial guarantee required under this section shall be established by the Building Inspector or Village Engineer, in his or her discretion, taking into consideration the projected cost of the BMPs and other facilities required in the approved erosion control plan together with a reasonable estimate of the cost of site stabilization and/or cleanup in the event of noncompliance with the approved erosion control plan.

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

(a) Notify the Building Inspector/Village Engineer three (3) full Village business days prior to commencing any land disturbing construction activity.

(b) Notify the Building Inspector/Village Engineer of completion of any BMPs within three (3) full Village business days after their installation.

(c) Obtain permission in writing from the Building Inspector/Village Engineer prior to any modification pursuant to 34-58 of the erosion and sediment control plan.

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

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

(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log. Remove accumulated sediment from downstream culverts, storm sewers, and other drainage facilities. Remove accumulated sediment from waterways upon obtaining of necessary permit(s) from the Wisconsin Department of Natural Resources.

(g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion

control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) Allow the Village staff to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Building Inspector or Village Engineer in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in 34-57.

(7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The permit duration may be extended one or more times for up to an additional 180 days. The Building Inspector or Village Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this article.

(8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this article until the site has undergone final stabilization.

34-59 Erosion and Sediment Control Plan, Statement, and Amendments.

(1) EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared and submitted to the Village of Lannon.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in 34-7 and other requirements of this ordinance.

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

i. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

ii. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a map at a scale of 1 inch equals no more than 50 feet.

iii. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify

the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

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

v. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

vi. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

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

viii. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information or Waukesha County's Interactive Map Website.

ix. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps, Waukesha County's Interactive Map Website, or the Wisconsin DNR Website.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 50 feet per inch and at a contour interval not to exceed one foot.

i. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

ii. Boundaries of the construction site.

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

iv. Areas of soil disturbance.

v. Location of major structural and non-structural controls identified in the plan.

vi. Location of areas where stabilization practices will be employed.

vii. Areas which will be vegetated following construction.

viii. Area extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

ix. Locations of all surface waters and wetlands within one mile of the construction site.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

i. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

ii. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Engineer, structural measures shall be installed on upland soils.

iii. Management of overland flow at all sites, unless otherwise controlled by outfall controls.

iv. Trapping of sediment in channelized flow.

v. Staging construction to limit bare areas subject to erosion.

vi. Protection of downslope drainage inlets where they occur.

vii. Minimization of tracking at all sites.

viii. Clean up of off-site sediment deposits.

ix. Proper disposal of building and waste materials at all sites.

x. Stabilization of drainage ways.

xi. Control of soil erosion from dirt stockpiles.

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

xiii. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under 34-54 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Building Inspector or Village Engineer. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The Village Building Inspector or Village Engineer notifies the applicant of changes needed in the plan.

34-60 Pollutant Control Requirements.

The following requirements shall be met on all sites described in Section 34-54:

(1) Site Stabilization. The disturbed area shall be stabilized by seeding, sodding, or other permanent means.

(2) Tracking Prevention and Cleanup. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning before the end of each workday. Flushing may not be used unless the sediment will be controlled by a filter fabric barrier, sediment trap, sediment basin or equivalent best management practice, and not without prior written approval of the Agent.

(3) Drain Inlet Protection. Downslope storm drain inlets shall be protected.

(4) Site Dewatering. Water pumped from the site shall be treated by an appropriately sized fabric filter barrier, sediment trap, sediment basin or equivalent best management practice. Water may not be discharged in a manner that causes erosion or damage of the site, adjacent properties or receiving channels.

(5) Sediment Cleanup. All off-site sediment deposits shall be cleaned up by the end of the next work day unless environmental damage will occur in which case clean up shall occur at the direction of the Village Engineer, Building Inspector, or designee. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up at the end of the work day.

(6) Waste and Material Management and Disposal. All waste and unused building materials shall be properly managed and disposed of to prevent pollutants and debris from being carried by runoff off the site.

(7) Soil or Dirt Storage Piles. Soil or dirt storage piles shall be located at least 25 feet from any downslope road, lake, stream, wetland, ditch, channel, or other watercourse and protected in accordance with Section 34-57. Piles located in the street or within 25 feet of any downslope road, lake, stream, wetland, ditch, channel, or other watercourse shall require the use of additional best management practices.

34-61 Fee Schedule.

The fees referred to in other sections of this article shall be established by the Village Board and may be modified from time to time.

34-62 Inspection.

(1) The Village Engineer, Building Inspector, or designee may access the site for the purpose of inspecting installation and construction of best management practices at any time between initiation of construction activities and final inspection/release of the project guarantee.

(2) If land disturbing construction activities are being carried out without a permit required by this article, the Building Inspector/Village Engineer may enter the land pursuant to the provisions of Wis. Stat. §§ 66.0119(1), (2), and (3).

34-63 Enforcement.

(1) The Building Inspector or Village Engineer may post a stop-work order if any of the following occurs:

(a) Any land disturbing construction activity regulated under this article is being undertaken without a permit.

(b) The erosion and sediment control plan is not being implemented in a good faith manner.

(c) The conditions of the permit are not being met.

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

(3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Building Inspector or Village Engineer, or if a responsible party violates a stop-work order posted under sub. (1), the Building Inspector or Village Engineer may request the Village attorney to obtain a cease and desist order in any court with jurisdiction together with applicable penalties under sub. (6).

(4) The Village Engineer or Building inspector or the board of zoning appeals may retract a stop-work order issued under sub. (1) or a permit revocation under sub. (2).

(5) After posting a stop-work order under sub. (1), the Building Inspector or Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. Village staff or contractors may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Board, plus interest at the rate authorized by the Village Board shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to subch. VII of Wis. Stat. ch. 66.

(a) Any person violating any of the provisions of this article shall be subject to penalties under Section 1-14 of the Code of Articles. Each day a violation exists shall constitute a separate offense.

(b) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

34-64 Appeals.

(1) BOARD OF ZONING APPEALS. The board of zoning appeals created pursuant to Sec. 2-151 of the Code of Ordinances, pursuant to Wis. Stat. § 61.35(7)(e).

a. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector/Village Engineer in administering this article except for cease and desist orders.

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

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

(2) WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or the Village of Lannon affected by any decision or order of the Building Inspector/Village Engineer within thirty (30) days of such decision or order.

SECTION 4: If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

SECTION 5: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in full force from and after its passage.

Passed and approved this 9th day of February, 2009.

VILLAGE OF LANNON

BY: D. W. Martin
D.W. Martin, Village President

ATTEST:
James J. Lamb
James Lamb, CMC, Village Clerk