

CHAPTER 23
STORM WATER MANAGEMENT
(Rep. & Recr. Ord. #2707 – 3/24/12)

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23.01 INTRODUCTION.

(1) TITLE. This chapter shall be known as, referred to, and may be cited as the "Storm Water Management Code."

(2) FINDINGS AND PURPOSE. The City finds that urbanization can accelerate the processes of erosion and sedimentation, storm water runoff, flooding and water pollution in the City and environs. The City further finds that efficient and effective control of storm water runoff requires careful study of the magnitude and frequency of the storm water flows to be accommodated, the hydrologic and hydraulic characteristics determining the rates and volumes of runoff, and the identification of the most cost effective means of accommodating the storm water runoff. It is declared to be the purpose of this chapter to preserve and protect the natural resources of the area; improve drainage and control floods; protect the capacity of drainage facilities; prevent impairment of dams and reservoirs; enhance the quality of public waters; preserve wildlife; protect the tax base; and promote the public health, safety and general welfare of the people of the City.

(3) APPLICABILITY. This chapter applies to the use of lands within the incorporated boundaries of the City and lands subject to extraterritorial land division review pursuant to ch. 18 of this Code, provided that such lands drain toward or across lands lying within the adopted sanitary sewer service area.

(4) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. The requirements of this chapter 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 sec. 281.16 and sec. 283.33, Wis. Stats.

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

(5) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

23.02 LAND DEVELOPMENT ACTIVITIES SUBJECT TO STORM WATER MANAGEMENT.

(1) GENERAL REQUIREMENT. Any landowner, land occupier or land user who

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engages in land development activities, or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this chapter.

(2) **LAND DEVELOPMENT ACTIVITIES SUBJECT TO STORM WATER MANAGEMENT.** Land development activities shall be subject to the provisions of this chapter if:

(a) The land development activity will result in a residential development requiring a subdivision plat or certified survey map; or

(b) The land development activity will result in a multi-family residential development or planned unit development not requiring a subdivision plat or certified survey map; or

(c) The land development activity will result in a development other than residential; or

(d) Runoff from the land subject to development activity will, regardless of the size of the parcel, exceed the available capacity of the receiving watercourse or drainage facility or cause undue channel erosion; or

(e) The land development activity will, regardless of the size of the parcel, significantly increase flood stages, significantly increase water pollution, or otherwise adversely affect property or the public health, safety or welfare. An increase in the stage of a 100 year reoccurrence interval flood in a natural watercourse of one-tenth of a foot (0.1') shall be considered significant; or

(f) Any new public or private roads are to be constructed; or

(g) The activity ultimately results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller sites that are part of a common plan of development; or

(h) The activity ultimately results in one acre or more in total land disturbance.

(3) EXEMPTIONS AND TECHNICAL WAIVERS.

(a) General Exemption. The following sites shall be exempt from of the requirements of this chapter:

1. A post-construction site with less than 10 percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre.

2. 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 the utility construction.

(b) Technical waiver. The City Engineer may grant a waiver from certain technical requirements for a site or a portion of a site if the City Engineer determines that one or more of the following applies:

1. Off-Site BMP(s). The technical requirement has been satisfied through the use of off-site BMP(s). Off-site BMP(s) can be installed beyond the boundaries of the property covered by the application as part of a regional storm water management plan or through other legal arrangements. However, to be eligible for this waiver, the off-site BMP(s) must treat runoff from the site. The treatment must meet the water quality requirements of NR 151.

2. No Off-Site Impacts. The site will have no off-site impacts or is internally drained and will not discharge runoff from the site after development occurs.

3. Site Conditions - It is impractical to meet performance standards when taking into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

4. Compliance would be in direct conflict with other regulations or related objectives of this chapter which would take precedent.

(c) In cases where a technical waiver is granted per (3) (b) 3. or (3)(b)4., standards shall be met to the maximum extent practicable as defined in Wisconsin Administrative Code NR 151 (latest version)

23.03 STANDARDS AND CRITERIA.

(1) EFFECT OF COMPLIANCE. Compliance with the standards and criteria of this section shall not bar a nuisance action or other civil action brought by any injured public or private party.

(2) STANDARDS FOR STORM WATER MANAGEMENT AND ON-SITE DETENTION FOR LAND DEVELOPMENT ACTIVITIES. Storm water management facilities shall be constructed consistent with the Storm Water Management System Plan, as defined in subsec. (4)(d), below. Unless the Storm Water Management System Plan provides otherwise, storm water management facilities for a land development activity shall comply with the following standards:

(a) Storm water management facilities shall limit the calculated peak runoff rate to a rate equal to or less than the calculated peak runoff rate of the property prior to the development activity for the design storm. Detention facilities shall be provided for detention of storm water runoff in excess of the calculated peak runoff rate of the property

prior to the development activity for the design storm. Storm water detention may be provided by the landowner/land user on-site or adjacent to the site. In the case where off-site detention or other storm water management facility(s) are utilized, the owner of the off-site facility(s) could, if they so choose, require the applicant that intends to use the facility(s) to reimburse them for a proportionate share of the cost of the facility(s).

(b) Peak flows from lands subject to development activities shall not cause surcharging of engineered or constructed drainage facilities.

(c) To the extent practical, storm water management shall prevent development activities from causing any increase in flooding, erosion, sedimentation, pollution or other adverse environmental effects.

(d) The total suspended solids removal requirements in NR 151.122, Wis. Adm. Code.

(e) The infiltration requirements of NR 151.124, Wis. Adm. Code.

(3) DESIGN CRITERIA AND ENGINEERING STANDARDS. This chapter does not require the use of any particular type of structural or nonstructural measure to meet the standards of sub. (2), above. The applicant may employ any structural or nonstructural measures which will be effective in achieving all applicable standards set forth in this chapter.

(4) TECHNICAL STANDARDS. The following technical standards shall be used in designing the water quality, peak flow reduction and infiltration components of the storm water practices needed to meet the water quality standards of this chapter:

(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 City Engineer.

(c) “Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a DNR publication for the location closest to the Municipality.

(d) To the extent practicable, all storm water management plans shall be consistent with Southeastern Wisconsin Regional Planning Commission Community Assistance Planning Report No. 173, A Storm water Management Plan for the City of West Bend Washington County Wisconsin, otherwise known as the Storm Water Management System Plan.

(5) PERFORMANCE STANDARDS

(a) Total Suspended Solids. Storm water facilities shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site in accordance with NR 151.122, Wis. Admin. Code.

(b) Peak Discharge. Storm water facilities shall be designed, installed and maintained to comply with the peak discharge rates in accordance with NR 151.123, Wis. Admin. Code. The following may be exempt from the peak discharge rates, subject to approval by the City Engineer:

1. A redevelopment post-construction site with no increase in impervious area. However, any site with an existing storm water management plan shall, at a minimum, continue to meet the requirements of that plan.

2. Lands part of a larger development where water quality and quantity controls were constructed as part of a larger development.

(c) Infiltration. Storm water management facilities shall be designed, installed, and maintained to infiltrate, to the extent practicable, in accordance with NR 151.124, Wis. Admin. Code.

(d) Protective Areas.

1. As used in this subsection, “Protective area” shall be defined as it is in NR 151.125, Wis. Admin. Code.

2. The required width of protective areas along various types of water resources and wetlands are as described in NR 151.125, Wis. Admin. Code.

3. The following requirement shall be met:

a. Impervious surfaces shall be kept out of the protective area. The City Engineer may approve impervious surfaces in the protective area if, in the judgment of the City Engineer, a variance of this restriction is warranted. 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 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. Non-vegetative materials, such as a rock riprap, may be used 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 areas.

4. Exceptions. The requirements of this subsection (d) do not apply to the following:

a. Redevelopment post-construction sites. However, any site with an existing storm water management plan shall, at a minimum, continue to meet the requirements of that plan.

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 sec. 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 BMP's designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

(5) CONSTRUCTION STANDARDS. All work performed under this chapter shall comply with the applicable sections of the Standard Specifications for Public Works Construction, City of West Bend, Wisconsin, latest edition including amendments subsequent to the adoption of this section.

23.04 STORM WATER MANAGEMENT PLANS.

(1) STORM WATER MANAGEMENT PLAN REQUIRED. Unless specifically excluded by this chapter, no land occupier or land user may undertake a land development activity subject to this chapter without preparing a storm water management plan and obtaining approval of the plan from the City Engineer prior to commencing the proposed activity. The application for approval of a storm water management plan shall be made on a form provided by the City Engineer and signed by the person engaging in land development activities and the owner of the land on which the development activities occur.

(2) CONTENTS OF THE STORM WATER MANAGEMENT PLAN. The storm water management plan shall contain all information which the City Engineer may need to evaluate determinations of runoff rates and volumes, their control and water quality treatment. The City Engineer may require the following, as well as any other information

which, in his judgment, is needed to evaluate the storm water management plan:

(a) A legal description of the property by metes and bounds, by U.S. Public Land Survey Township and Range, and by U. S. Public Land Survey section and quarter-section; or by block number and lot number within a recorded subdivision or certified survey map.

(b) A topographic map of the site, at a scale of not smaller than one inch equals 100 feet and with a vertical contour interval of not greater than 2 feet, showing existing grades and proposed grades, and including enough of the contiguous properties to show existing on-site drainage patterns and watercourses that may affect or be affected by the proposed development of the site. The site boundaries shall also be shown clearly on the map.

(c) Plans and, as may be appropriate, profiles and cross sections, and hydraulic design computations for all temporary or permanent storm water management measures. The plans shall be prepared at a scale not smaller than one inch equals 100 feet and shall show:

1. The name, address and telephone number of the landowner, along with the name and telephone number of the party responsible for maintenance of any storm water management measures if different from the owner.

2. The limits of the natural flood plain, if any, on and immediately adjacent to the site, based on the 100-year recurrence storm event under both existing and proposed land use conditions. Peak flood stages referred to national geodetic vertical datum attendant to these flood plains shall be provided.

3. The estimated volume of runoff from the area under both existing and proposed land use conditions for the 1, 2, 10, and 100 year recurrence interval storm event and for the recurrence interval storm event used in the design of receiving engineered and constructed drainage facilities as determined by methods set forth in TR-55 or other methods approved by the City Engineer.

4. The estimated peak rate of runoff from the area under both existing and proposed land use conditions for the 1, 2, 10, and 100 year recurrence interval storm event and for the recurrence interval storm event used in the design of receiving engineered and constructed drainage facilities as determined by methods set forth in TR-55 or other methods approved by the City Engineer. This rate shall be determined for the point of discharge from the site and for such locations on the site and downstream of the site as may be required by the City Engineer. To assist in evaluation of the determination of peak rate of runoff the plan shall include for existing and proposed conditions: soil types, pervious and impervious areas, vegetative cover and its condition, watershed boundaries and sub watershed boundaries.

5. The location of any and all proposed on-site conveyance and storage facilities and all associated maintenance easements.

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6. Proposed provisions to carry runoff to the nearest outlet from the site such as a curbed street, storm sewer, constructed drainage way or natural watercourse.

7. Design computations and applicable assumptions for all structural measures for storm water management. Volumes, peak rates of discharge and velocities of flow shall be provided for all conveyance and storage measures and outfalls.

8. A long term maintenance plan for the storm water management facilities. The plan shall include all maintenance easements.

9. Estimated starting and completion dates for the construction of storm water management measures.

10. Water quality calculations for existing conditions and proposed conditions. The calculations for the proposed condition shall include both the “no control condition” and the “with control condition” to demonstrate that the required reduction in TSS has been reached at each discharge point or area. Pollutant loading computations are to be shown to demonstrate compliance with required reductions.

11. Calculations for infiltration volumes and rates.

(d) Copies of review letters and permits issued by State and Federal agencies.

(e) Prior to the approval of a storm water management plan, the applicant shall furnish, when required by the City, a consent and waiver in a form approved by the City Attorney which shall be recorded in the office of the Register of Deeds. Such consent and waiver shall provide that the owner consents to the installation of storm water management measures at the discretion of the City, consents to the imposition of special assessments or special charges therefor, and waives all notice and hearing requirements for the imposition of such special assessments or special charges.

(3) REVIEW OF STORM WATER MANAGEMENT PLAN. The City Engineer shall receive and review all storm water management plans and shall determine if measures included in the plan to control runoff are adequate to meet all the applicable standards as set forth in sec. 23.03 of this chapter and are consistent with the storm water management system plan. The City Engineer shall inform the applicant, in writing, whether he approves, conditionally with modifications, or disapproves the storm water management plan and shall specify a date when the storm water management measures shall be completed or the approval will become null and void. If additional information or modifications are required, the City Engineer shall so notify the applicant. In the event that the plan is disapproved, or modifications are required, the applicant may submit a new storm water management plan or may appeal the City Engineer's decision as provided in sec. 23.06 of this chapter.

(4) COMPLIANCE CONDITIONS. All approvals shall be subject to the following conditions and requirements and any applicant who begins to perform any land development

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activity shall be deemed to have accepted all of the following conditions and requirements:

(a) All construction and development shall be carried out in compliance with the storm water management plan as approved by the City Engineer.

(b) The applicant shall give written notice to the City Engineer at least 2 work days, and not more than 10 work days, before the start of any land development activity.

(c) The applicant shall file written notice of the completion of all land development activities and the completion of installation of all on-site detention facilities within 10 work days after completion.

(d) Approval in writing must be obtained from the City Engineer prior to any modifications to the approved storm water management plan.

(e) The applicant shall be responsible for maintaining all public rights of way, streets, runoff and drainage systems and drainage ways as specified in the approved storm water management plan until they are accepted and become the responsibility of the governmental entity concerned.

(f) The applicant agrees to permit the City Engineer to enter onto the land regulated under this chapter for the purpose of inspecting for compliance with the approved storm water management plan.

(g) The applicant must provide and install, at his expense, all storm water management improvements, as required by this chapter and the approved storm water management plan. In the event the Board of Public Works determines it is necessary to construct storm water management facilities within a development to serve other land, or to construct storm water management facilities outside a development to serve the development, the City shall construct such storm water management facilities and the applicant shall share the cost thereof. The applicant's share of the cost shall be determined by the Common Council after considering the area of the development served by the facilities, the total area served by the facilities, anticipated runoff from the areas served by the facilities, and such other factors as the Council considers relevant.

(h) The applicant authorizes the City Engineer acting pursuant to §66.0627, Wis. Stats., to perform any work or operations necessary to bring the condition of the lands into conformity with the approved storm water management plan, or plan as modified by the City Engineer, and further consents to the City placing the total of the costs and expenses of such work and operations upon the tax roll as a special charge against the property.

(5) FEES. The applicant shall pay to the City Clerk all fees required herein at the times and in the amount specified below:

(a) The applicant shall pay an application fee of \$50 at the time the storm

water management plan is submitted for initial review.

(b) The applicant shall pay a storm water management plan review fee equal to the actual costs to the City to review the plan, minus the \$50 application fee, at the time the plan is approved or denied. The applicant shall pay the actual costs of review for subsequently modified plans; however, additional application fees will not be required.

(c) The applicant shall pay an inspection fee equal to the actual costs to the City of inspecting the storm water management measures, both during construction and upon completion.

(6) SURETY BOND. As a condition for approval of the storm water management plan, the City may require the applicant to deposit an irrevocable letter of credit, or other financial security to guarantee the faithful execution of the approved storm water management plan and plan approval conditions in the amount of the estimated cost of improvements as approved by the City Engineer. All securities must be approved by the City Attorney.

23.05 ADMINISTRATION.

(1) DELEGATION OF AUTHORITY. The City Engineer shall administer and enforce the provisions of this chapter under the general direction of the Board of Public Works.

(2) INSPECTION AUTHORITY. The City Engineer may enter upon any public or private lands affected by this chapter to inspect the land prior to approval of plans for the purpose of determining whether to approve the plan and, after plan approval, to determine compliance with this chapter. If permission cannot be received from the land occupier or user, entry by the City Engineer shall be in accordance with §66.0119, Wis. Stats.

(3) ENFORCEMENT AUTHORITY. The City Engineer may issue a stop work order for any land development activity in violation of this chapter. The stop work order shall specify the reason for its issuance and be served by conspicuously posting a copy on the parcel where the violation occurred and by mailing a copy to the applicant or parcel owner at the last known address. The stop work order shall require cessation of all work on the parcel, except for work required to comply with an approved storm water management plan, and compliance with this chapter within seven days of service. The stop work order shall remain in effect until the City Engineer inspects the parcel and finds it to be in compliance and so notifies the applicant or owner in writing.

23.06 APPEALS.

(1) AUTHORITY. The Board of Public Works shall:

(a) Hear and decide appeals where it is alleged that there is error in any

order, requirement, decision or determination made by the City Engineer in administering this chapter.

(b) Authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would cause an undue hardship.

(2) WHO MAY APPEAL? Appeals may be taken by any person aggrieved or by any officer, department or board of the City affected by the order, requirement, decision or determination made by the City Engineer. Such appeals shall be filed with the Board of Public Works within 30 days after the date of the written notice of the decision or order of the City Engineer.

23.07 DEFINITIONS. As used in this chapter, the following words and phrases shall be defined as indicated unless the context requires otherwise:

(1) AGRICULTURAL LAND USE means land used for agricultural practices as defined in sec. 281.16, Wis. Stats.

(2) APPLICANT means a person who applies or is required to apply for approval of a storm water management plan including the land owner and the person engaging in land development activities.

(3) 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.

(4) CALENDAR DAY includes every day shown on the calendar, including Sundays and holidays.

(5) DAY means calendar day unless otherwise specified.

(6) DESIGN STORM means the storm of given duration and intensity used to design the storm facility. The average period of time in which this storm can be expected to be equaled or exceeded is expressed in years (same as storm frequency). For minor storm water conveyance and storage facilities as described in the storm water management system plan, the design storm is a 10 year storm event unless the City Engineer has specified a different storm event for reasons consistent with the purposes of this chapter. For major storm water conveyance and storage facilities as described in the storm water management system plan, the design storm is a 100 year storm event.

(7) DETENTION means the temporary storage of surface runoff on, below or above the ground surface, accompanied by the controlled release of the stored water.

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

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

(10) EXCAVATION means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include conditions resulting there from.

(11) EXISTING GRADE means the vertical location of the existing ground surface prior to excavation or filling.

(12) FILL means any act by which earth, sand, gravel, rock, construction rubble or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include conditions resulting there from.

(13) IMPERVIOUS SURFACE means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, graveled or paved parking lots and streets are examples of areas that typically are impervious.

(14) INFILTRATION means the entry and movement of precipitation or runoff into or through the soil.

(15) 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.

(16) LAND DEVELOPMENT ACTIVITY includes any land alterations or disturbances which will result in alteration of or increase in runoff, including, but not limited to, removal of ground cover, grading, excavating and filling of land, and any other manmade improvements made to improved or unimproved real estate. This term does not include agricultural land uses.

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

(18) LAND OCCUPIER means any person who has a fee simple interest in the land either as sole owner, as a tenant in common or a joint tenant, or who holds as a trustee,

assignee, or land contract vendee.

(19) LAND USER includes those who use land, individually or collectively, as owners, operators, lessors, renters, occupiers who are providing a service that requires access to or alterations of the land in order to perform the service, and any other person who disturbs private or public land for any purpose.

(20) LONG TERM MAINTENANCE PLAN means a written plan detailing the actions that are to be taken to assure that the storm water facility(s) continues to function as designed.

(21) OFF-SITE means located outside the property boundary described in the permit application.

(22) ON-SITE means located within the property boundary described in the permit application.

(23) PARCEL means all contiguous lands under the ownership or control of a land occupier or land user.

(24) PEAK FLOW means the maximum rate of flow of water at a given point in a channel, watercourse or conduit resulting from a predetermined storm or flood.

(25) PEAK RUNOFF RATE means the maximum rate at which runoff flows across the ground surface (the top of the hydrograph for a given storm event).

(26) 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.

(27) POLLUTANT has the meaning given in sec. 283.01(13), Wis. Stats.

(28) POLLUTION has the meaning given in sec. 281.01(10), Wis. Stats.

(29) POST-CONSTRUCTION SITE means a construction site following the completion of land disturbing construction activity and final site stabilization.

(30) REDEVELOPMENT means areas where development is replacing older development.

(31) RUNOFF storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

(32) SITE means the entire area included in the legal description of the land on which the land disturbing activity occurred.

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(33) STOP WORK ORDER means an order issued by the City Engineer which requires that all construction activity on the site be stopped.

(34) STORM FREQUENCY means the average period of time in which a storm of given duration and intensity can be expected to be equaled or exceeded, expressed in years. The 100-year recurrence interval storm, or that storm having a 1% probability of being equaled or exceeded in any given year, is generally used for flood land zoning regulations. Other common storm events include the 50-year recurrence interval storm, or that storm having a 2% probability of being equaled or exceeded in any given year; the 10-year recurrence interval storm, or that storm having a 10% probability of being equaled or exceeded in any given year; and the 2 year recurrence interval storm, or that storm having a 50% probability of being equaled or exceeded in any given year. A 24 hour storm as defined in TR-55 will be used unless otherwise allowed by the City Engineer.

(35) STORM SEWER means a closed conduit for conducting collected storm water.

(36) STORM WATER MANAGEMENT means the science of and the engineering practice intended to reduce the frequency, depth and lateral extent of storm water inundation and to control erosion, sedimentation, pollution and other adverse environmental effects.

Storm water management facilities can be conveyance-oriented or storage-oriented. Conveyance-oriented storm water management facilities consist of collecting storm water in a system of open drainage canals and channels, ditches, streams, storm sewers, culverts, streets, inlets, catch basins, pumping stations, and/or energy dissipaters and immediately carrying it to a point of discharge, usually on a natural watercourse, so as to minimize disruption and damage. Storage-oriented storm water management provides for temporary or permanent storage of storm water within or near a service area consisting of detention basins, retention basins, sedimentation basins and/or sedimentation traps for subsequent slow release to downstream channels or storm sewers. Unless otherwise prohibited, infiltration systems may be required by the City Engineer in either system.

(37) STORM WATER MANAGEMENT PLAN means the document which consists of a written or graphic description, or condensation of written or graphic description of the methods for reducing discharge of pollutants and for controlling runoff in a development.

(38) STORM WATER MANAGEMENT SYSTEM PLAN means the document entitled A Storm water Management Plan for the City of West Bend, Washington County, Wisconsin prepared by the Southeastern Wisconsin Regional Planning Commission as Community Assistance Planning Report No. 173 as adopted by the Common Council.

(39) STORM WATER RUNOFF means the water derived from rain or melted snow within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

(40) STRUCTURAL MEASURES includes any works of improvement to prevent

or control erosion, sedimentation or runoff which include, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, and lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

(41) TR-55 means the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

(42) WATERCOURSE means a lake, pond, stream or other waters which are navigable under the laws of the State.

(43) WATERS OF THE STATE has the meaning given in sec. 281.01 (20), Wis. Stats.

(44) WORK DAY means a calendar day, except Saturdays, Sundays and City recognized holidays.

23.08 VIOLATIONS.

(1) PENALTIES. Any land owner, land occupier, applicant, or other person who violates, disobeys, or otherwise fails to comply with any of the provisions of this chapter or a lawful order of the City Engineer issued under this chapter shall be subject to a forfeiture as provided in Ch. 25 of this Code. Each day that a violation exists or continues shall constitute a separate offense.

(2) ENFORCEMENT BY INJUNCTION. The City may seek an injunction to enforce compliance with this chapter or to restore the property to the condition required by this chapter. It shall not be necessary to prosecute an action for a forfeiture before seeking an injunction.

(3) PERFORMANCE OF WORK BY THE CITY. If the City Engineer determines that there has been a failure to make any improvements or follow practices or to comply with a time schedule in conformity with an approved plan, the City Engineer may, after giving 30 days written notice to the owner of the land, enter upon the land and cause to be performed the work or other operations necessary to bring the condition of the land into conformity with the requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing the work and the costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to sec. 66.0627, Wis. Stats.