

Chapter 6 BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

[Sec. 6-1. Forfeitures.](#)

[Sec. 6-2. Fees.](#)

[Sec. 6-3. Definitions.](#)

[Secs. 6-4—6-22. Reserved.](#)

ARTICLE II. CONSTRUCTION CODES

[Sec. 6-23. State uniform dwelling code adopted.](#)

[Sec. 6-24. State electrical code adopted.](#)

[Sec. 6-25. State plumbing code adopted.](#)

[Secs. 6-26—6-53. Reserved.](#)

ARTICLE III. BUILDING INSPECTOR

[Sec. 6-54. Appointed; enforcement authority; right of entry.](#)

[Sec. 6-55. Waiver of plans.](#)

[Sec. 6-56. Inspection of work.](#)

[Sec. 6-57. Maintenance of construction sites to facilitate inspections.](#)

[Secs. 6-58—6-87. Reserved.](#)

ARTICLE IV. PERMITS AND INSPECTIONS

DIVISION 1. GENERALLY

[Sec. 6-88. Building permit required.](#)

[Sec. 6-89. Application for building permit.](#)

[Sec. 6-90. Permit duration.](#)

[Sec. 6-91. Building permits for properties on private roads.](#)

[Secs. 6-92—6-110. Reserved.](#)

DIVISION 2. ELECTRICAL PERMITS AND INSPECTIONS

[Sec. 6-111. Permit.](#)

[Sec. 6-112. Inspection of work.](#)

[Secs. 6-113—6-137. Reserved.](#)

DIVISION 3. PLUMBING PERMITS AND INSPECTIONS

[Sec. 6-138. Permit.](#)

[Sec. 6-139. Inspection of work.](#)

Chapter 6 BUILDINGS AND CONSTRUCTION

[Secs. 6-140—6-161. Reserved.](#)

ARTICLE V. CONSTRUCTION SITE POLLUTION CONTROL

[Sec. 6-162. Authority; enforcement; no pre-emption of applicable state rules.](#)

[Sec. 6-163. Findings of fact.](#)

[Sec. 6-164. Purpose.](#)

[Sec. 6-165. Applicability and jurisdiction.](#)

[Sec. 6-166. Definitions.](#)

[Sec. 6-167. Technical standards.](#)

[Sec. 6-168. Performance standards.](#)

[Sec. 6-169. Permitting requirements, procedures and fees.](#)

[Sec. 6-170. Erosion and sediment control plan, statement, and amendments.](#)

[Sec. 6-171. Inspection.](#)

[Sec. 6-172. Enforcement.](#)

[Sec. 6-173. Appeals.](#)

[Secs. 6-174—6-199. Reserved.](#)

ARTICLE VI. POST-CONSTRUCTION STORMWATER MANAGEMENT

[Sec. 6-200. Authority.](#)

[Sec. 6-201. Findings of fact.](#)

[Sec. 6-202. Purpose and intent.](#)

[Sec. 6-203. Applicability and jurisdiction.](#)

[Sec. 6-204. Definitions.](#)

[Sec. 6-205. Technical standards.](#)

[Sec. 6-206. Performance standards.](#)

[Sec. 6-207. Permitting requirements, procedures and fees.](#)

[Sec. 6-208. Stormwater management plan.](#)

[Sec. 6-209. Maintenance agreement.](#)

[Sec. 6-210. Financial guarantee.](#)

[Sec. 6-211. Enforcement.](#)

[Sec. 6-212. Appeals.](#)

CHAPTER 6 BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 6-1. Forfeitures.

Any person violating this chapter shall be subject to a forfeiture pursuant to section 1-12. Each owner of real estate upon which any building or any part thereof or breaking ground of this chapter shall be deemed a separate offender. Each day that any violation continues shall be a separate offense.

(Prior Code, § 9.03.010)

Sec. 6-2. Fees.

Fees associated with this chapter shall be as provided in the village fee schedule.

(Prior Code, § 9.03.020)

Sec. 6-3. Definitions.

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

Administering authority means a governmental employee, or a regional planning commission empowered under Wis. Stats. § 61.354 that is designated by the village board of trustees to administer this article.

Agricultural facilities and practices has the meaning given in Wis. Stats. § 281.16.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

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.

Business day means a day the office of the board or its designee is routinely and customarily open for business.

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

Division of land means the creation from one parcel of three or more parcels or building sites of 1½ or fewer acres each in area where such creation occurs at one time or through the successive partition within a three-year period.

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

Extraterritorial means the unincorporated area within 1.5 miles of the village.

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 employment of equivalent permanent stabilization measures.

Land disturbing construction activity means any manmade 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

Chapter 6 BUILDINGS AND CONSTRUCTION

lead to an increase in soil erosion and movement of sediment into waters of the state. The term "land disturbing construction activity" includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

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.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the board or its designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Responsible party means any entity holding fee title to the property or performing services, personally or by contract or agreement, as necessary to meet the performance standards of this chapter including, without limitation, implementation and maintenance of post-construction stormwater BMPs.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of land on which land disturbing or other construction activity is proposed, is underway or has occurred.

Stop work order means an order issued by the board or its designee which requires that all construction activity on the site be stopped.

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

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

(Prior Code, ch. 10, att. A, § 25.05, att. B, § 26.05)

Secs. 6-4—6-22. Reserved.

ARTICLE II. - CONSTRUCTION CODES

Sec. 6-23. State uniform dwelling code adopted.

- (a) The administrative code provisions describing and defining regulations with respect to new one- and two-family dwellings and new alterations and additions to one- and two-family dwellings that were built since June 1, 1980, in Wis. Admin. Code chs. SPS 320 through 325 are hereby adopted by the village and by reference made a part of this article as if fully set forth herein. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this article. A copy of these administrative code provisions and any future amendments shall be kept on file in the office of the village building inspector.
- (b) The term "uniform dwelling code" means those administrative code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
 - (1) Wis. Admin. Code ch. SPS 320, Administration and Enforcement.
 - (2) Wis. Admin. Code ch. SPS 321, Construction Standards.
 - (3) Wis. Admin. Code ch. SPS 322, Energy Conservation.
 - (4) Wis. Admin. Code ch. SPS 323, Heating, Ventilating and Air Conditioning.
 - (5) Wis. Admin. Code ch. SPS 324, Electrical Standards.
 - (6) Wis. Admin. Code ch. SPS 325, Plumbing.
- (c) For the purpose of this article, alterations and additions are as defined in Wis. Admin. Code § SPS 320.07 for changes either horizontal or vertical to an existing dwelling.
- (d) Regarding dwellings moved or relocated in the village, only one- and two-family dwellings built since June 1, 1980, shall be subject to these provisions.

(Prior Code, § 9.01)

Sec. 6-24. State electrical code adopted.

All electrical work, including the placing of wires and other equipment, shall conform to the provisions of Wis. Admin. Code ch. SPS 316 (the state electrical code) which is adopted by reference as though fully set forth in this section. A copy of such code shall be kept on file in the office of the village clerk.

(Prior Code, § 9.05.010)

Sec. 6-25. State plumbing code adopted.

The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the provisions of Wis. Admin. Code chs. SPS 381 through 387 (the state plumbing code) which is adopted by reference as though fully set forth in this section. A copy of such code shall be kept on file in the office of the village clerk.

(Prior Code, § 9.06.010)

Secs. 6-26—6-53. Reserved.

ARTICLE III. - BUILDING INSPECTOR

Sec. 6-54. Appointed; enforcement authority; right of entry.

The village board will appoint an inspector or inspectors who shall have the power and duty to enforce the provisions of this article, this Code, other village ordinances, and state law that relate to building construction, plumbing and electrical installations, and for these purposes, he shall have the right at all reasonable times to enter buildings and premises.

(Prior Code, § 9.02)

Sec. 6-55. Waiver of plans.

If the building inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations or repairs.

(Prior Code, § 9.03.060)

Sec. 6-56. Inspection of work.

The builder shall notify the building inspector when ready for inspection, and the building inspector shall make all necessary inspections during the course of construction.

(Prior Code, § 9.03.070)

Sec. 6-57. Maintenance of construction sites to facilitate inspections.

To enable the building inspector to conduct inspections thoroughly and efficiently and to reduce the adverse visual impact of construction activities on surrounding properties, construction sites shall, at all times, be maintained in a safe and orderly condition. Failure to comply with construction site maintenance standards may result in rescheduling of required inspections. Construction sites shall be cleaned of all rubbish, debris or unused materials upon substantial completion of construction and prior to issuance of a certificate of compliance.

(Prior Code, § 9.04)

Secs. 6-58—6-87. Reserved.

Chapter 6 BUILDINGS AND CONSTRUCTION

ARTICLE IV. - PERMITS AND INSPECTIONS

DIVISION 1. - GENERALLY

Sec. 6-88. Building permit required.

No building or any part thereof shall hereafter be erected or ground broken for the same, within the village, except as hereinafter provided, until a permit therefore shall first have been obtained by the owner or his authorized agent, from the village clerk. The term "building" as used in this division shall include any building or structure, and any enlargement, alterations, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.

(Prior Code, § 9.03)

Sec. 6-89. Application for building permit.

The application for a building permit shall be made on a form furnished by the building inspector and shall state clearly the work planned, alterations to be made, materials to be used, estimated cost of the project, estimated beginning and ending dates of construction and confirmation that a zoning permit has been issued for the project. In addition to the information on the application form, the application shall include a site plan, floor plans, facade elevations, structural, plumbing and electrical plans, existing and proposed topography and other information that may be required by the building inspector. The application shall be filed with the village clerk.

(Prior Code, § 9.03.030)

Sec. 6-90. Permit duration.

Permits issued under this division shall be valid for a period of 365 days from the date of issuance. The village board or its designee may extend the period one or more times for up to an additional 365 days.

(Prior Code, § 9.03.040)

Sec. 6-91. Building permits for properties on private roads.

Building permits may be issued for more than one residence on existing private roads within the village, subject to building restrictions in force and to the following conditions: the roadbed on each private road shall be at least 18 feet in width with 30 feet on each side of the road, measured from the center thereof, dedicated to the village for street purposes.

(Prior Code, § 9.03.050)

Secs. 6-92—6-110. Reserved.

Chapter 6 BUILDINGS AND CONSTRUCTION

DIVISION 2. - ELECTRICAL PERMITS AND INSPECTIONS

Sec. 6-111. Permit.

No electric wiring shall be installed or altered without first securing a permit therefore from the village building inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be made on a form furnished by the building inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. The application shall be filed with the village clerk. All later deviations from such plan must be submitted to and approved by the building inspector.

(Prior Code, § 9.05.020)

Sec. 6-112. Inspection of work.

After roughing in the electrical wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the building inspector who shall at once inspect the same. Upon completion of such wiring, the inspector shall be notified and shall inspect the finished work. If he finds that the work conforms to the state electrical code, he shall issue a certificate of compliance which shall contain the date and a summary of the result of such inspection, a duplicate of which shall be filed with the building inspector. It shall be unlawful to use any such electrical equipment until such certification has been issued.

(Prior Code, § 9.05.030)

Secs. 6-113—6-137. Reserved.

DIVISION 3. - PLUMBING PERMITS AND INSPECTIONS

Sec. 6-138. Permit.

No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefore from the building inspector. The application for such permit shall be made on a form furnished by the building inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. The application shall be filed with the village clerk. All later deviations from such plan must be submitted to and approved by the building inspector.

(Prior Code, § 9.06.020)

Sec. 6-139. Inspection of work.

Upon completion of the plumbing work on any premises, the person doing such work shall notify the building inspector before such work is covered up, and the building inspector shall at once inspect the same. If the building inspector finds that the work conforms to the state plumbing code, he shall issue a certificate of compliance which shall contain the date and a summary of the result of such inspection, a duplicate of which shall be filed with the building inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the building inspector.

(Prior Code, § 9.06.030)

Secs. 6-140—6-161. Reserved.

ARTICLE V. - CONSTRUCTION SITE POLLUTION CONTROL

Sec. 6-162. Authority; enforcement; no pre-emption of applicable state rules.

- (a) This article is adopted under the authority granted by Wis. Stats. § 61.354. Except as otherwise specified in Wis. Stats. §§ 61.35 and 61.354 applies to this article and to any amendments to this article.
- (b) The village board or its designee will administer and enforce the provisions of this article. The provisions of this article are deemed not to limit any other lawful regulatory powers of the village board of trustee.
- (c) 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:
 - (1) State department of natural resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(Prior Code, ch. 10, att. A, § 25.01)

State Law reference— Village planning, Wis. Stats. § 61.35; construction site erosion control and stormwater management zoning, Wis. Stats. § 61.354; stormwater discharge permits, Wis. Stats. § 283.33; water quality protection and nonpoint sources, Wis. Stats. § 281.16.

Sec. 6-163. Findings of fact.

The village board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the village.

(Prior Code, ch. 10, att. A, § 25.02)

Sec. 6-164. 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 waters of the state in the village.

(Prior Code, ch. 10, att. A, § 25.03)

Chapter 6 BUILDINGS AND CONSTRUCTION

Sec. 6-165. Applicability and jurisdiction.

- (a) *Applicability.* Except as otherwise specifically provided, this article applies to land disturbing construction activities on a construction site that has one or more acres of land disturbing construction activity. This article also applies to construction sites of any size that, in the opinion of the board or designee, 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. This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2). In addition, this article does not apply to the following:
- (1) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the state department of safety and professional services under Wis. Admin. Code § SPS 321.125 or ch. SPS 361.
 - (2) 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 CFR 122 for land disturbing construction activity.
 - (3) Nonpoint discharges from agricultural facilities and practices.
 - (4) Nonpoint discharges from silviculture activities.
 - (5) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (b) *Jurisdiction.* This article applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the village.

(Prior Code, ch. 10, att. A, § 25.04)

Sec. 6-166. Definitions.

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

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.

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.

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

(Prior Code, ch. 10, att. A, § 25.05)

Sec. 6-167. Technical standards.

- (a) *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:
- (1) Applicable design criteria, standards and specifications identified in the most recent version of the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (2) Other design guidance and technical standards identified or developed by the state department of natural resources under Wis. Admin. Code ch. NR 151, subchapter V (Wis. Admin. Code § NR 151.30 et seq.).
 - (3) 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.
- (b) *Other standards.* Other technical standards not identified or developed in subsection (a) of this section, may be used provided that the methods have been approved by the board or designee.

(Prior Code, ch. 10, att. A, § 25.06)

Sec. 6-168. Performance standards.

- (a) *Responsible party.* The responsible party shall implement an erosion and sediment control plan, developed in accordance with section 6-170 that incorporates the requirements of this section.
- (b) *Plan.* A written plan shall be developed in accordance with section 6-170 and implemented for each construction site. The plan shall include the following:
 - (1) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80 percent 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 percent sediment reduction to meet the requirements of this section. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this section. 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.
 - (2) Notwithstanding subsection (b)(1) of this section, if BMPs cannot be designed and implemented to reduce the sediment load by 80 percent, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.
 - (3) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
 - a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
 - b. Prevent the discharge of sediment as part of site de-watering.
 - c. Protect the separate storm drain inlet structure from receiving sediment.
 - (4) 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 section.
- (c) *Location.* The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (d) *Alternate requirements.* The board or its designee may establish stormwater management requirements more stringent than those set forth in this section if the board or its designee determines that an added level of protection is needed for sensitive resources.

(Prior Code, ch. 10, att. A, § 25.07)

Chapter 6 BUILDINGS AND CONSTRUCTION

Sec. 6-169. Permitting requirements, procedures and fees.

- (a) *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 board or its designee.
- (b) *Permit application and fees.* At least one 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 6-170 and shall pay an application fee to the board or its designee. By submitting an application, the applicant is authorizing the board or its designee to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) *Review and approval of permit application.* The board or its designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) Within 30 business days of the receipt of a complete permit application, as required by subsection (b) of this section, the board or its designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this article.
 - (2) If the permit application and plan are approved, the board or its designee shall issue the permit.
 - (3) If the permit application or plan is disapproved, the board or its designee shall state in writing the reasons for disapproval.
 - (4) The board or its designee may request additional information from the applicant. If additional information is submitted, the board or its designee shall have 30 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (5) Failure by the board or its designee to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) *Surety bond.* As a condition of approval and issuance of the permit, the board or its designee 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.
- (e) *Permit requirements.* All permits shall require the responsible party to:
 - (1) Notify the board or its designee within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the board or designee of completion of any BMPs within 14 days after their installation.
 - (3) Obtain permission in writing from the board or its designee prior to any modification pursuant to section 6-170(c).
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in a site erosion control log.
 - (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and 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.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (8) Allow the board or its designee 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.
- (f) *Permit conditions.* Permits issued under this section may include conditions established by the board or its designee in addition to the requirements set forth in subsection (e) of this section, where needed to ensure compliance with the performance standards in section 6-168.
- (g) *Permit duration.* Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The board or its designee may extend the period one or more times for up to an additional 180 days. The board or its designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this article.
- (h) *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.

(Prior Code, ch. 10, att. A, § 25.08)

Sec. 6-170. Erosion and sediment control plan, statement, and amendments.

- (a) *Erosion and sediment control plan.*
 - (1) An erosion and sediment control plan shall be prepared and submitted to the board or its designee.
 - (2) The erosion and sediment control plan shall be designed to meet the performance standards in section 6-168 and other requirements of this article.
 - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. The name and address of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - c. 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.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
 - g. Existing data describing the surface soil as well as subsoils.

Chapter 6 BUILDINGS AND CONSTRUCTION

- h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year floodplains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location of major structural and non-structural controls identified in the plan.
 - f. Location of areas where stabilization practices will be employed.
 - g. Areas which will be vegetated following construction.
 - h. Areal extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.
 - i. Locations of all surface waters and wetlands within one mile of the construction site.
 - j. An alphanumeric or equivalent grid overlying the entire construction site map.
- (5) Each erosion and sediment control plan shall include a description of appropriate 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:
- a. 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.
 - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the board or its designee, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging construction to limit bare areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur.
 - g. Minimization of tracking at all sites.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste materials at all sites.
 - j. Stabilization of drainageways.
 - k. Control of soil erosion from dirt stockpiles.
 - l. Installation of permanent stabilization practices as soon as possible after final grading.

Chapter 6 BUILDINGS AND CONSTRUCTION

- m. Minimization of dust to the maximum extent practicable.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.
- (b) *Erosion and sediment control plan statement.* For each construction site identified under section 6-165(a), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the board or its designee. 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 article, including the site development schedule.
- (c) *Amendments.* The applicant shall amend the plan if any of the following occur:
 - (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The board or its designee notifies the applicant of changes needed in the plan.

(Prior Code, ch. 10, att. A, § 25.09)

Sec. 6-171. Inspection.

If land disturbing construction activities are being carried out without a permit required by this article, the board or its designee may enter the land pursuant to the provisions of Wis. Stats. § 66.0119(1), (2), and (3).

(Prior Code, ch. 10, att. A, § 25.11)

Sec. 6-172. Enforcement.

- (a) The board or its designee may post a stop-work order if any of the following occurs:
 - (1) Any land disturbing construction activity regulated under this article is being undertaken without a permit.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
- (b) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the board or its designee may revoke the permit.
- (c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the board or its designee, or if a responsible party violates a stop-work order posted under subsection (a) of this section, the board or its designee may request the village attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The board or its designee may retract the stop-work order issued under subsection (a) of this section or the permit revocation under subsection (b) of this section.
- (e) After posting a stop-work order under subsection (a) of this section, the board or its designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. The board or its designee may go on the land and commence the work after issuing the

Chapter 6 BUILDINGS AND CONSTRUCTION

notice of intent. The costs of the work performed under this subsection by the board or its designee, 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 assessment against the property pursuant to state statutes, subch. VII of ch. 66 (Wis. Stats. § 66.0701 et seq.).

- (f) Any person violating any of the provisions of this article shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this 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 injunctive proceedings.

(Prior Code, ch. 10, att. A, § 25.12)

Sec. 6-173. Appeals.

- (a) *Board of appeals.* The board of appeals created pursuant to division 4 of article IX of chapter 36, pursuant to Wis. Stats. § 61.354(4)(b):
 - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the board or its designee in administering this article except for cease and desist orders obtained under section 6-172(c);
 - (2) 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 this article will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the village affected by any decision of the board or its designee.

(Prior Code, ch. 10, att. A, § 25.13)

Secs. 6-174—6-199. Reserved.

ARTICLE VI. - POST-CONSTRUCTION STORMWATER MANAGEMENT

Sec. 6-200. Authority.

- (a) This article is adopted under the authority granted by Wis. Stats. § 61.354. Except as otherwise specified in Wis. Stats. §§ 61.35 and 61.354 applies to this article and to any amendments to this article. The provisions of this article are deemed not to limit any other lawful regulatory powers of the same village board.
- (b) The village board or its designee will administer and enforce the provisions of this article.
- (c) The requirements of this article do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) State department of natural resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(Prior Code, ch. 10, att. B, § 26.01)

Sec. 6-201. Findings of fact.

The village board 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, drainageways, 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.

(Prior Code, ch. 10, att. B, § 26.02)

Sec. 6-202. Purpose and intent.

(a) *Purpose.*

- (1) *General.* 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.
- (2) *Specific.* Specific purposes are to:
 - a. Further the maintenance of safe and healthful conditions.
 - b. Prevent and control the adverse effects of stormwater; 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.

- (b) *Intent.* It is the intent of the village board that this article regulates post-construction stormwater discharges to waters of the state. This article may be applied on a site-by-site basis. The village board recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of

Chapter 6 BUILDINGS AND CONSTRUCTION

which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16 for regional stormwater management measures and have been approved by the village board, it is the intent of this article that the approved plan be used to identify post-construction management measures acceptable for the community.

(Prior Code, ch. 10, att. B, § 26.03)

Sec. 6-203. Applicability and jurisdiction.

- (a) *Applicability.* 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 section, unless the site is otherwise exempt under this section. This article applies to post-development construction sites that had one or more acres of land disturbing construction activity after March 10, 2003, and to post-construction sites of any size that, in the opinion of the board or its designee, is 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. This article does not apply to sites that meet any of the following criteria are exempt from the requirements of this article:
- (1) A redevelopment post-construction site with no increase in exposed parking lots or roads.
 - (2) A post-construction site with less than ten percent 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.
 - (3) Nonpoint discharges from agricultural facilities and practices.
 - (4) Nonpoint discharges from silviculture activities.
 - (5) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - (6) Underground utility construction such as water, sewer and fiber optic lines, except that this exemption does not apply to the construction of any above ground structures associated with utility construction.
 - (7) In addition, this article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).
- (b) *Jurisdiction.* This article applies to post construction sites within the boundaries and jurisdiction of the village.

(Prior Code, ch. 10, att. B, § 26.04)

Sec. 6-204. Definitions.

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

Combined sewer system means a system for conveying both sanitary sewage and stormwater runoff.

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.

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

Chapter 6 BUILDINGS AND CONSTRUCTION

Development means residential, commercial, industrial or institutional land uses and associated roads.

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.

Exceptional resource waters means waters listed in Wis. Admin. Code § NR 102.11.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the board or its designee by the responsible party to ensure that requirements of this article are carried out in compliance with the stormwater management plan.

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, driveways, parking lots and streets are examples of areas that typically are impervious.

In-fill area means an undeveloped area of land located within existing development.

Infiltration means the entry of precipitation or runoff into or through the soil.

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.

Karst feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management practices.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

Off-site means located outside the property boundary described in the permit application.

On-site means located within the property boundary described in the permit application.

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

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

Percent fines means the percentage of a given sample of soil, which passes through a No. 200 sieve.

Permit administration fee means a sum of money paid to the board or its designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

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.

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

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.

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

Redevelopment means areas where development is replacing older development.

Stormwater management plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

Chapter 6 BUILDINGS AND CONSTRUCTION

Stormwater 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.

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

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.

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.

(Prior Code, ch. 10, att. B, § 26.05)

Sec. 6-205. Technical standards.

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

- (1) Technical standards identified, developed or disseminated by the state department of natural resources under subchapter V of chapter NR 151 (Wis. Admin. Code § 151.30 et seq.).
- (2) Where technical standards have not been identified or developed by the state department of natural resources, other technical standards may be used provided that the methods have been approved by the village board.
- (3) In this article, the following years and locations have been selected as average annual rainfalls: Milwaukee, 1969, March 28 through December 6.

(Prior Code, ch. 10, att. B, § 26.06)

Sec. 6-206. Performance standards.

- (a) *Responsible party*. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (b) *Plan*. A written stormwater management plan in accordance with section 6-208 shall be developed and implemented for each post-construction site.
- (c) *Requirements*. The plan required under subsection (b) of this section shall include the following:
 - (1) *Total suspended solids*. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 - a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this section.
 - b. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this section.

Chapter 6 BUILDINGS AND CONSTRUCTION

- c. For in-fill development under five acres that occurs within ten years after the effective date of this rule (October 10, 2008), by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this article.
 - d. For in-fill development that occurs ten or more years after the effective date of this rule (October 10, 2008), by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this article.
 - e. Notwithstanding subsections (c)(1)a through d of this section, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater 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.
- (2) *Peak discharge.*
- a. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to pre-development conditions for the two-year, 24-hour design storm applicable to the post-construction site. 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	56	70	79	83

- b. This subsection does not apply to any of the following:
 - 1. 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 two-year, 24-hour storm event.
 - 2. A redevelopment post-construction site.
 - 3. An in-fill development area less than five acres.
- (3) *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 subsections (c)(3)e through h of this section.
- a. *Residential developments.* For residential developments, one of the following shall be met:
 - 1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this

Chapter 6 BUILDINGS AND CONSTRUCTION

- requirement, no more than one percent of the project site is required as an effective infiltration area.
2. Infiltrate 25 percent of the post-development runoff from the two 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 one percent of the project site is required as an effective infiltration area.
- b. *Nonresidential developments.* For nonresidential development, including commercial, industrial and institutional development, one of the following shall be met:
1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.
 2. Infiltrate ten percent of the runoff from the two 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 two percent of the project site is required as an effective infiltration area.
- c. *Pre-development condition.* Pre-development condition shall be the same as in subsection (b) of this section.
- d. *Pretreatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(3)h of this section. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- e. *Exclusions.* The runoff from the following areas are prohibited from meeting the requirements of this section:
1. Areas associated with tier 1 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a), including storage, loading, rooftop and parking.
 2. Storage and loading areas of tier 2 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).
 3. Fueling and vehicle maintenance areas.
 4. Areas within 1,000 feet up-gradient or within 100 feet down-gradient of Karst features.
 5. Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection does not prohibit infiltration of roof runoff.
 6. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
 7. Areas within 400 feet of a community water system well as specified in Wis. Admin. Code § NR 811.16(4) or within 100 feet of a private well as specified in Wis. Admin. Code § NR 812.08(4) for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.

Chapter 6 BUILDINGS AND CONSTRUCTION

8. Areas where contaminants of concern, as defined in Wis. Admin. Code § NR 720.03(2) are present in the soil through which infiltration will occur.
 9. 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 groundwater and top of bedrock: at least a three foot soil layer with 20 percent fines or greater; or at least a five-foot soil layer with ten percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection does not prohibit infiltration of roof runoff.
- f. *Exemptions.* The following are not required to meet the requirements of this section:
1. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
 2. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.
 3. Redevelopment post-construction sites.
 4. In-fill development areas less than five acres.
 5. Infiltration areas during periods when the soil on the site is frozen.
 6. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
- g. *Alternate uses.* 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 subsection.
- h. *Infiltration system.*
1. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin. Code ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 2. Notwithstanding subsection (c)(3)h.1 of this section, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- (4) *Protective areas.*
- a. The term "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 subsection, the term "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.
 1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Wis. Admin. Code § NR 103.04, 75 feet.
 2. 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.
 3. For lakes, 50 feet.

Chapter 6 BUILDINGS AND CONSTRUCTION

4. 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 Wis. Admin. Code § NR 103.08(1m). This section 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.
 5. For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
 6. In subsections (c)(4)a.1, 4 and 5 of this section, 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 Wis. Admin. Code § NR 103.03.
 7. For concentrated flow channels with drainage areas greater than 130 acres, ten feet.
- b. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (c)(4)d of this section.
- c. The following requirements shall be met:
1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 2. 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 percent 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.
 3. 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.
- d. Exemptions. This section does not apply to:
1. Redevelopment post-construction sites.
 2. In-fill development areas less than five acres.
 3. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 4. Structures constructed in accordance with Wis. Stats. § 59.692(1v).
 5. 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.
- (5) *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.
- (d) *General considerations for on-site and off-site stormwater management measures.* The following considerations shall be observed in managing runoff:

Chapter 6 BUILDINGS AND CONSTRUCTION

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (e) *Location and regional treatment option.*
- (1) The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.
 - (2) 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.
 - (3) Except as allowed under subsection (e)(4) of this section, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (4) 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:
 - a. The BMP was constructed prior to the effective date of the ordinance from which this article is derived and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a Wis. Stats. ch. 30 permit; and
 - b. The BMP is designed to provide runoff treatment from future upland development.
 - (5) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this section.
 - a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. 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 Wis. Admin. Code ch. NR 103 and Wis. Stats. ch. 30.
 - (6) 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.
 - (7) The board or its designee may approve off-site management measures provided that all of the following conditions are met:
 - a. The board or its designee determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the village and that contains management requirements consistent with the purpose and intent of this article.
 - b. The off-site facility meets all of the following conditions:
 1. The facility is in place.
 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this article.
 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - (7) Where a regional treatment option exists such that the board or its designee exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the board or its designee. In determining the fee for post-construction runoff, the board or its designee shall

Chapter 6 BUILDINGS AND CONSTRUCTION

consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

- (f) *Alternate requirements.* The board or its designee may establish stormwater management requirements more stringent than those set forth in this section if the board or its designee determines that an added level of protection is needed to protect sensitive resources.

(Prior Code, ch. 10, att. B, § 26.07)

Sec. 6-207. Permitting requirements, procedures and fees.

- (a) *Permit required.* No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the board or its designee prior to commencing the proposed activity.
- (b) *Permit application and fees.* Unless specifically excluded by this article, any responsible party desiring a permit shall submit to the board or its designee a permit application made on a form provided by the board or its designee for that purpose.
 - (1) Unless otherwise excepted by this article, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (2) The stormwater management plan shall be prepared to meet the requirements of sections 6-206 and 6-208, the maintenance agreement shall be prepared to meet the requirements of section 6-209 and the financial guarantee shall meet the requirements of section 6-210.
- (c) *Review and approval of permit application.* The board or its designee shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) Within 30 business days of the receipt of a complete permit application, including all items as required by subsection (b) of this section, the board or its designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.
 - (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the board or its designee shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the board or its designee shall detail in writing the reasons for disapproval.
 - (4) The board or its designee may request additional information from the applicant. If additional information is submitted, the board or its designee shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the board or its designee to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) *Permit requirements.* All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The board or its designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the board or its designee to suspend or revoke this permit may be appealed in accordance with section 6-212.
 - (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The responsible party shall notify the board or its designee at least five business days before commencing any work in conjunction with the stormwater management plan, and within five business days upon completion of the stormwater management practices. If required as a special condition under subsection (e) of this section, the responsible party shall make additional notification according to a schedule set forth by the board or its designee so that practice installations can be inspected during construction.
 - (4) Practice installations required as part of this article shall be certified "as-built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the board or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The board or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) The responsible party shall notify the board or its designee of any significant modifications it intends to make to an approved stormwater management plan. The board or its designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the village board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The responsible party authorizes the board or its designee to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. ch. 66, subch. VII (Wis. Stats. § 66.0701 et seq.) or to charging such costs against the financial guarantee posted under section 6-210.
 - (8) If so directed by the board or its designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (9) The responsible party shall permit property access to the board or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the board or its designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (11) The responsible party is subject to the enforcement actions and penalties detailed in section 6-211, if the responsible party fails to comply with the terms of this permit.
- (e) *Permit conditions.* Permits issued under this subsection may include conditions established by board or its designee in addition to the requirements needed to meet the performance standards in section 6-206 or a financial guarantee as provided for in section 6-210.
- (f) *Permit duration.* Permits issued under this section shall be valid from the date of issuance through the date the board or its designee notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (d)(4) of this section.

(Prior Code, ch. 10, att. B, § 26.08)

Sec. 6-208. Stormwater management plan.

- (a) *Plan requirements.* The stormwater management plan required under section 6-207(b) shall contain at a minimum the following information:
- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person responsible for installation of stormwater management practices; and person responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (3) Pre-development site conditions, including:
 - a. One or more site maps at a scale of not less than one 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 two 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 stormwater 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 Wis. Admin. Code § NR 811.16.
 - b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required maps.
 - (4) Post-development site conditions, including:
 - a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - c. One or more site maps at a scale of not less than one 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 two feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater 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 drainageway; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required maps.

Chapter 6 BUILDINGS AND CONSTRUCTION

- e. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
 - (5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in section 6-206.
 - (6) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
 - (7) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
 - (8) Other information requested in writing by the board or its designee to determine compliance of the proposed stormwater management measures with the provisions of this article.
 - (9) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this article.
- (b) *Alternate requirements.* The board or its designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 6-206(e).

(Prior Code, ch. 10, att. B, § 26.09)

Sec. 6-209. Maintenance agreement.

- (a) *Required.* The maintenance agreement required under section 6-207(b) for stormwater management practices shall be an agreement between the board or its designee and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) *Agreement provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by section 6-208(a)(6):
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under section 6-207(b).
 - (3) Identification of the responsible party, organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under section 6-207(2).
 - (4) Requirement that the responsible party, organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection (b)(2) of this section.
 - (5) Authorization for the board or its designee to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the board or its designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (7) Agreement that the party designated under subsection (b)(3) of this section, as responsible for long term maintenance of the stormwater management practices, shall be notified by the board or its designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the board or its designee.
- (8) Authorization of the board or its designee to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) of this section does not make the required corrections in the specified time period. The board or its designee shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. ch. 66, subch. VII (Wis. Stats. § 66.0701 et seq.).

(Prior Code, ch. 10, att. B, § 26.10)

Sec. 6-210. Financial guarantee.

- (a) *Establishment of the guarantee.* The board or its designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the village board. The financial guarantee shall be in an amount determined by the board or its designee to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the board or its designee the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the board or its designee that the requirements of this article have not been met.
- (b) *Conditions for release.* Conditions for the release of the financial guarantee are as follows:
 - (1) The board or its designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the board or its designee to complete installation of practices, upon submission of "as-built plans" by a licensed professional engineer. The board or its designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The board or its designee shall release the portion of the financial guarantee established under this section to ensure maintenance of stormwater practices, less any costs incurred by the board or its designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(Prior Code, ch. 10, att. B, § 26.11)

Sec. 6-211. Enforcement.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance from which this article is derived 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.
- (b) The board or its designee shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the board or its designee under subsection (b) of this section, the responsible party shall correct work that does not comply with the stormwater 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 board or its designee in the notice.

Chapter 6 BUILDINGS AND CONSTRUCTION

- (d) 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 board or its designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the board or its designee plus interest and legal costs shall be billed to the responsible party.
- (e) The board or its designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this article, or to request the municipal attorney to obtain a cease and desist order in any court with jurisdiction.
- (f) The board or its designee may revoke a permit issued under this article for non-compliance with article provisions.
- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the board or its designee or by a court with jurisdiction.
- (h) The board or its designee is authorized to refer any violation of this article, or of a stop work order or cease and desist order issued pursuant to this article, to the municipal attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this article shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (j) Compliance with the provisions of this 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 injunctive proceedings.
- (k) When the board or its designee determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in the stormwater management plan, the board or its designee or a party designated by the board or its designee may enter upon the land and perform the work or other operations necessary to bring the condition of the lands into conformance with requirements of the approved plan. The board or its designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to section 6-210. 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.

(Prior Code, ch. 10, att. B, § 26.13)

Sec. 6-212. Appeals.

- (a) *Board of appeals.* The board of appeals created pursuant to chapter 22 and Wis. Stats. § 61.354(4)(b) shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the board or its designee 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 ordinance will result in unnecessary hardship.
- (b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the village affected by any decision of the board or its designee.

(Prior Code, ch. 10, att. B, § 26.14)