

Chapter 90

STORMWATER MANAGEMENT

ARTICLE I

Stormwater Rules and Regulations

- § 90-1. Authority.
- § 90-2. Findings of fact.
- § 90-3. Purpose and intent.
- § 90-4. Definitions.
- § 90-5. Applicability and jurisdiction.
- § 90-6. Stormwater management standards.
- § 90-7. Permitting requirements, procedures and fees.
- § 90-8. Stormwater management plans.
- § 90-9. Maintenance agreements.
- § 90-10. Financial guaranty.
- § 90-11. Discharges regulated.
- § 90-12. Enforcement; violations and penalties.
- § 90-13. Appeals.

§ 90-14. Severability.

§ 90-15. through § 90-20. (Reserved)

ARTICLE II

Stormwater Utility

- § 90-21. Findings.
- § 90-22. Establishment of Stormwater Utility.
- § 90-23. Powers and duties of Utility.
- § 90-24. Definitions.
- § 90-25. Rates and charges.
- § 90-26. Credits.
- § 90-27. Customer classifications.
- § 90-28. Billing and penalties.
- § 90-29. Method of appeal.
- § 90-30. Special assessment and charges.
- § 90-31. Budget excess revenues.
- § 90-32. Severability.

[HISTORY: Adopted by the Town Board of the Town of Ledgeview as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees and penalties — See Ch. 1, Art. II.
Construction site erosion control — See Ch. 36.
Illicit discharges — See Ch. 91.
Subdivision and platting regulations — See Ch. 96.

Water — See Ch. 126.
Zoning — See Ch. 135.
Sanitary District No. 2 — See Ch. A136.

ARTICLE I
Stormwater Rules and Regulations
[Adopted 12-16-2008 by Ord. No. 2008-021¹]

§ 90-1. Authority.

- A. This chapter is adopted by the Town of Ledgeview pursuant to its police powers and under the authority granted by §§ 281.33 and 60.627, Wis. Stats. This chapter supersedes all conflicting and contradictory stormwater management regulations previously enacted under §§ 60.62, Wis. Stats., or 60.627. Except as specifically provided for in § 281.33, Wis. Stats., § 60.62, Wis. Stats., applies to this chapter and to any amendments to this chapter.
- B. The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the Town Board.
- C. The Town Board hereby designates the Zoning Administrator or designee to have the administrative authority to administer and enforce the provisions of this chapter.
- D. The requirements of this chapter do not preempt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under §§ 281.16 and 283.33, Wis. Stats.
 - (2) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

§ 90-2. Findings of fact.

The Town Board finds that uncontrolled stormwater runoff from land development activity has a significant detrimental impact upon water resources and the health, safety, and general welfare of the Town. Specifically, uncontrolled runoff can:

- A. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- B. 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.
- C. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- D. Reduce the quality of groundwater by increasing pollutant loads.

1. Editor's Note: This ordinance also repealed former Ch. 90, Stormwater Management, adopted 12-20-2005 by Ord. No. 205-022.

- E. Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainageways and other minor drainage facilities.
- F. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- G. Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- H. Diminish the public enjoyment of natural resources.

§ 90-3. Purpose and intent.

- A. Purpose. The purpose of this chapter is to set forth stormwater requirements and criteria that will prevent and control water pollution and diminish the threats to public health, safety, welfare, and aquatic life due to runoff of stormwater from development or redevelopment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.
 - (2) 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.
 - (3) 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 general intent of the Town that this chapter achieve its purpose through:

- (1) Regulating long-term, post-construction stormwater discharges from land development activities;
- (2) Controlling the quantity, peak flow rates, and quality of stormwater discharges from land development activities;
- (3) Providing services to maintain and enhance the quality of life within the community. To this end, the Town will manage stormwater to protect, maintain, and enhance the natural environment, diversity of fish and wildlife, human life, property, and recreational use of waterways within the Town; and
- (4) Achieving the stormwater performance standards set forth in this chapter through the preparation and implementation of comprehensive stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale where possible;
- (5) Prescribing regional stormwater devices, practices or systems, any of 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 § 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Town Board, it is the intent of this chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

§ 90-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY — The governmental employee designated by the Town to administer this chapter. The Zoning Administrator has been designated to have the authority to administer this chapter pursuant to § 90-1C.

APPLICANT — Any landowner, land user(s), agent, or contractor responsible for submitting and carrying out the requirements of this chapter. "Applicant" shall also include any subsequent landowner to whom this chapter applies.

BEST MANAGEMENT PRACTICE — Structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in stormwater runoff and to control and reduce the volume and rate of stormwater discharge to waters of the state.

BUSINESS DAY — A day that offices of the Town are routinely and customarily open for business.

CEASE AND DESIST ORDER — A Town order to halt land-developing activity that is being conducted without the required permit.

CLEAR WATER — Water from roof drains, surface drains, foundation water drains, cistern overflows, refrigerator cooling waters, and water from air-conditioning equipment.

COMMON PLAN OF DEVELOPMENT OR SALE — All lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land-developing activities may take place at different times and on different schedules.

CONNECTED IMPERVIOUSNESS — An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

DESIGN RAINFALL EVENT — A discrete rainstorm characterized by a specific duration, rainfall intensity, and return frequency.

DEVELOPMENT — Residential, commercial, industrial, or institutional land uses and associated roads.

DISCHARGE VOLUME — The quantity of runoff discharged from the land surface as the result of a rainfall event.

DIVISION OF LAND — The creation from a parcel of two or more parcels or building sites of 1.5 or fewer acres each, in areas where such creation occurs at one time or through the successive divisions.

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

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

EXISTING LAND-USE CONDITION — The condition of the proposed development site and the adjacent properties that are present at the time of the stormwater permit application. This term applies only for the purpose of properly sizing stormwater detention ponds in accordance with § 90-6A and properly sizing stormwater conveyance systems in accordance with the requirements of § 90-6A(l).

FEE IN LIEU — A payment of money to the Town in place of meeting all or part of the stormwater performance standards required by this chapter.

FUTURE PROPOSED LAND USE CONDITIONS — Any proposed land alterations or disturbances, including, but not limited to, removal of vegetative cover, excavating, filling/grading, construction of buildings, roads, parking lots, paved storage areas, and similar facilities. (See also "post-development land use condition.")

GROSS AGGREGATE AREA — The total area, in acres, of all land located within the property boundary containing the land development activity.

GROUNDWATER ENFORCEMENT STANDARD — A numerical value expressing the concentration of a substance in groundwater, which is adopted under § 160.07, Wis. Stats. and § NR 140.10, Wis. Adm. Code or under § 160.09, Wis. Stats. and § NR 140.12, Wis. Adm. Code.

GROUNDWATER PREVENTIVE ACTION LIMIT — A numerical value expressing the concentration of a substance in groundwater that is adopted under § 160.15, Wis. Stats. and §§ NR 140.12 or 140.20, Wis. Adm. Code.

IMPERVIOUS SURFACE — A surface that does not allow infiltration during precipitation events. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surface.

INFILL AREA — An undeveloped area of land located within existing development.

INFILTRATION — The process by which rain or surface runoff penetrates into the underlying soil.

KARST FEATURE — An area or superficial 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 swales.

LAND DEVELOPMENT ACTIVITY — Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This term does not include agricultural cropping activities.

MAINTENANCE AGREEMENT — A legal document that is filed with the County Register of Deeds as a property deed restriction and which provides for long-term maintenance of stormwater management practices and notice of consequences for failure of maintenance.

NATURAL WETLANDS — An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigation, and restored wetlands.

NEW DEVELOPMENT — Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NONSTORMWATER DISCHARGE — A discharge to the storm sewer system created by some process other than the runoff from precipitation.

NONSTRUCTURAL MEASUREMENT — A practice, technique, or measure to reduce the volume, peak flow rate, sediments, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.

OFF-SITE — Lands located outside the property boundary described in the permit application for land development activity.

ON-SITE — Lands located within the property boundary described in the permit application for land development activity.

OTHER THAN RESIDENTIAL DEVELOPMENT — Development of the following land uses: commercial, industrial, governmental, institutional, recreational, transportation, communication, and utilities.

PEAK FLOW DISCHARGE RATE — The maximum rate at which a unit volume of stormwater is discharged.

PERMIT — A written authorization made by the Town to the applicant to conduct land development activities.

PERMIT ADMINISTRATION FEE — A sum of money paid to the Town by the applicant for the purpose of recouping the expenses incurred by the Town in administering the permit.

PERVIOUS SURFACE — A surface that allows infiltration of precipitation or surface flow. Lawns, fields and woodlands are examples of pervious surfaces.

POST-CONSTRUCTION STORMWATER DISCHARGE — Any stormwater discharged from a site following the completion of land development activity and final site stabilization.

POST-DEVELOPMENT LAND USE CONDITION — The extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration. (See also "future proposed land use condition.")

PRE-DEVELOPMENT LAND USE CONDITION — The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land development activity are managed in an environmentally sound manner.

PRETREATMENT — The treatment of stormwater prior to its discharge to wetlands, infiltration practices or the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary stormwater practice.

PUBLIC DRAINAGE SYSTEM — All facilities owned and operated by the Town, Brown County, the Wisconsin Department of Transportation, or adjoining municipality, for the purpose of collecting, conveying, storing, treating, and properly disposing of stormwater runoff.

REDEVELOPMENT — Areas where new land development activity is replacing older development.

RESIDENTIAL DEVELOPMENT — Land development activity which is created to house people, including the residential dwellings as well as all affected portions of the development, including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multifamily, condominiums, and apartments.

RESPONSIBLE PARTY — Any person or entity holding fee title to the property or other person or entity contracted or obligated by agreement to implement and maintain post-construction stormwater BMPs.

SITE — The entire portion included in the legal description of the land on which the land development activity is proposed to take place.

SITE RESTRICTION — Any physical characteristic that limits the use of a stormwater best management practice.

SLAMM — A software program known as the Source Loading and Management Model, designed to provide information on the sources of problem pollutants and the effectiveness of stormwater management practices that can control the problem pollutants at their sources and at outfalls.

STOP-WORK ORDER — An order issued by the Town that requires that all construction activity on the site be stopped immediately.

STORMWATER CONVEYANCE SYSTEM — Any method employed to carry stormwater runoff from a development to waters of the state. Examples of methods include swales, channels, and storm sewers.

STORMWATER MANAGEMENT MEASURE — Structural or nonstructural practices that are designed to reduce stormwater runoff, sediment and pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT PLAN — A document that identifies all actions that will be taken to reduce stormwater quantity, sediment and pollutant loads from the post-development land use condition to levels meeting the requirements of this chapter.

STORMWATER RUNOFF — That portion of precipitation that does not soak into the soil and flows off the surface of the land and into the natural or artificial stormwater conveyance network.

TR-55 — The United States Department of Agriculture Natural Resources Conservation Service, Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

WATERS OF THE STATE — Any channel, ditch, stream, lake, or other body of water determined to be under State of Wisconsin authority as defined in § 281.01(18), Wis. Stats.

WPDES — The Wisconsin Pollutant Discharge Elimination System.

A. **WPDES STORMWATER PERMIT.** A permit issued by the Wisconsin Department of Natural Resources under § 283.33, Wis. Stats., that authorizes the point source discharge of stormwater to waters of the state and is regulated by Ch. NR 216, Wis. Adm. Code.

§ 90-5. Applicability and jurisdiction.

A. **Applicability.** This chapter applies to land development activities that meet the applicability criteria specified in this section unless the activity is performed by a state agency exempt under § 227.01(1), Wis. Stats. The chapter also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules:

- (1) Residential land development with a gross aggregate area of one acre or more.
- (2) Residential land development with a gross aggregate area less than one acre, if there is at least 0.25 acre of impervious surfaces.
- (3) Land development, other than a residential land development, with a gross aggregate area of 1.0 acre or more, and any nonresidential land development which creates an impervious area of 0.5 acre or more.

- (4) A post-development land use condition or site that had a gross aggregate area of one acre or more of land development activity.
 - (5) In the opinion of the Town Zoning Administrator, is likely to result in stormwater runoff which causes undue channel erosion, which increases water pollution or which endangers downstream property or public safety.
- B. Exemptions. A site that meets any of the following is exempt from the requirements of this chapter:
- (1) A redeveloped post-development land use site with no increase in impervious surfaces.
 - (2) A post-development land use condition with less than ten-percent connected imperviousness based on complete development of the post-development land use condition, provided the cumulative area of all impervious surfaces has 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 a gross aggregate area of one acre of land development activity 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. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
 - (7) Where the entire site flows to a regional stormwater facility.
 - (8) Mill and crush operations.
- C. Jurisdiction. This chapter applies to post-construction sites within the boundaries and jurisdiction of the Town of Ledgeview, as well as all lands located within the extraterritorial plat approval jurisdiction of the Town of Ledgeview, even if plat approval is not involved.
- D. Exclusions. This chapter is not applicable to activities conducted by a state agency, as defined under § 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under § 281.33(2), Wis. Stats.

§ 90-6. Stormwater management standards.

- A. Stormwater discharge quantity. Unless otherwise provided for in this chapter, all land development activities subject to this chapter shall establish on-site best management practices (BMPs) to maintain pre-development peak flow rates of stormwater discharged from the site, for post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance.

Infiltration of stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows.

- (1) All peak flow rates and volumes for pre- and post-development shall be calculated using procedures described in TR-55 for design rainfall events with recurrence intervals of two, 10 and 100 years. The pre-development land use condition shall assume "good hydrologic conditions" for land cover as described in the TR-55 method of calculation. The post-development land use condition shall assume "good hydrologic conditions" for land cover as described in the TR-55 method of calculation for the proposed land use cover types. NRCS curve numbers as identified in TR-55 shall not exceed the following for the given soil hydrologic groups:

Soil hydrologic group	A	B	C	D
NRCS curve number for meadow	30	58	71	78
NRCS curve number for woodland	30	55	70	77
NRCS curve number for grain	55	68	77	80
NRCS curve number for pasture	39	61	74	80
NRCS curve number for paved roadways with open ditches ¹	83	89	92	93
NRCS curve number for commercial business districts ¹	89	92	94	95
NRCS curve number for industrial districts ¹	81	88	91	93

NOTES:

¹ For use with redevelopment projects only.

- (2) For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the Town of Ledgeview Stormwater Reference Guide. These sites are not required to satisfy a numeric stormwater management standard.
- (3) Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date of this chapter are required to satisfy the stormwater management standards.
- (4) On-site BMPs shall be designed so that the development shall not increase peak flow discharge rates of stormwater runoff from that which would have resulted from the same storm occurring over the site with the land in its pre-development land use condition. Calculations for determining peak flow discharge rates for BMP sizing shall be based on the existing or future proposed land use conditions for off-site areas (whichever results in the highest peak flows), and the future proposed land use conditions for the on-site areas.

- (5) All stormwater conveyance systems within the proposed development receiving surface runoff from the proposed development shall be designed to completely contain peak discharge storm flows as described in § 90-6A(5)(a), (b), (c) and (d). Calculations for determining peak flow discharge rates for conveyance system sizing shall be based on the existing or future proposed land use conditions for off-site areas (whichever results in the highest peak flows), and the future proposed land use conditions for the on-site areas.
 - (a) For publicly owned or maintained open channel conveyance systems, the peak flow from the twenty-five-year storm shall be completely contained within the channel banks.
 - (b) For publicly owned or maintained storm sewer pipes, the peak flow from the ten-year storm shall be completely contained within the pipes with no surcharging or pressurized flow.
 - (c) Private storm sewer pipes shall be constructed to contain the peak flow from the five-year storm with no surcharging or pressurized flow.
 - (d) The site shall be designed so that on-site areas can safely pass a design rainfall event with a recurrence interval of 100 years without damage to people or property. In addition, the site shall not block or impede the flow of water off-site areas.
- (6) All discharges will be restricted to public drainage systems (including storm sewers and ditches) or to waters of the state. It shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water from the proposed development onto private lands when the water had not done so prior to the development.
- (7) Increases or decreases in the hydrology of natural wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland shall be assessed and shall meet the requirements of Ch. NR 103, Wis. Adm. Code.
- (8) An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of nonerosive discharge velocities and reasonable downstream conveyance.
- (9) Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of Subsection A(5)(b), provided the transportation facility is not part of a larger common plan of development or sale:
 - (a) A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the two-year, twenty-four-hour storm event.
 - (b) A highway reconstruction site.

- (c) A transportation facility that is part of a redevelopment project.
- B. Stormwater discharge quality. Unless otherwise provided for in this chapter, all land development activities subject to this chapter shall establish on-site management practices to control the quality of stormwater discharged from the site. For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following is required:
- (1) Stormwater management measures for the land development activities shall be designed to remove on an average annual basis a minimum of 80% of the total suspended solids load from the proposed land development when compared to the proposed on-site development without stormwater management measures.
 - (2) Stormwater management measures for redevelopment shall be designed to remove on an average annual basis a minimum of 40% of the total suspended solids load from the proposed land development when compared to the proposed land development without stormwater management measures.
 - (3) Stormwater management measures for infill areas of land with a gross aggregate area of less than five acres in size shall be designed to remove on an average annual basis a minimum of 40% of the total suspended solids load from the proposed on-site development when compared to the proposed on-site development without stormwater management measures, if within 10 years after October 1, 2002, and 80% of the total suspended solids load thereafter.
 - (4) The effectiveness of the stormwater management measures shall be evaluated using criteria the current version of SLAMM (Source Loading and Management Model).
- C. Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in Subsection C(8) through (11).
- (1) For residential developments with 20,000 square feet or more of impervious surface disturbance and residential developments with one acre or more of land disturbance, one of the following shall be met:
 - (a) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
 - (b) Infiltrate 25% of the post-development runoff from the two-year twenty-four-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

- (2) For nonresidential developments with 20,000 square feet or more of impervious surface disturbance and nonresidential developments with one acre or more of land disturbance, including commercial, industrial and institutional development, one of the following shall be met:
 - (a) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
 - (b) Infiltrate 10% of the runoff from the two-year twenty-four-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
- (3) Pre-development condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" is as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers for Cropland

Hydrologic soil group	A	B	C	D
Runoff curve number	56	70	79	83

- (4) For residential and nonresidential developments with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the Town of Ledgeview Stormwater Reference Guide. These sites are not required to satisfy a numeric performance standard.
- (5) Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date of this chapter are required to satisfy the performance standards within § 90-6B(1), (2), and (3).
- (6) The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- (7) 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(11). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter snips.

- (8) Exclusions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this Subsection C:
- (a) Areas associated with Tier 1 industrial facilities identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 - (b) Storage and loading areas of Tier 2 industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.
 - (c) Fueling and vehicle maintenance areas.
 - (d) Areas within 1,000 feet upgradient or within 100 feet downgradient of karst features.
 - (e) 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 C(8)(e) does not prohibit infiltration of roof runoff.
 - (f) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
 - (g) Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in § NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - (h) Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
 - (i) Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three-foot soil layer with twenty-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 C(8)(i) does not prohibit infiltration of roof runoff.
- (9) Exemptions. Infiltration of runoff from the following areas is not required to meet the infiltration requirements of this Subsection C:
- (a) Areas where the infiltration rate of the soil is less than 0.6 inch/hour measured at the site.
 - (b) Parking areas and access roads less than 5,000 square feet for commercial and industrial development.
 - (c) Redevelopment and routine maintenance areas.

- (d) Infill areas less than five acres.
 - (e) Infiltration areas during periods when the soil on the site is frozen.
 - (f) Roads in commercial, industrial and institutional land uses, and arterial residential roads.
 - (g) Highways, provided that the transportation facility is not part of a larger common plan of development or sale.
- (10) 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.
- (11) Prevention action limits.
- (a) Infiltration systems designed in accordance with this subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 - (b) Notwithstanding Subsection C(11)(a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

D. Protective areas.

- (1) "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, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
- (a) For outstanding resource waters and exceptional resource waters and for wetlands in areas of special natural resource interest as specified in § NR 103.04, 75 feet.
 - (b) For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - (c) For lakes, 50 feet.
 - (d) For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.

- (e) For less susceptible wetlands, 10% of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
 - (f) In Subsection D(1)(a), (d) and (e), determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in § NR 103.03.
 - (g) For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
- (2) Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with § NR 103.08(1m). This Subsection D 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.
- (3) This Subsection D applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subsection D(6) below.
- (4) The following requirements shall be met:
- (a) 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.
 - (b) Where land-disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and the filtering of pollutants from upslope overland flow areas under sheet flow conditions. Nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high-velocity flows occur.
 - (c) Best management practices, such as filter strips, swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- (5) A protective area established or created after the adoption date of this chapter shall not be eliminated or reduced, except as allowed in Subsection D(6)(b), (c), or (d) below.
- (6) Exemptions. The following areas are not required to meet the protective area requirements of this Subsection D:
- (a) Redevelopment and routine maintenance areas, provided that the minimum requirements within in Subsection D(5) above are satisfied.

- (b) Structures that cross or access surface waters such as boat landings, bridges and culverts.
 - (c) Structures constructed in accordance with § 59.692(lv), Wis. Stats.
 - (d) Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- E. Fueling and vehicle maintenance areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum contamination within runoff, such that the runoff that enters the Town's storm sewer system or waters of the state contains no visible petroleum sheen.
- F. Swale treatment for transportation facilities. This subsection is not applicable to transportation facilities that are part of a larger common plan of development or sale.
- (1) Applicability. Except as provided in Subsection F(2), transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 - (a) Be vegetated. However, where appropriate, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - (b) Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a two-year, twenty-four-hour design storm or a two-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.
 - (2) Exemptions. The Zoning Administrator may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:
 - (a) An outstanding resource water.
 - (b) An exceptional resource water.
 - (c) Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
 - (d) Waters where targeted performance standards are developed under § NR 151.004, Wis. Adm. Code, to meet water quality standards.

- G. Exemptions. The Zoning Administrator may waive the minimum requirements for on-site stormwater management practices established in § 90-6, upon written request of the applicant, provided that at least one of the following conditions applies:
- (1) Provisions are made to manage stormwater by an off-site facility. This requires that the off-site facility is in place, is designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices meeting the requirements of this chapter, and has a legally obligated person or entity responsible for long-term operation and maintenance of the stormwater practice pursuant to a maintenance agreement recorded in the Register of Deeds.
 - (2) The Town Board finds that meeting the minimum on-site management requirements is not technically feasible due to site restrictions.
 - (3) Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.
 - (4) Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
 - (5) The following transportation facilities are exempt, provided that the transportation facility is not part of a larger common plan of development or sale.
 - (a) Reconditioning or resurfacing of a highway.
 - (b) Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within § NR 151.24(6), Wis. Adm. Code, apply to minor reconstruction of a highway.
 - (c) A redevelopment transportation facility with no increase in exposed parking lots or roads.
 - (d) A transportation facility with less than 10% connected imperviousness based on complete development of the transportation facility, provided that the cumulative area of all parking lots and rooftops is less than one acre.
 - (e) Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - (6) General considerations for on-site and off-site stormwater management measures. The following considerations shall be observed in managing runoff:
 - (a) Natural topography and land cover features, such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas, shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

- (7) Location and regional treatment option.
- (a) The BMPs may be located on site or off site as part of a regional stormwater device, practice or system.
 - (b) Post-construction runoff within a nonnavigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in nonnavigable surface waters.
 - (c) Except as allowed under Subsection G(7)(d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (d) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this chapter if:
 - [1] The BMP was constructed prior to the effective date of this chapter and the BMP either received a permit issued under Ch. 30, Wis. Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and
 - [2] The BMP is designed to provide runoff treatment from future upland development.
 - (e) Runoff from existing development, redevelopment and infill areas shall meet the post-construction performance standards in accordance with this subsection.
 - [1] To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 - [2] Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Ch. NR 103, Wis. Adm. Code, and Ch. 30, Wis. Stats.
 - (f) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.
 - (g) The Zoning Administrator may approve off-site management measures, provided that all of the following conditions are met:
 - [1] The Zoning Administrator determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Town of Ledgeview and that contains management requirements consistent with the purpose and intent of this chapter.
 - [2] The off-site facility meets all of the following conditions:

- [a] The facility is in place.
 - [b] The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - [c] The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (h) Where a regional treatment option exists such that the Zoning Administrator 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 Zoning Administrator. In determining the fee for post-construction runoff, the Zoning Administrator shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (8) Alternate requirements. The Zoning Administrator may establish stormwater management requirements more stringent than those set forth in this section if the Zoning Administrator determines that an added level of protection is needed to protect sensitive resources. Also, the Zoning Administrator may establish stormwater management requirements less stringent than those set forth in this section if the Zoning Administrator determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the Wisconsin Department of Natural Resources under Ch. NR 151, Wis. Adm. Code.
- H. Fee in lieu of on-site stormwater management practices. Where the Zoning Administrator waives all or part of the minimum on-site stormwater management requirements under § 90-6B or where the waiver is based on the provision of adequate stormwater facilities provided by the Town downstream of the proposed land development, as provided for under § 90-5B(7) the applicant shall be required to pay a fee in an amount determined by the Town. In setting the fee for land development projects, the Town shall consider an equitable distribution of cost of administration, land, design, inspection, surveying, and construction.

§ 90-7. Permitting requirements, procedures and fees.

- A. Permit required. No landowner or other person or entity may undertake a land development activity subject to this chapter without receiving a permit from the Zoning Administrator prior to commencing the proposed activity.
- B. Permit application and fee. Unless specifically exempted by this chapter, any landowner or other person or entity desiring a permit shall submit to the Zoning Administrator a permit application.

- (1) Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order for the permit application to be considered by the Zoning Administrator:
 - (a) A stormwater management plan;
 - (b) A maintenance plan and a maintenance agreement;
 - (c) Any easements which may be required over downstream property;
 - (d) A copy of plans and specifications for all stormwater facilities;
 - (e) Certification by a professional engineer registered in the State of Wisconsin;
 - (f) Any payment of fees in lieu as provided for under § 90-6H;
 - (g) A nonrefundable permit administration fee; and
 - (h) Performance security, if applicable by § 90-10.
 - (2) The stormwater management plan shall be prepared to meet the requirements of § 90-8 of this chapter and the maintenance agreement shall be prepared to meet the requirements of § 90-9 of this chapter.
 - (3) Review fees shall be those incurred by the Town and billed to the applicant for actual expenses charged to the Town by its consultants to review the stormwater management plan and administrative costs incurred by the Town.
- C. Review and approval of permit application. The Zoning Administrator shall review any permit application that is submitted with the items required under § 90-7B(1). The following procedure shall apply:
- (1) Within 30 business days of the receipt of a complete permit application, including all documents as required by § 90-7B(1), the Zoning Administrator shall inform the applicant whether the application, stormwater management plan and other required documents are approved or disapproved. The Zoning Administrator shall base the decision on requirements set forth in §§ 90-6, 90-8 and 90-9 of this chapter.
 - (2) If the stormwater permit application, stormwater management plan, and other documents are approved, the Zoning Administrator shall issue the permit.
 - (3) If the stormwater permit application, stormwater management plan and other documents are disapproved, the applicant may revise the application and other documents.
 - (4) If additional information is submitted by the applicant, the Zoning Administrator shall have 30 business days from the date the additional information is received to inform the applicant that the application, stormwater management plan and other documents are either approved or disapproved.
 - (5) Failure by the Zoning Administrator to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed approval of the

submittal. Upon notice to the applicant prior to expiration of the thirty-business-day period, the Zoning Administrator may extend the time for review of the application beyond 30 business days for complex projects.

- D. Permit conditions. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The Zoning Administrator may suspend or revoke a permit for violation of a permit condition upon written notification to the permittee. An action by the Zoning Administrator to suspend or revoke this permit may be appealed in accordance with § 90-13 of this chapter.
- (1) Compliance with this permit does not relieve a permittee from the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) A permittee shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and other documents.
 - (3) A permit holder shall notify the Zoning Administrator at least three business days before commencing any work in conjunction with the stormwater management plan and within three business days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Zoning Administrator so that practice installations can be inspected during construction.
 - (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and chapter. The Zoning Administrator or other competent professionals identified by the Zoning Administrator shall make the inspection. The Zoning Administrator shall notify a permittee in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) A permittee shall submit any proposed modifications to an approved stormwater management plan in writing to the Zoning Administrator at least 30 days prior to execution. The Zoning Administrator may require that a proposed modification be submitted as an original permit application for approval prior to incorporation into the stormwater management plan and execution.
 - (6) A permittee shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the Town or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The Zoning Administrator shall assure that any work or operations necessary to bring stormwater management measures into conformance with an approved stormwater management plan are performed. All costs incurred by the Town shall be paid by the permittee. Any costs not paid timely by the permittee shall be placed upon the tax roll as a special charge against the property pursuant to § 66.0627, Wis. Stats.

- (8) If so directed by the Zoning Administrator, a permittee shall repair, at the permittee's expense, all damage to adjoining Town facilities and drainageways caused by stormwater runoff where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (9) A permittee shall permit property access to the Zoning Administrator and his assignees for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (10) Where a stormwater management plan involves direction of some or all runoff off site, it shall be the responsibility of the permittee to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water pursuant to § 90-6A(6). Issuance of this permit does not create or affect any such rights.
 - (11) A permittee is also subject to the enforceable actions detailed in § 90-12 of this chapter if the permittee fails to comply with the terms of a permit.
- E. Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the Zoning Administrator notifies the permittee that all stormwater management practices have passed the final inspection or the permit is suspended or revoked pursuant to § 90-12 of this chapter.

§ 90-8. Stormwater management plans.

- A. Plan requirements. All site investigations, plans, designs, computations, and drawings shall be certified by a registered professional engineer in the State of Wisconsin to be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by this chapter. The stormwater management plan required under § 90-7 of this chapter shall contain the following:
- (1) Name, address and phone number for the landowner, the developer, the project engineer and person(s) responsible for maintenance of the design.
 - (2) A legal description of the property to be developed.
 - (3) Pre-development land use conditions, including:
 - (a) Site map(s), location, soil type(s), existing cover and condition, contours, existing drainage, watershed boundary, and stormwater ditches on or adjacent to the site.
 - (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 map(s).
 - (4) Post-development land use conditions, including:

- (a) Explanation of provisions to preserve/use natural topography and undisturbed land in order to minimize changes in peak flow and/or volume of runoff for post-construction sites.
 - (b) Explanation of any restrictions on stormwater in the development area.
 - (c) Site map(s) showing post-construction pervious areas, including vegetative cover type and condition, impervious surfaces, post-construction contours and drainage, drainage easements, maintenance agreements and easements, stormwater conveyance systems, on- and off-site drainage area, watershed boundaries, and any changes to lakes, streams, wetlands, channels, ditches, and watercourses on or adjacent to the site.
 - (d) Hydrology and pollutant loading as required.
 - (e) Results of any soil or groundwater testing required for the placement of any BMP designs, including detailed drawings and cross sections of stormwater conveyance systems.
 - (f) Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.
- (5) Installation schedule and maintenance plans for BMPs.
 - (6) Cost estimates, site investigations, plans, designs, computations, and drawings for any BMPs.
 - (7) Any other information requested by the Town.
- B. Exceptions. The Zoning Administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 90-6D of this chapter.

§ 90-9. Maintenance agreements.

- A. Maintenance agreement required. The maintenance agreement required for stormwater management practices under § 90-7B of this chapter shall be an agreement between the Town and the permittee. The agreement shall be recorded as a property deed restriction by the permit applicant with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.
- B. Agreement provisions. The maintenance agreement shall contain the following provisions:
- (1) The landowner shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under § 90-7B of this chapter.
 - (2) The Zoning Administrator is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are

being maintained and operated in accordance with the approved stormwater management plan.

- (3) The Zoning Administrator shall maintain public records of the results of the site inspections, shall inform the landowner or other person or entity responsible for maintenance of the results of any inspection, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper condition and a reasonable time frame in which the corrective action must be taken.
 - (4) The Zoning Administrator is authorized to perform the corrected actions identified in the inspection report if the landowner or other person or entity fails to make the required corrections in the specified time period. The Town shall charge the landowner for the cost of such work and, upon failure to receive payment for such work, shall levy a special charge on the property pursuant to § 66.0627, Wis. Stats.
- C. Alternate requirements. The Zoning Administrator may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 96-G(7) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.
- D. Termination of agreement. The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the Town or agency acceptable to the Town, through a written, binding agreement. The termination date of the maintenance agreement required under § 90-9A shall be the date upon which the legal transfer of maintenance responsibility to the Town or other agency is made effective.

§ 90-10. Financial guaranty.

- A. Establishment of guaranty. The Zoning Administrator may require the submittal of a financial guaranty, the form and type of which shall be acceptable to the Zoning Administrator. The financial guaranty shall be in an amount determined by the Zoning Administrator to be 125% of the estimated cost of construction. The financial guaranty shall give the Zoning Administrator the authorization to use the funds to complete the project if the landowner defaults or does not properly implement the approved stormwater management plan.
- B. At the time that maintenance is necessary for the stormwater management practices, the designated party shall perform the maintenance as required by the maintenance agreement under § 90-9 of this chapter.
- C. Conditions for release. Conditions for release of the financial guaranty are as follows:
- (1) The Zoning Administrator shall release the portion of the financial guaranty established to assure installation of stormwater practices, minus any costs incurred by or on behalf of the Zoning Administrator to complete installation of stormwater practices, upon submission of "as-built plans" by a licensed professional engineer. The Zoning Administrator may make provisions for a partial pro rata release of the

financial guaranty based on the completion of stages of the stormwater management system.

- (2) The Zoning Administrator shall determine if the responsible party has performed the maintenance of the stormwater management practices in accordance with the maintenance agreement. The maintenance shall be performed to the satisfaction of the Zoning Administrator.
- D. Alternate requirements. The Zoning Administrator may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 90-6G(7) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

§ 90-11. Discharges regulated.

- A. Discharge to sanitary sewers. No person shall discharge any clear water by means of sump pump or roof drains into any sanitary sewer, and no person shall permit rainwater or surface water to drain directly into any sanitary sewer.
- B. Discharge to storm sewer. All clear water shall discharge directly into a storm sewer where such sewer is available, and the director of public works may direct such connection if he deems it necessary and in the public interest.
 - (1) Permit required. No person shall open any street, alley or other public place for the purpose of connecting to a storm sewer or other terminal without first obtaining from the Director of Public Works a written permit to open such street, alley or public place.
 - (2) Inspection. Any person receiving a permit to connect to a storm sewer shall notify the Street Superintendent whenever the work is ready for inspection. All work shall be left uncovered until examined and approved by the Superintendent.
- C. Discharge to public streets. No person shall discharge any clear water directly into a public street or alley from November 1 to March 31, inclusive. No person shall discharge any clear water directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining from the Director of Public Works a written permit to do so.
- D. Other discharges.
 - (1) Where a storm sewer is not available, the discharge of clear water shall be either:
 - (a) Into an underground conduit leading into a drainage ditch;
 - (b) Onto the ground surface at least one foot sloping away from the building foundation and directed toward the front or rear lot line.
 - (2) Such discharge shall not be directed so as to flow on adjacent property, nor shall the discharge be allowed to accumulate and create ponds of standing water or other public nuisance. Nothing contained in this subsection shall act to relieve a person from complying with the other provisions of this section.

- E. Correction; penalty. Any person who is the owner of any building or land wherein there is a violation of the provisions of this section shall cause the violation to be corrected within a maximum of 60 days after being notified in writing by the Director of Public Works, whose duty it shall be to enforce this section. Any person who shall thereafter continue to violate the provisions of this section shall be subject to the forfeiture provided for violation of this chapter. Nothing in this section shall preclude the Town from maintaining any other appropriate action to prevent or remove a violation of this section.

§ 90-12. Enforcement; violations and penalties.

- A. Any activity initiated after the effective date of this chapter by any person or entity subject to the provisions of this chapter shall be deemed a violation unless conducted in accordance with said provisions.
- B. The Zoning Administrator may issue a citation or a notice of violation in order to correct any violation of this chapter. A notice of violation shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- C. Upon receipt of written notification from the Zoning Administrator, a permittee shall correct work that does not comply with the stormwater management plan or other provisions of the permit within 30 days. A permittee shall make corrections as necessary to meet the specifications and schedule set forth by the Zoning Administrator in the notice.
- D. The Zoning Administrator may issue a stop-work order on any land development activity that is taking place in violation of this chapter.
- E. The Zoning Administrator may suspend or revoke a permit issued under this chapter for noncompliance with the provisions of this chapter.
- F. Any permit revocation or stop-work order shall remain in effect unless retracted by the Zoning Administrator or by a court of competent jurisdiction.
- G. Any person or entity who fails to comply with any provision of this chapter or order issued hereunder shall be subject to a forfeiture under § 1-16A(5) of this Code.
- H. When the Zoning Administrator determines that a permittee has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to § 90-7 of this chapter or has failed to comply with schedules set forth in said stormwater management plan, the Zoning Administrator or a party designated by the Zoning Administrator may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with the requirements of the approved stormwater management plan. The Zoning Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guaranty posted pursuant to § 90-10 of this chapter. Where a financial guaranty has not been established or where such financial security is insufficient to cover these costs, the costs and expenses shall be billed to the

landowner and upon default of payment shall be entered on the tax roll as a special charge against the property pursuant to § 66.0627, Wis. Stats., and collected with any other taxes levied thereon for the year in which the work is completed.

- I. Nothing in this chapter shall limit or exclude the Town from taking any other action under any Town Municipal Code, state statute, or other remedy allowed by law.

§ 90-13. Appeals.

- A. Town Board. The Town Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Zoning Administrator in administering this chapter. The Town Board shall also use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Town Board may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of this chapter will result in unnecessary hardship.
- B. Who may appeal. Appeals to the Town Board may be taken by any aggrieved person or by an officer, department, board or bureau of the Town affected by any decision of the administering authority.

§ 90-14. Severability.

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall remain in force and not be affected by such judgment.

§ 90-15. through § 90-20. (Reserved)

ARTICLE II Stormwater Utility [Adopted 9-21-2010 by Ord. No. 2010-013]

§ 90-21. Findings.

- A. The Town of Ledgeview finds that the management of stormwater and other surface water discharges within and beyond its borders is a matter that affects the public health, safety, and welfare of the Town, its citizens, businesses, and others in the surrounding area. The development of land increases impervious surfaces and results in increased stormwater runoff. Surface water runoff may create erosion of lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage in surrounding areas. Specific requirements have been placed on the Town through the Wisconsin Department of Natural Resources (DNR), Ch. NR 216, Wis. Adm. Code, requiring the Town to improve the quality of stormwater discharged to the waters of the state.

- B. The cost of operating and maintaining the Town stormwater management system, ensuring regulatory compliance, and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

§ 90-22. Establishment of Stormwater Utility.

- A. In order to protect the health, safety and welfare of the public, Town assets, and natural resources, the Town Board hereby exercises its authority to establish the Town of Ledgeview's Stormwater Utility and set the rates for stormwater management services.
- B. The Town Board shall operate and manage the Stormwater Utility.
- C. The Town is acting under the authority of Chapters 60 and 66 of the Wisconsin Statutes, and particularly without limitation the following sections: §§ 66.0809, 66.0811, and 66.0821. In addition, since the Town Meeting has granted village powers, the Town is exercising the power conferred upon village boards under Ch. 61, Wis. Stats., including, but not limited to § 61.34, Wis. Stats.

§ 90-23. Powers and duties of Utility.

- A. Creation and supervision. The Town of Ledgeview hereby establishes a Stormwater Utility. The operation of the Stormwater Utility shall be subject to the review of the Board. The Administrator shall be responsible for the maintenance and management of the Stormwater Utility under direction of the Board.
- B. Facilities. The Town, through the Stormwater Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities as are deemed by the Town to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, but are not limited to, land, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, street sweepers, leaf vacuums and such other facilities and equipment relating to collection of runoff, sediments, and other pollutants as will support a stormwater management system, whether such facilities are owned and operated directly by the Town or are provided under statutory or contractual provisions and furnishings of which facilities create or impose a cost or charge upon the Town for the services afforded by such facilities.
- C. Transfer of assets and outstanding debt. Effective January 1, 2011, the following assets and debts of the Town are hereby transferred to the Stormwater Utility:
- (1) The land rights and improvements of the Town, including such other rights as determined to exist, and equipment for the following components of the public stormwater system:
 - (a) Storm sewers, catch basins, and culverts;
 - (b) Stormwater ponds, and related appurtenances;

- (c) Access structures;
 - (d) Greenways;
 - (e) Street sweepers, leaf vacuums, trucks, loaders, backhoes, pumps, and other maintenance equipment.
- (2) Debt service on all outstanding general obligation debt issued for stormwater management purposes.
- D. Rates and charges. The Town may establish such rates and charges as are necessary to finance planning, design construction, maintenance, administration, and operation of the facilities in accordance with the procedures set forth in this article.
- E. Budgeting process. The Stormwater Utility Administrator shall prepare an annual budget, which is to include all operation and maintenance costs, debt service, administrative fees, and other costs related to the operation of the Stormwater Utility. The costs shall be spread over the rate classification as determined by the Board. The budget is subject to the public hearing and approval process, set forth in § 65.90, Wis. Stat.
- F. Excess revenues. The Stormwater Utility will retain any excess of revenues over expenditures in a year in a segregated Stormwater Enterprise Fund, which shall be used exclusively for purposes consistent with this article.
- G. Financing methods. The Town Board has the authority as provided in §§ 66.0821, 66.0627 and 66.0703 and may exercise such authority with respect to all financing methods such as user charges, special charges, special assessments and liens as provided therein.

§ 90-24. Definitions.

In this article the following terms have the meanings set forth below:

AGRICULTURAL LAND USES — Related to or used for production of food and fiber, including but not limited to general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions, and wild crop harvesting and includes lands for on-site buildings and other structures necessary to carry out such activities.

CUSTOMER — Any person, owner or occupant, firm partnership, cooperative, municipality, organization, governmental agency or political entity provided with stormwater management services by the Town of Ledgeview Stormwater Utility.

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

DEVELOPED PROPERTY — The real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, change in grade or landscaping, agricultural use of property; or property that has been graded for residential or commercial development.

DUPLEX UNIT — A residential space containing two dwelling units.

DWELLING UNIT — One or more rooms that are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EQUIVALENT RUNOFF UNIT or ERU — The statistical average of horizontal impervious area of "single-family homes" within the Town of Ledgeview on the date of the adoption of the article. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.

FARMSTEAD HOME SITE — That portion of any agricultural property which contains one or more dwelling units, and vehicle garage regardless of whether the dwelling units are on a separate lot or parcel.

IMPERVIOUS AREA or IMPERVIOUS SURFACE — Areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from that present under the natural conditions as undeveloped property. Such areas may include, but are not limited to, all areas covered by structures, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts, and compacted surfaces, private roads, and parking lots. Excluded from this definition are undisturbed land, lawn, fields, and public streets.

LOT — A parcel of land having a width and depth sufficient for one principal building and its accessory building together with open spaces required by the Town of Ledgeview Zoning Ordinance² and abutting a public street or access easement.

MULTIFAMILY UNIT — A residential space consisting of three or more dwelling units within a single building, including apartments, residential condominiums, and townhouses.

NONRESIDENTIAL PROPERTY — Any developed lot or parcel other than residential property as defined herein, including, but not limited to, transient rentals (such as hotels and motels), mobile home parks, commercial, industrial, institutional, governmental property, parking lots, and agricultural accessory buildings.

PARCEL — A legal unit of land division as recorded in the Brown County Register of Deeds.

RESIDENTIAL PROPERTY — Any lot, parcel or farmstead home site with or without a vehicle garage developed exclusively for residential purposes, including single-family homes, duplex units, multifamily units, manufactured homes and condominiums but not including transient rentals (such as hotels and motels) and mobile home parks.

RUNOFF — The surface water, including rain and snowmelt, which is inhibited by impervious surfaces from naturally infiltrating into soil.

SINGLE-FAMILY HOME — Any residential property consisting of a single dwelling unit.

2. Editor's Note: See Ch. 135, Zoning.

STORMWATER SYSTEM — All public storm sewers, drainage conduits, drainage conveyances, roadside ditches, curb and gutter, and public greenways, and all improvements thereto which by this section are constituted as the property and responsibility of the Stormwater Utility, to be operated to, among other things, conserve water, control discharges necessitated by rainfall events, snowmelt or melting ice, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

STORMWATER UTILITY — The utility established under this article for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management services.

UNDEVELOPED PROPERTY — Property that has not been altered by the addition of any improvements such as building, structure, change of grade or substantial landscaping; a property shall be considered developed pursuant to this article upon issuance of a certificate of occupancy or upon substantial completion of construction or final inspection if no such certificate is issued or where construction is at least 50% complete and construction is halted for a period of three months.

§ 90-25. Rates and charges.

- A. The Stormwater Utility shall establish a uniform system of stormwater service charges that shall apply to each and every developed lot or parcel within the Town. It shall be the policy to establish stormwater service charges in such amount in order to pay for all or a part of the operation and maintenance, administrative fees, debt service, and other costs related to the operation of the stormwater management utility. The Stormwater Utility may establish and modify stormwater service charges, as necessary, so as to assure that the charges generate adequate revenues to pay the costs of the stormwater management program and that the costs are allocated fairly and proportionately to all developed parcels in the Town.
- B. By this article, the Stormwater Utility is establishing the basis for the rates that will be used to calculate and impose a charge upon each developed lot and parcel within the Town for services and facilities provided by the Stormwater Utility consistent with this article. Charges imposed under this chapter are in addition to assessments imposed by resolution of the Town of Ledgeview Municipal Code.
- C. The amount of the charge to be imposed, for each customer classification shall be made by resolution of the Town Board. The current rates will be set forth in a Stormwater Utility Rate Table and kept on file in the office of the Town Clerk. The rates shall be reviewed by the Town Board on an annual basis and adjusted as necessary.
- D. Charges shall be imposed to recover all or a portion of the costs for the Stormwater Utility set forth in § 90-25A. Such charges may include the following components:
 - (1) Base charge (BC). The base charge may be imposed on all developed property in the Town. The base charge will be designed to reflect the fact that all developed properties benefit from the stormwater management activities of the Town and that all developed properties contribute in some way to the stormwater discharge that

must be managed by the Town. The base charge will be designed to collect the fixed administrative costs of the storm sewer utility and the portion of capital costs not covered by other means.

- (2) Equivalent runoff unit (ERU) charge. The ERU charge shall be imposed for all developed property in the Town based upon the amount of impervious area as reasonably determined by the Town under § 90-27.
 - (3) Development charge (CC). A one-time charge may be imposed when a property is converted from undeveloped to developed property or otherwise becomes connected to the Town stormwater system. The charge may vary based on the size of the parcel.
- E. The Stormwater Utility may make such other classifications in accordance with § 90-27 as will be likely to provide reasonable and fair distribution of the costs of the Stormwater Utility. In so doing, the Board may provide credits against certain charges set for the above facilities installed and maintained by the property owner for the purpose of lessening the stormwater flow from that given property.
- F. The Town of Ledgeview is hereby appointed as the collection agency for the Stormwater Utility. Bills shall be prepared by the Stormwater Utility or its agent and sent to the owner a minimum of 30 days prior to such bill being due pursuant to § 90-28 of each premises served. The Stormwater Utility shall allocate the actual cost of billing and collecting as a base charge.

§ 90-26. Credits.

- A. The Stormwater Utility may provide credits against the ERU charge pursuant to § 90-26C(1). The Stormwater Utility will not provide credits against the base charge or connection charge, unless a scrivener error is made and it is determined that the property owner paid an erroneous charge. The base charge shall include the following:
- (1) Base charge: the portion of the stormwater charge that is applied to each residential, commercial, industrial and public entity customer where the charge arises from the administrative and general expenses of the Stormwater Utility. The fixed costs shall include the following:
 - (a) Stormwater salaries, social security and fringe benefits based upon percentage of time spent by Town employees on stormwater management and related overhead functions;
 - (b) Audit; costs for audits of the Stormwater Utility;
 - (c) Stormwater facility rental cost;
 - (d) Allocated share of liability, property and workers' compensation insurance costs;
 - (e) Stormwater newsletter expenses;
 - (f) Stormwater office supplies;

- (g) Stormwater equipment maintenance;
 - (h) Stormwater education and travel;
 - (i) Stormwater street sweeping; and
 - (j) Stormwater sinking fund.
- (2) ERU charge: the portion of the stormwater charge reflecting the costs incurred by the Stormwater Utility related to activities in the construction, maintenance and operations of the Town stormwater management system, including costs related to acquisition of land and land rights, structures and improvements, accessories, dry and wet stormwater detention basins, swales, storm sewers, outfall limited release stormwater structures such as weir structures, treatment of and removal of solids from existing stormwater structures. These costs include variable portions of:
- (a) Stormwater salaries, social security and fringe benefits;
 - (b) Stormwater overtime;
 - (c) Stormwater legal services;
 - (d) Stormwater engineering services;
 - (e) Stormwater detention basin maintenance;
 - (f) Stormwater storm sewer maintenance;
 - (g) Stormwater yard waste services;
 - (h) Stormwater monitoring and testing;
 - (i) Stormwater locates;
 - (j) Allocated costs for facilities based in the Ledgeview Municipal Building used by employees who have a percentage of their labor time allocated to the Stormwater Utility;
 - (k) Stormwater equipment rental;
 - (l) Stormwater operating supplies;
 - (m) Stormwater capital projects; and
 - (n) Debt service from stormwater capital projects.
- B. To be entitled to consideration for a credit, the property owner shall file an application together with a review fee with the Stormwater Utility that is supported by documentation from a professional engineer and demonstrates the conditions of this section has been met. The application is subject to review and approval of the Stormwater Utility. The Stormwater Utility may deny the application unless the property owner agrees to pay for the necessary engineering services.
- C. Credits may be provided under the following circumstances:

- (1) A nonresidential property owner may seek a credit on the ERU charge where it has installed and maintained an on-site stormwater management system that both mitigates flood impacts and provides treatment of pollutants in stormwater runoff utilizing a design providing management in excess of that required to comply with the standards specified in Chapter 90, Article I, that has been approved by the Utility.
- D. No credit shall be considered for any "natural" features, including, but not limited to, wetlands, streams and creeks, floodplains, or water impoundment of any kind in existence prior to the passage of this article.
- E. The Stormwater Utility may revoke the credit if the basis for the credit has materially changed. The Stormwater Utility shall provide at least 30 days' advance written notice of any proposed revocation.
- F. A denial or revocation of any credit may be appealed under § 90-29.

§ 90-27. Customer classifications.

- A. For purposes of imposing the base and ERU charges, all lots and parcels within the Town shall be classified into the following five customer classes:
- (1) Residential: single-family, including farmstead home sites.
 - (2) Residential: duplex.
 - (3) Residential: multifamily.
 - (4) Nonresidential.
 - (5) Undeveloped.
- B. The Stormwater Utility shall prepare a list of lots and parcels within the Town of Ledgeview and assign a customer classification of residential, nonresidential, or undeveloped to each lot or parcel.
- C. The average square footage of impervious area of one ERU is established to be equivalent to 5,800 square feet.
- D. ERUs shall be calculated per classification as follows:
- (1) Residential, single-family, including mobile homes: one ERU.
 - (2) Residential, duplex: 0.75 ERU for each dwelling unit.
 - (3) The charges imposed for the multifamily and nonresidential properties, as defined herein, shall be the rate for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of multifamily or nonresidential property by the square footage of one ERU. The factor shall be rounded down to the nearest 1/10, i.e., impervious area in square feet.

$$\frac{\text{5,800 square feet}}{\text{5,800 square feet}} = 1 \text{ ERU rate}$$

e.g., $\frac{\text{20,500 square feet}}{\text{5,800 square feet}} = 3.534 \text{ ERUs} = 3.5 \text{ ERUs}$

- E. The Stormwater Utility/consultant shall be responsible for determining the impervious area, based upon the best available information, including, but not limited to, data supplied by the Town, aerial photography, the property owner, tenant, or developer. The Stormwater Utility/consultant may require additional information, as necessary, to make the determination. The billing amount shall be updated by the Stormwater Utility/consultant on any additions to the impervious area. Upon the property owner's written notification and request, the Stormwater Utility/consultant shall review impervious area for possible reductions.
- F. All unoccupied developed lots and parcels shall be subject to the Stormwater Utility charges. Upon filing of a final plat or certified survey map, a charge of 0.5 ERU times the rate shall be imposed on each newly created undeveloped lot where such property discharges stormwater into stormwater facilities constructed, financed or maintained by the Stormwater Utility.
- G. All developed agricultural lands and parcels, including agricultural classified properties, shall be subject to the Stormwater Utility charges. The minimum charges for any developed parcel shall be equal to the rate of 20% of one ERU per parcel up to 100 acres.

§ 90-28. Billing and penalties.

- A. Stormwater Utility charges may be billed in advance either on the utility bills issued by Ledgeview Sanitary District No. 2, where such service exists, or on an annual basis or collected as a special charge pursuant to § 66.0627, Wis. Stats., for areas not yet served by Ledgeview Sanitary District No. 2. Nothing in this subsection shall be construed to preclude the Stormwater Utility from billing on a more frequent basis.
- B. The property owner is held responsible for all stormwater service charges on real property that he or she or it owns. All stormwater bills and notices of any nature relative to the stormwater management program will be addressed to the owner and delivered with reasonable care to the addressee by first-class mail. A failure to receive a stormwater service charges bill shall not relieve any person of the responsibility for payment of stormwater service charges within the prescribed period nor exempt any party from any penalty imposed for delinquency in payment thereof.
- C. The Stormwater Utility shall establish billing procedures and may bill charges on the same invoice as water and sewer charges. Interest on late payments may be charged not to exceed 1.5% per month. On October 15 of each year, the Town Treasurer shall cause a notice to be mailed or delivered to the owner or occupant of any parcel to which Stormwater Utility charges, plus any interest, are in arrears. All balances in arrears on

November 1 of each year shall become a lien on the parcel and shall be inserted on the tax rolls for collection in accordance with § 66.0809(3), Wis. Stats., as amended. Stormwater Utility charges shall not be paid in installments.

- D. All delinquent charges shall be subject to a three-percent penalty per quarter in addition to all other charges, including prior penalties that exist when the delinquent charge is extended upon the tax roll.

§ 90-29. Method of appeal.

- A. The Stormwater Utility charge, a determination of ERUs, or ERU credits may be appealed by filing a written appeal with the Stormwater Utility prior to the utility charge due date if not paid or within 30 days of payment. The appeal shall specify all bases for the challenge and the amount of the stormwater charge the appellant asserts is appropriate. Failure to file a timely appeal waives all rights to challenge such charge.
- B. The Town Board shall review said written appeal and shall determine whether the stormwater charge is fair and reasonable or whether an adjustment or refund is due the appellant. The Town Clerk shall provide five business days' prior written notice of the time and place of the Board's consideration of the appeal to the appellant/owner at the address listed in the appeal. The appellant shall be notified in writing, by first-class mail, of the Board's decision. If the Board or the Town Clerk determines that a refund is due the appellant, the refund will be applied as a credit on the customer's next stormwater bill or will be refunded at the discretion of the Town Clerk.

§ 90-30. Special assessment and charges.

- A. In addition to any other method of charging for Stormwater Utility costs, the Town may by resolution levy special assessments on property in a limited and determinable area for special benefits conferred upon property pursuant to § 66.0703, Wis. Stats. The failure to pay such special assessments may result in a lien on the property enforced pursuant to § 66.0703(13), Wis. Stats.

§ 90-31. Budget excess revenues.

The Stormwater Utility finances shall be accounted for in a separate Stormwater Management Fund by the Town. The Utility shall prepare an annual budget, which is to include all operation and maintenance costs, administrative costs, debt served and other costs related to the operation of the Stormwater Utility. The budget is subject to the approval by the Town Board. The costs shall be spread over the rate classifications as determined by the Board. Any excess of revenues over expenditures in a year will be retained by the Stormwater Management Fund for subsequent years' needs.

§ 90-32. Severability.

- A. If any provision of this article or the application thereof to any party or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter,

which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared severable.

- B. If any section, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

