

- r. Location and descriptive notes for other known existing site features including, but not limited to rock outcrops or other karst features, tile drains, buried utilities, dumps, landfills, manure or other waste storage facilities.
 - s. Boundaries and descriptive notes for "protective areas", as required in section 16-11 of this article.
 - t. Location and descriptive notes for any existing or proposed easements, or right-of-ways, building setbacks and public dedications of parcels.
 - u. Location and descriptive notes for preplanned building or waste disposal sites, when limited by site features.
 - v. Location and documentation of any existing well and delineation of any applicable regulatory setbacks, in accordance with ch. NR 811 and 812 Wis. Admin. Code.
 - w. Notes describing source documents, date and measure of accuracy for all applicable mapping features noted above.
 - x. Other site information that Village building inspection department determines is necessary to administer this article.
- (2) The storm water management plan shall describe and illustrate how the responsible party will meet the storm water management requirements and other related requirements in this article. The storm water management plan, at a minimum shall contain the following items and elements:
- a. Drafting date and contact information for the project engineer, with all other mapping elements and scale consistent with the site plan map.
 - b. Location of existing and proposed storm water discharge points.
 - c. Delineation and labeling of all proposed impervious areas and accompanying area computations.
 - d. Final design drawings of all proposed storm water BMPs with unique references to support documentation, prepared in accordance with minimum LRD standards and of sufficient clarity for those responsible for site grading, including:
 - 1. Plan views showing the location of proposed BMPs in combination with the site plan map at a scale of one inch equals no more than 100 feet.
 - 2. Additional detail plan view drawings at a scale of one inch equals no more than 40 lineal feet, showing proposed two-foot contours and all critical design features and elevations.
 - 3. Detailed cross-sections and profiles of each BMP showing all critical design features, side slopes, structures, soil profiles and applicable elevations, including seasonal high water table.
 - 4. Detailed drawings or material specifications for inlets or outlets.

- e. Type, size, location and cross-sections of all pipes, open channels, grade stabilization structures and other proposed storm water conveyance systems, with unique references to support documentation.
- f. Location and dimensions of proposed drainage easements.
- g. Location, dimensions and surfacing material or soils data of proposed access lanes and delineation of easements needed to allow future maintenance of all storm water BMPs in accordance with section 16-15. The minimum width of any access easement shall be 15 feet.
- h. Location of soil borings and soil profile evaluations with surface elevations and unique references to supplemental data sheets, as needed to determine feasibility of any proposed storm water BMP and to comply with applicable technical standards.
- i. Detailed construction notes explaining all necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase.
- j. A detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer, and the timing and notification requirements involved.
- k. A final storm water BMP maintenance agreement in accordance with section 16-15.
- l. Support documentation summarized in accordance with Village building inspection department standards, including but not limited to:
 - 1. A narrative summary of the storm water management plan, briefly explaining any unique information that led to the selection of BMPs, how the proposed plan meets the storm water management guiding principles and the specific storm water planning requirements.
 - 2. Maps of existing and proposed watersheds, subwatersheds, Tc/Tt flow paths, soil types, hydrologic soil groups, land uses/cover type and accompanying runoff curve numbers within the site and draining into the site from adjacent properties, with unique references to hydrology data summaries and a description of the ultimate receiving water body(s) for off-site discharges.
 - 3. Pre-development and post-development hydrology and pollutant loading (if applicable) data for each watershed, such as peak flows and runoff volumes, as needed to meet the requirements of this ordinance. All major assumptions used in developing input parameters shall be clearly stated and cross-referenced to the maps.
 - 4. Impervious surface maps and calculations of runoff volumes and effective infiltration areas, in accordance with section 16-11.
 - 5. Hydraulic and hydrologic data summaries for all existing and proposed pipes, open channels, grade stabilization structures and other storm water conveyance systems, and the necessary documentation to demonstrate compliance with the site drainage requirements under section 16-11.

6. BMP design data for each proposed BMP, showing how it complies with applicable technical standards and the requirements of this ordinance.
7. Soil evaluation reports, following the standards in section 16-09 with matching references to map features showing their location and elevations.
8. A cover sheet stamped and signed by a professional engineer registered in the state indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying that they have read the requirements of this ordinance and that, to the best of their knowledge, the submitted plans comply with the requirements.
9. Cost estimates for the installation of proposed storm water BMPs, which shall serve as a basis for the financial assurance under section 16.19. The applicant may use average costs for BMP installations in the Village rather than specific estimates, upon approval by the Village building inspection department.
10. For sites where changes are proposed in storm water flow paths, or where proposed storm water discharges may otherwise have a significant negative impact on downstream property owner(s), the Village building inspection department may require the applicant to submit written authorization or complete other legal arrangements with the affected property owner(s).
11. Other items deemed necessary by the Village building inspection department to ensure compliance with the requirements of this article.

Sec. 16-15. Long-term maintenance plan and agreement for storm water management best management practices.

(a) *Maintenance plan and agreement required.* A maintenance plan and agreement shall be required for all permanent storm water BMPs installed to comply with the requirements of this article. The maintenance agreement shall be independent of all other restrictions or covenants and shall comply with all provisions of this section.

(1) *Agreement provisions.* The maintenance agreement shall, at a minimum, contain the following information and provisions:

a. **Ownership.** Identification of the owner(s) of the land parcel(s) where the storm water BMP(s) is located. Ownership shall be the same as those assigned maintenance responsibilities below, unless otherwise designated in a regional storm water management plan and approved by the applicable unit(s) of government. For subdivisions, all storm water BMPs that collect runoff from more than one lot shall be located on outlots. For all privately owned outlots, ownership shall be by proportional undividable interest for all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine ownership of more than one BMP within the site.

b. **Location.** A legal description and survey map of the storm water BMP location(s), showing associated drainage or access easements required to maintain the BMP.

c. **Design.** Detailed drawings of each storm water BMP and a general description of its purpose and design, including but not limited to BMP dimensions and elevations, inlet and outlet designs and elevations and the drainage area served by the BMP. If

possible, use as-built survey information.

d. **Maintenance plan.** A description of operation level, inspection tasks, and all long-term maintenance activities that will likely be required for each BMP shall be included in the agreement. An estimated time interval between each maintenance activity must be specified. The estimated cost to perform inspections, and maintenance must be included.

e. **Access.** Authorization for vehicle access, including a minimum 15-foot wide access easement dedicated to the local municipality and connecting to a public road right-of-way, to allow for future BMP maintenance work. The access easement shall be of adequate soil conditions or surfacing to withstand loads produced by standard construction equipment, and shall not include any area where channelization exists.

(2) *Agreement form, approval and recording.*

a. **Form.** The responsible party shall provide a maintenance agreement form that complies with the requirements of this section.

b. **Approval.** The Village building inspection department shall review and approve the form and content of all maintenance agreements proposed under this ordinance and ensure compliance with all provisions of this section. If the agreement does not comply, the Village building inspection department shall notify the applicant what changes are needed in order to comply, in accordance with the plan review procedures in section 16-13.

c. **Recording.** Upon certification of compliance by the Village building inspection department, the maintenance agreement shall be recorded at the county register of deeds referencing any plat, certified survey or other ownership transfer device pertaining to land which contains the subject storm water BMP or is subject to maintenance responsibility in the approved agreement. For new land divisions, the recording of the maintenance agreement shall occur simultaneously with the recording of the land division. However, no storm water BMP maintenance agreement shall be recorded prior to Village building inspection department approval.

d. **Copy.** The responsible party shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the Village building inspection department as a condition of release of the financial assurance under section 16-19.

(3) *Maintenance responsibilities prior to a maintenance agreement.* The responsible party shall be responsible for the maintenance of all storm water BMPs prior to the effective date of the maintenance agreement.

Sec. 16-16. Construction and planting verification

(a) *As-built survey.* An as-built survey of the built storm water best management practices shall be completed and submitted to the Village building inspection department by a certified land surveyor registered in the state or a professional engineer licensed in the state. The Village building inspection department may require a digital submittal of the as-built survey. As-built plans shall document on the maps and drawings the same scale and quality as the original site plan, actual locations elevations, materials, construction specifications of the components of the storm water management practices.

(b) A professional engineer, licensed in the state shall verify that the engineer has successfully

completed all site inspections outlined in the approved plans and the construction of all storm water management practices comply with the approved plans and applicable technical and construction standards.

Sec. 16-17. General considerations for off-site storm water management

(a) *Regional treatment option.* The Village Staff may approve the use of off-site storm water best management practices to meet the storm water performance standards required in this article if the off-site storm water best management practice is part of a regional storm water management plan or covered in other legal agreements and meets all of the following conditions:

- (1) The storm water best management practices are in-place.
- (2) The storm water best management practices are designed and adequately sized to treat post construction storm water runoff from the site and provide the level of storm water management control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this article.
- (3) The storm water management practices have a legally obligated entity or responsible party for the long-term maintenance of the storm water management practices.

(b) *Approval of the regional treatment option.* The responsible party is required to obtain a storm water management permit for land disturbing construction activities covered by this article. The application and application fees contained in section 16-13 will apply and the following information will be submitted:

- (1) A site map indicating the location of the off-site regional storm water management practices, expected to receive and treat storm water discharged from the site to meet the performance standards contained in this article.
- (2) Verification and documentation to demonstrate that the design and the construction of the off-site regional storm water management practices, can receive and treat storm water runoff from the site at a level equal to or greater than the performance standards contained in the article.
- (3) A copy of the recorded storm water maintenance agreement and any other easements or legal agreements to document and ensure the long-term maintenance of the off-site storm water management practices.

Sec. 16-18. [Intentionally Omitted]

Sec. 16-19. Fees.

(a) *Permit fees.* For either an erosion control permit, a storm water control permit, or a combination permit under section 16-13(a), a nonrefundable application fee shall be paid by the applicant in an amount as specified in the Village's annual fee schedule resolution. If the permit is granted, no additional fee is required, except as provided under subsection (b).

(b) *Other fees.* In addition to the fees specified under subsection (a), the applicant for an erosion control permit, a storm water control permit, or a combination permit under section 16.10(a)(2) shall reimburse the Village for all administrative, engineering, inspection, consulting, and legal fees incurred by the Village in connection with the entire permit and installation processes under this chapter. To guarantee payment of such fees, the applicant shall deposit such sum as listed

in the Village's annual fee resolution with the Village at the time the application is submitted, or provide another financial guarantee acceptable to the Village building inspection department. If all of the expenses incurred by the Village are reimbursed timely, the fee deposit shall be refunded within 30 days after the application is rejected or a permit is issued. If the applicant fails to reimburse the Village within 30 days of any billing, the Village may reimburse itself from the funds on deposit and deduct any such reimbursement from the amount refunded to the applicant. If the applicant fails to timely reimburse the Village, and if the deposit is insufficient to cover a current billing during the permitting process, the Village may cease all work on and review of the application until the outstanding bill is paid in full and the required deposit fund is replenished to its originally specified amount. Delinquent or unpaid charges in excess of any required deposit shall constitute a special charge for services rendered subject to imposition and collection under Wis. Stat. § 66.0703(16).

(c) *Owner of public lands.* The owner of public lands is exempt from the payment of the fees provided under Subsection (a).

Sec. 16-20. Penalties.

(a) *Penalty for violation.* Any person who shall violate any provision of this article or any other order, rule or regulation made under this article, shall be subject to a penalty as provided in section 1-11 of the Village Code of Ordinances.

Sec. 16-21. Severability.

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

Sec. 16-22. Effective Date.

The ordinance shall be in full force and effect upon its passage approval and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this 7 day of February 2022.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: Patrick Kenny
Patrick Kenny, Village President

Attest: Theresa Loomer
Theresa Loomer, Village Clerk