



CITY OF MARSHFIELD

MEETING NOTICE

AGENDA
BOARD OF PUBLIC WORKS
CITY OF MARSHFIELD, WISCONSIN
MONDAY, JANUARY 6, 2025 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS, 207 WEST 6TH STREET

- 1. Call meeting to order – Mike O'Reilly.
2. Approval of Minutes of December 16, 2024 Board of Public Works meeting.
3. Citizen Comments.
4. Request for Proposal for design services for Wildwood Plaza renovation for new police station – Presented by Jody Geurink, Chief of Police.
5. Approval of the 2025 Contractor Prequalification for Northeast Pumping Station Rehabilitation – Presented by Josh Mauritz, Acting Public Works Director.
6. Approval of the Public Works policy updates – Presented by Josh Mauritz, Acting Public Works Director.
7. Approval of revisions to Municipal Code Chapter 25 – Erosion Control and Stormwater Management - Presented by Josh Mauritz, Acting Public Works Director.
8. Approval of Certified Survey Map and dedication of right-of-way on Lincoln Avenue – Presented by Josh Mauritz, Acting Public Works Director.
9. Recommended items for future agendas.
10. Adjournment.

Posted this 3rd day of January, 2025 by 10:00 AM by Josh Mauritz, Acting Public Works Director.

NOTE

The filming of this meeting is provided by Marshfield Broadcasting, a division of our Communications Department that can be viewed streaming "LIVE" on the City's website at ci.marshfield.wi.us, cable tv channel 991, and marshfieldbroadcasting.com at the time of this meeting in open session. Additionally, this meeting can be viewed live on over-the-top devices, Roku, Amazon Fire TV, and Apple TV, by downloading the Marshfield Broadcasting app. After this meeting is adjourned, the video will be available within 24 hours on the City's website at www.ci.marshfield.wi.us, marshfieldbroadcasting.com, Marshfield Broadcasting app on over-the-top devices, and cable channel 991. If you have questions regarding the filming of this meeting, please get in touch with Communications Director Tom Loucks at 715-486-2070.

It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Public Works Department at 207 West 6th Street or by calling (715)486-2034.

BOARD OF PUBLIC WORKS MINUTES
OF DECEMBER 16, 2024

Meeting called to order by Chairman O'Reilly at 5:30 PM in the Council Chambers of City Hall.

PRESENT: Mike Feirer, Mike O'Reilly, Russ Stauber, and Derek Wehrman
ABSENT: Brian Giles
ALSO PRESENT: Acting Director of Public Works Mauritz, Acting City Engineer Cassidy, Wastewater Superintendent Kivela, Justin Casperson, Director of Parks and Recreation, and the media.

PW24-100 Motion by Wehrman, second by Stauber, to recommend approval of the minutes of the November 18, 2024 Board of Public Works meeting.

Motion Carried

Citizen Comments: None

PW24-101 Motion by Stauber, second by Feirer, to recommend approval to solicit bids for the Northeast Pumping Station Rehabilitation project.

Motion Carried.

PW24-102 Motion by Feirer, second by Wehrman, to recommend approval for staff to solicit bids for the construction of new lights for the pickleball courts at Braem Park and bring back to the BPW for their consideration.

Motion Carried.

PW24-103 Motion by Wehrman, second by Feirer, to recommend approval for staff to solicit bids for the construction of a new softball field at Braem Park and bring back to the BPW for their consideration.

Motion Carried.

Recommended items for future agendas:

None

With no further business, motion by Wehrman, second by Stauber to adjourn at 5:48PM.




Josh Mauritz, Secretary
BOARD OF PUBLIC WORKS



MARSHFIELD POLICE DEPARTMENT

110 W. First Street | Marshfield, WI 54449 | 715.384.0800 | Fax 715.384.0823

DATE: 12/26/2024
TO: Board of Public Works
FROM: Jody Geurink Police Chief 
RE: RFP for Police Department

BACKGROUND

The City of Marshfield received a donation of a building located at 2504 S Central Av in December of 2023. Prior to taking ownership, a feasibility study was completed that resulted in a finding that this location would be appropriate to renovate into a Police Department.

Staff proposed a plan for the 2025 CIP that included the new Police Department project. That CIP was accepted and passed in November of 2024, along with the 2025 budget. The next step in the Police Department project is design and blue print.

ANALYSIS

The process for designing the renovation of the Wildwood Building into a Police Department is complex and time consuming. The task would likely be too much for City Staff to complete without professional help. There are many companies available that are better equipped to take on the project, and ensure that we are doing the project correctly and efficiently.

Soliciting companies for a Request for Proposal (RFP) will help find a company that will bring the skill and experience necessary to complete our project. With an RFP we can compare the qualifications of each individual company and have them vetted.

The Police and Fire Commission approved moving forward with this project in the December 2024 meeting.

RECOMMENDATION

I recommend that we solicit for RFP(s) for the renovation of the Wildwood Building into a new Police Department. I also request that the selection committee has representation of the Police and Fire Commission and Common Council in addition to City Staff.

REQUEST FOR PROPOSALS
FOR ARCHITECTURAL SERVICES
WILDWOOD PLAZA BUILDING RENOVATION
for
**FUTURE POLICE DEPARTMENT,
CITY OF MARSHFIELD**

DATE DUE:

Friday, February 21, 2025, 4:00 PM
at the Office of the Police Chief
110 W 1st St
Marshfield, Wisconsin 54449

REQUESTING ENTITY:

Common Council
City of Marshfield, Wisconsin

CONTACT:

Jody Geurink
Police Chief
110 W 1st St
Marshfield, WI 54449
(715) 384-0813

I. PROJECT OVERVIEW

The City of Marshfield (City) is planning to renovate the existing Wildwood Plaza Building (WPB) at 2504 S Central Av in Marshfield and move the Police Department operations into this building. The City is seeking proposals for architectural services for remodeling of the WPB to accommodate Police operations. Services will include Schematic Design, Design Development, Construction Drawings and Bid Documents, and Move Planning, all as further described below. A Feasibility Analysis was completed for the WPB, including a conceptual layout of Police operations. The building layout is intended to focus on customer service, safety of employees and visitors, efficiency, equipment storage, and growing evidence storage needs. A copy of the Feasibility Analysis is attached as Exhibit A. A copy of the original building plans is attached as Exhibit B.

Police Department operations include Administration, Patrol, Detectives, Records, and Ordinance/Animal Control. The attached conceptual layout shows location and adjacency of Police Operations and approximate area requirements; however, it was not intended to be a detailed floor plan and is subject to further refinement. The conceptual layout attempts to align City space needs with the available space to the fullest extent practicable to minimize remodeling costs. Even so, there are several alternatives that the City would like to evaluate as part of the Schematic Design that may ultimately modify the layout and potentially reduce costs.

The consultant will be expected to work with a variety of City staff as the renovation plans are fully developed. Concurrent with this effort, there will be a committee of City Police Department members evaluating operational changes and potential efficiencies that can be gained as part of this move.

The WPB currently has a large quantity of cubical workstations and storage cabinets that can be included in the design. There are also a number of existing offices with structured walls that should be used in a new design.

II. SCOPE OF WORK BY CONSULTANT

A. Schematic Design – prepare detailed floor plans based on the conceptual layout provided by the City. The floor plans should include the following options:

1. Natural lighting from walls and/or roof
2. Separate secure parking area for at least 20 employees
3. Courtyard with green space area
4. Parking garage to accommodate at least 30 vehicles, 1 MRAP, 1 Mobile Command Post (retired ambulance)
5. Parking lot design and storm water handling
6. Ample evidence storage
7. Evidence processing area large enough to process at least a Pickup Truck
8. Flow of the building should allow for a separate employee and public side, with controlled access.

9. Training/Public meeting room that has accommodations for AV equipment for presentations, and storage for training equipment, located near the Public/Employee side barrier. The room should be large enough to host training of up to 100 people, with partitions to accommodate smaller groups.
 10. Separate male and female locker rooms
 11. Fitness Center
 12. (4) Interview/Interrogation rooms with recording capabilities
 13. Full kitchen and breakroom
 14. Conference room(s) with AV equipment for presentations and/or remote meetings
- B. Design Development –upon approval of a final floor plan by the City, further develop plans, sections, details, materials selection, furniture layout, security requirements, and construction sequencing. For the furniture layout, identify furniture to remain from WPB, furniture that will be moved from the existing Police Department, and any new furniture, fixtures, or equipment (FF&E) that will be required. Update the cost estimate based on the fully developed design, including FF&E and moving costs. Scope of work includes plumbing, electrical, HVAC, lighting, data cabling, telephone, fire protection, fire alarm, security systems, interior finishes, audio and video systems, site grading, site utilities, storm water management, erosion control, and other systems that may be required based on the approved floor plan. Obtain all necessary permits pertaining to plan.
- C. Construction Drawings and Bid Documents – the City intends to use a single prime contract approach for bidding this project. Upon approval of the City, the consultant will prepare final construction drawings, details, specifications, and bid documents. Develop bid schedule, coordinate bid document distribution, hold pre-bid meeting if needed, respond to contractor questions, develop addenda as needed, analyze bid results, provide recommendations on bids received, and provide other bidding services as needed.
- D. Meet and participate in meetings with various staff on a regular basis. Some of the purposes of these meetings are to discuss findings, determine the project needs/objectives, budget restraints, timeline, meeting dates, priorities, restrictions, and development limitations for project.
- E. Move Planning – develop a strategy and schedule for moving Police Department operations into the renovated spaces. Assist with procurement of move-related services as may be needed.
- F. There will be an elective building tour on **Thursday, January 23, 2025, at 10:00 am.**

III. RESPONSIBILITIES OF THE CITY

The City of Marshfield will provide the following services as a part of the total project:

- A. Feasibility Analysis and Conceptual layout of the WPB and any other relevant reports, documents, or plans.
- B. Coordinate access to the WPB as needed by the consultant.
- C. Other services that are mutually agreed upon during contract scoping.

IV. PROPOSAL REQUIREMENTS

The City of Marshfield Police Department respectfully requests a proposal from your firm for the provision of the services identified above. The brief proposal shall be emailed, and include the following information:

- A. A statement of consultant's understanding that demonstrates knowledge of the project requirements.
- B. A description of the consultant's technical approach to the project for each of the Scope of Work items, including an outline of the sequence of tasks, major benchmarks, and milestone dates.
- C. A brief summary, with resumes, of key staff on the project team who will be directly involved in the project, including designation of a single point of contact for coordination of the project.
- D. A description of similar project experience involving key staff to be involved in the project. The consultant agrees to provide references upon request.
- E. Proposed use of City staff as well as any equipment, materials, or additional data that will be expected from the City at the onset of the project.
- F. Project Schedule- Provide a proposed timetable for all stages of your proposed services, indicated in calendar days.
- G. Statement that no personal or corporate conflict is known to exist.
- H. References- Submit a minimum of the three most recent references, similar projects, the project manager's name, the client contact information, and the project schedule.
- I. Compensation- Expected fees and schedule of work, all billable hours, including meetings and site visits to be included in a "not to exceed" fee. If the use of sub-consultants is proposed, a separate schedule of expenses must be provided for each sub-consultant. Estimated cost of the services to be provided under each of

the Scope of Work items as described above. Construction Phase Services will be negotiated at a later date. For each Scope of Work item provide a description of variables that could impact the estimated cost of service.

- J. Any additional terms or conditions, which are deemed necessary for entering into a contract with the City, should be attached or incorporated as part of the proposal.
- K. Costs of proposals should be submitted in a separate sealed envelope.
- L. Overall project budget is **\$10 Million** which includes A&E services, permits, survey, moving, F&E, building and site construction, essentially to include everything.

Interested parties should submit proposals via email. All proposals will be evaluated by City Staff with a recommendation for a specific firm. All proposals become the property of the City and will not be returned. The City reserves the right to reject any or all proposals, to waive technicalities, or to negotiate further with a responder who appears to most nearly meet the City's desires. A confirmation will be sent once a proposal is received, please contact Chief Geurink if no email confirmation is received after submission.

Submit Proposals to:

Jody Geurink
Chief of Police
110 W 1st St
Marshfield, WI 54449
(715)384-0813

Jody.geurink@ci.marshfield.wi.us

RESPONDANT'S EMAIL ADDRESSES AND TELEPHONE NUMBERS MUST BE INCLUDED WITH PROPOSAL.

V. PROPOSAL QUESTIONS

The city will only accept written questions regarding this RFP and the project up to **February 11, 2025**. Questions shall be directed via email to jody.geurink@ci.marshfield.wi.us. Written responses to the questions will be provided to all firms that have expressed interest to the RFP one week prior to the submittal deadline.

VI. PROJECT TIMETABLE

<u>Date(s)</u>	<u>Action(s)</u>
December 18, 2024	RFP sent out
February 21, 2025	Proposals Due 4:00 PM, Office of the Chief of Police
February 24-March 14, 2025	Staff evaluation of proposals
March 11, 2025	Potential interviews
March 25, 2025	Common Council approves consultant
March 26, 2025	Agreement Executed/Notice to Proceed
*****	Milestone Dates provided by consultant as part of proposal

VII. SELECTION CRITERIA

Selection will be based upon the proposals submitted and will be ranked primarily based upon the following criteria:

- A. Consultant's understanding and technical approach to the project.
- B. Overall responsiveness of the proposal to the RFP.
- C. Consultant's familiarity with the WPB and Police Department Operations.
- D. Pertinent experience and qualifications of the project team.
- E. Cost of the services to be provided. (cost will not be the primary determining factor but will be a consideration).
- F. Proposals will be evaluated based on their Technical Proposal and Cost Proposal.

An evaluation team consisting of members of Marshfield Police Department, Police and Fire Commission, Common Council, and City Staff will review proposals. Firms are prohibited from lobbying or contacting city officials or employees to persuade the decision of the committee. If this occurs, their proposal may be rejected.

Selected firms may be invited to partake in an on-site, in-person interview. The interview will enable the firm to present their proposal and approach to the project. The Project Manager is expected to take an active part in making the presentation at the firm's interview. Your firm may include other key people you feel will aid in the interview process. The interview will last approximately 30-45 minutes. Your presentation should be limited to 30 minutes to allow the remaining time to be used for follow-up questions.

The tentative interview date is Tuesday, March 11, 2025.

The evaluation team will select a firm and make its recommendation to the Common Council for their approval. The goal of the selection process is to identify the most

qualified firm with exceptional project history that is able to provide the desired services within the identified time line, in the most cost-effective manner. Cost alone will not determine the firm, but references and experience on similar projects will be a major factor.

VIII. EXHIBITS

- ADCI Feasibility Study
- Five Bugles Conceptual Drawings

IX. INSURANCE

The successful firm will be required to have in force professional liability insurance of at least \$2 million.

X. NON-DEBARMENT CLAUSE

The firm hereby certifies that neither it nor any of its principal officers, architects, engineers, or officials have ever been suspended or debarred, for any reason whatsoever, from doing business or entering into contractual relationships with any governmental entity.

XI. MISCELLANEOUS

Any additional terms or conditions which are deemed necessary for entering into a contract with the City should be attached or incorporated as part of the proposal.

All proposals become the property of the City of Marshfield and will not be returned. The City of Marshfield reserves the right to reject any or all proposals, waive technicalities, or to negotiate further with a responder who appears to clearly meet the City's needs.

All work products, regardless of format, produced as a part of this project shall become the property of the City of Marshfield upon completion of the contract. Rights to all work products, regardless of format, shall revert to the City of Marshfield upon completion of the contract.

The City of Marshfield shall remain free to copy and edit any and all work products, regardless of format, produced as part of this project. Electronic documents shall not be locked or password protected and the City of Marshfield shall retain the ability to copy and edit such documents.



City of
MARSHFIELD
MEMORANDUM

TO: Board of Public Works
FROM: Josh Mauritz, Acting Public Works Director
DATE: January 6, 2025
RE: 2025 Contractor Prequalification – Northeast Pumping Station Rehabilitation

BACKGROUND

The following contractors have submitted prequalification forms for 2025 construction.

A-1 Excavating LLC	8237 STH 64 Bloomer WI 54724
Mid City Corporation	12930 W Custer Ave Butler WI 53007
Staab Construction Corporation	1800 Laemle Ave Marshfield WI 54449
August Winter & Sons, Inc.	2323 N Roemer Rd Appleton WI 54911

RECOMMENDATION

Approve the contractors listed above as prequalified to bid on the Northeast Pumping Station Rehabilitation project.

Respectfully submitted,
Josh Mauritz



City of MARSHFIELD MEMORANDUM

TO: Board of Public Works
FROM: Josh Mauritz, Acting Public Works Director
DATE: January 6, 2025
RE: Revisions to Multiple Public Works Policies

BACKGROUND

The Engineering Division and the Development Services Department have reviewed several Public Works policies and found that many are in need of revisions.

ANALYSIS

The following policies should be **repealed** for the reasons stated:

- 5.070 Terms of Payment of Assessments for Improvements Not Done Under the Housing Incentive Program
Special assessment provisions are covered in Municipal Code Ch. 13, Art. IV (Special Assessments). The repayment terms are now based on the total amount of the special assessment.
- 5.320 Excavation in City Streets
Excavation requirements are incorporated in the City's annually-published "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION," which apply to City-contracted projects as well as other utility construction in the right-of-way.
- 5.340 Sewer and Water Lateral Depth
This policy is covered in Municipal Code Ch. 16 (Plumbing Code).

The following policies should be **revised** to reflect current practice. Proposed revisions can be found in the redlined policies:

- 5.200 Street Construction and Reconstruction
Revisions allow more flexibility in determining pavement type and also address more recently-used resurfacing processes.
- 5.330 Sanitary Sewer, Water Mains, and Lateral Installation with Street Construction or Reconstruction
Revisions simplify and clarify where, when, and at whose cost sanitary sewer, water mains, and service laterals are to be installed.
- 5.350 Sewer Lateral Repair/Replacement/Abandonment
Revisions clarify who is responsible for sewer lateral and sewer riser repairs, describe what repair options exist, and describe how the sanitary sewer lateral replacement incentive program works.

RECOMMENDATION

Approve the **repeal** of Public Works policies:

- 5.070 Terms of Payment of Assessments for Improvements Not Done Under the Housing Incentive Program
- 5.320 Excavation in City Streets
- 5.340 Sewer and Water Lateral Depth

Approve **revised** Public Works policies:

- 5.200 Street Construction and Reconstruction
- 5.330 Sanitary Sewer, Water Mains, and Lateral Installation with Street Construction or Reconstruction
- 5.350 Sewer Lateral Repair/Replacement/Abandonment

Respectfully submitted,
Josh Mauritz



**CITY OF MARSHFIELD, WISCONSIN
POLICIES AND PROCEDURES**

- | | |
|-------------------|-------------------------|
| 1. COMMON COUNCIL | 4. FINANCIAL |
| 2. ADMINISTRATIVE | 5. PUBLIC WORKS |
| 3. PERSONNEL | 6. PARKS AND RECREATION |

CHAPTER: General Purpose/Public Works Administration

SUBJECT: Terms of Payment of Assessments for Improvements Not Done
Under the Housing Incentive Program

POLICY NUMBER: 5.070

PAGES: 1

EFFECTIVE DATE: January 24, 2000

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

The following lengths of time shall be established for installment payment of assessments:

- | | |
|--|----------|
| - Street Construction (with ditches) | 3 years |
| - Street Construction (with curb and gutter) | 10 years |
| - Sanitary Sewer Construction | 5 years |
| - Lateral Construction | 5 years |
| - Sidewalk Construction | 10 years |
| - Storm Sewer Construction | 5 years |

The interest rate to be charged on these special assessments shall be set annually by the Finance, Budget and Personnel Committee and approved by the Common Council.



CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

1. COMMON COUNCIL
2. ADMINISTRATIVE
3. PERSONNEL
4. FINANCIAL
5. **PUBLIC WORKS**
6. PARKS AND RECREATION

CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Backfilling

POLICY NUMBER: 5.320

PAGES: 2

EFFECTIVE DATE: March 9, 1983

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

A policy adopting and approving regulations for backfilling of trenches or excavations in the streets, alleys or other public ways in the City of Marshfield shall be set in support of Section 8.04 of the City Code as follows:

1. The Engineering Division (Director of Public Works/City Engineer or his representative) or the Building Inspection Division (Building Inspector or his representative) representing the Department of Public Works shall be responsible for all backfill inspections of trenches, or excavations in streets, alleys or other public ways in the City of Marshfield.
2. The original material removed from a trench or excavation shall be used in backfilling, subject to approval by the City Engineer.
3. If the original material is not approved, then a pit-run sand shall be used for backfilling.
4. Backfill material shall be compacted to maximum density by means of mechanical compaction equipment approved by the City Engineer. In general, this shall be of the ram or impact type and not the vibrating plate type.
5. The backfill material shall be compacted in evenly distributed layers. The thickness of the layers shall not exceed the rated capacity of the compaction equipment.

6. Each layer shall be compacted until there is no noticeable further settlement of the material.
7. Backfill around pipes and conduits shall be placed by hand and thoroughly compacted to not less than 6 inches above the pipe or conduit before the trench backfilling is started.
8. If necessary, moisture shall be added to the backfill material to attain maximum compaction.
9. All excess water and mud shall be removed from the trench before backfilling is started.
10. No frozen material, concrete, blacktop, large rocks, vegetable or other organic material or refuse shall be used in the backfill.
11. Tunnels shall be backfilled with a soil-cement or lean sand-gravel cement mixture and compacted.
12. The permittee shall be responsible for all settlement and any damages or maintenance resulting from settlement for a period of one year from the date the trench or excavation was backfilled if in the opinion of the Inspector a continuing maintenance problem exists.



CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

1. COMMON COUNCIL
2. ADMINISTRATIVE
3. PERSONNEL
4. FINANCIAL
5. **PUBLIC WORKS**
6. PARKS AND RECREATION

CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Sewer and Water Lateral Depth

POLICY NUMBER: 5.340

SUPERSEDES POLICY DATED: October 18, 1992

PAGES: 2

EFFECTIVE DATE: September 28, 1999

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

There shall be a policy established regarding the minimum depth of sanitary sewer and water laterals:

1. Sanitary sewer laterals from the City main shall be laid at minimum grade away from the main to the lot line after connection to a proper wye.

This policy shall be for any City main of eight feet (8') or less depth. If the depth is greater than eight feet (8'), a riser may be used to the eight-foot (8') height and the same procedure outlined above shall be followed. The riser shall be considered as part of the sewer main for the purposes of special assessments.

2. Water laterals from the City main shall be laid at the depth of the main to the lot line after connection with the main.

This policy shall be for all water laterals where the City main depth is eight feet (8') or less. The procedure as outlined in paragraph #1 for deeper mains shall be followed.

3. All sanitary sewer and water laterals shall be inspected by the Plumbing Inspector before backfilling to insure proper depth.

4. The City Engineer shall be the only person to grant a variance to this policy and said variance shall only be considered for rock material areas or other utilities.

REPEAL



CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

- | | |
|-------------------|-------------------------|
| 1. COMMON COUNCIL | 4. FINANCIAL |
| 2. ADMINISTRATIVE | 5. PUBLIC WORKS |
| 3. PERSONNEL | 6. PARKS AND RECREATION |

CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Street Construction and Reconstruction

POLICY NUMBER: 5.200

PAGES: 24

EFFECTIVE DATE: May 14, 2013

REVISION DATE: January 14, 2025

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

The Board of Public Works shall establish a policy regarding the construction and reconstruction of city streets—Street construction and reconstruction projects shall be recommended by the Public Works Director—of Public works and referred to the CIP Administrative Committee for prioritization.

1. New and existing streets functionally classified as local streets and that are not designated as Heavy Traffic Routes shall be constructed and/or reconstructed as asphalt streets with concrete curb and gutter and storm sewer.
2. New and existing streets functionally classified as collector or arterial streets and those streets designated as Heavy Traffic Routes shall be constructed and/or reconstructed as concrete or asphalt streets with sufficient pavement thickness to support heavy traffic, and with concrete curb and gutter, storm sewer and sidewalk.
3. Streets within the Central Business District shall be constructed and/or reconstructed with concrete or asphalt pavement with sufficient pavement thickness to support heavy traffic.
4. ~~Asphalt pavement on s~~Street construction and reconstruction projects and ~~mill-in-place~~ asphalt replacement projects shall be assessed to benefited properties in accordance with Section 13-96 of the Municipal Code—.
 - a. Construction and reconstruction shall be defined as placement of new subbase material, base ~~course~~course, and ~~hard surface~~hard-surface pavement for the full width of the street

and for a length of not less than one city block.~~—~~

b. ~~Pulverize-and-repave~~ ~~Mill-in-place~~ ~~as~~ asphalt replacement shall be defined as pulverizing and mixing the existing asphalt surface with the existing base material and reshaping the base material prior to paving for the full width of the street and ~~for~~ a length of not less than one city block.

~~b.c.~~ ~~Mill-and-repave~~ ~~asphalt replacement shall be defined as milling or removing the existing asphalt surface and paving for the full width of the street and a length of not less than one city block~~

~~e.d.~~ Asphalt and concrete patching, asphalt overlays over concrete pavement, and asphalt overlays ~~over~~ asphalt streets ~~with curb & gutter~~ shall be considered maintenance activities and are not assessable.

~~d.e.~~ Existing ditched streets with sidewalk that are proposed for ~~mill-in-place~~ asphalt replacement shall first be evaluated for reconstruction and conversion to curb & gutter.~~—~~ The property owners ~~shall~~ may be given the opportunity to choose curb & gutter through a survey process.~~—~~ If more than 70 percent of the property owners on the project respond in favor of the curb & gutter conversion, then the project ~~will~~ may be included in the next Capital Improvement Program (CIP) request for prioritization by the CIP committee.

5. On streets where sanitary sewer and water main are available, sewer and water laterals shall be installed to all developable lots prior to or concurrent with construction or reconstruction in accordance with Board of Public Works policy 5.330.~~a minimum of one year prior to paving.~~



**CITY OF MARSHFIELD, WISCONSIN
POLICIES AND PROCEDURES**

- | | |
|-------------------|-------------------------|
| 1. COMMON COUNCIL | 4. FINANCIAL |
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| 3. PERSONNEL | 6. PARKS AND RECREATION |

CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Street Construction and Reconstruction

POLICY NUMBER: 5.200

PAGES: 2

EFFECTIVE DATE: May 14, 2013

REVISION DATE: January 14, 2025

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

The Board of Public Works shall establish a policy regarding the construction and reconstruction of city streets. Street construction and reconstruction projects shall be recommended by the Public Works Director and referred to the CIP Administrative Committee for prioritization.

1. New and existing streets functionally classified as local streets and that are not designated as Heavy Traffic Routes shall be constructed and/or reconstructed as asphalt streets with concrete curb and gutter and storm sewer.
2. New and existing streets functionally classified as collector or arterial streets and those streets designated as Heavy Traffic Routes shall be constructed and/or reconstructed as concrete or asphalt streets with sufficient pavement thickness to support heavy traffic, and with concrete curb and gutter, storm sewer and sidewalk.
3. Streets within the Central Business District shall be constructed and/or reconstructed with concrete or asphalt pavement with sufficient pavement thickness to support heavy traffic.
4. Street construction and reconstruction projects and asphalt replacement projects shall be assessed to benefited properties in accordance with Section 13-96 of the Municipal Code.
 - a. Construction and reconstruction shall be defined as placement of new subbase material, base course, and hard-surface pavement for the full width of the street and for a length of not less than one city block.

- b. Pulverize-and-repave asphalt replacement shall be defined as pulverizing and mixing the existing asphalt surface with the existing base material and reshaping the base material prior to paving for the full width of the street and a length of not less than one city block.
 - c. Mill-and-repave asphalt replacement shall be defined as milling or removing the existing asphalt surface and paving for the full width of the street and a length of not less than one city block
 - d. Asphalt and concrete patching, asphalt overlays over concrete pavement, and asphalt overlays over asphalt streets shall be considered maintenance activities and are not assessable.
 - e. Existing ditched streets with sidewalk that are proposed for asphalt replacement shall first be evaluated for reconstruction and conversion to curb & gutter. The property owners may be given the opportunity to choose curb & gutter through a survey process. If more than 70 percent of the property owners on the project respond in favor of the curb & gutter conversion, the project may be included in the next Capital Improvement Program (CIP) request for prioritization by the CIP committee.
5. On streets where sanitary sewer and water main are available, sewer and water laterals shall be installed to all developable lots prior to or concurrent with construction or reconstruction in accordance with Board of Public Works policy 5.330.



**CITY OF MARSHFIELD, WISCONSIN
POLICIES AND PROCEDURES**

- | | |
|-------------------|-------------------------|
| 1. COMMON COUNCIL | 4. FINANCIAL |
| 2. ADMINISTRATIVE | 5. PUBLIC WORKS |
| 3. PERSONNEL | 6. PARKS AND RECREATION |

CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: ~~Sanitary S~~ewer, Water ~~Mains, and~~ Lateral Installation with Street Construction or Reconstruction~~Openings and Paving~~

POLICY NUMBER: 5.330

PAGES: 1

EFFECTIVE DATE: October 18, 1982

REVISED DATE: January 14, 2025

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

The Board of Public Works shall establish the following policy regarding the installation of sanitary sewer, ~~and~~ water mains, ~~and~~ laterals in conjunction with street ~~openings~~ construction or reconstruction which includes a new asphalt or concrete surface and street paving (concrete with curb and gutter and hot mix).

1. New Streets (Construction) ~~in Subdivision Control Ordinance~~

~~Sanitary sewer, water mains, and accompanying service laterals shall be installed to serve all unserved parcels prior to or concurrent with street construction. The cost associated with such mains and laterals shall be borne by the developer unless other terms have been agreed upon with the City. Presently all sewer and water mains and laterals are required by the developer.~~

~~2. New Streets—Old Rules~~

~~Board of Public Works establish that all sanitary sewer and water mains and accompanying required lot laterals shall be installed either by the developer or the City before the street is constructed or 'opened'.~~

3.2. Existing Streets (Reconstruction)

Sanitary sewer, water mains, and accompanying service laterals shall be installed to serve all unserved parcels prior to or concurrent with street construction. The cost associated with such mains and laterals shall be assessed to the property owner.

a. ~~Paved Streets (curb and gutter) – Governed by State Statute.~~

b. ~~Proposed Hot Mix Streets – Board of Public Works establishes that before a street is hot mixed that all sanitary sewer and water laterals be installed the previous year, to include platted areas only.~~



**CITY OF MARSHFIELD, WISCONSIN
POLICIES AND PROCEDURES**

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CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Sanitary Sewer, Water Mains, and Lateral Installation with Street Construction or Reconstruction

POLICY NUMBER: 5.330

PAGES: 1

EFFECTIVE DATE: October 18, 1982

REVISED DATE: January 14, 2025

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The Board of Public Works shall establish the following policy regarding the installation of sanitary sewer, water mains, and laterals in conjunction with street construction or reconstruction which includes a new asphalt or concrete surface.

1. New Streets (Construction)

Sanitary sewer, water mains, and accompanying service laterals shall be installed to serve all unserved parcels prior to or concurrent with street construction. The cost associated with such mains and laterals shall be borne by the developer unless other terms have been agreed upon with the City.

2. Existing Streets (Reconstruction)

Sanitary sewer, water mains, and accompanying service laterals shall be installed to serve all unserved parcels prior to or concurrent with street construction. The cost associated with such mains and laterals shall be assessed to the property owner.



CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

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| 1. COMMON COUNCIL | 4. FINANCIAL |
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CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Sewer Lateral Repair/Replacement/Abandonment

POLICY NUMBER: 5.350

SUPERSEDES POLICY DATED: December 7, 1982, October 13, 1992, June 21, 1994, December 6, 1994, January 7, 1997, & April 15, 1997 & **September 28, 1999**

PAGES: 3

EFFECTIVE DATE: ~~September 28, 1999~~ TBD, 2025

Special Notes: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to approval by the Common Council.

1. Detecting Problems

All Wastewater Treatment personnel and Public Works personnel shall notify their supervisors whenever any possible broken sewer lateral, ~~or~~ broken sewer main, **broken riser or combined laterals is are** detected. This shall include, but not be limited to, any unusual depressions in front yards, ditches, or roadways, ~~and to City crews operating the sewer television equipment and sewer cleaning equipment.~~ The supervisors shall inform the ~~Director of Public Works who shall notify the~~ City Plumbing Inspector of the possible problem. ~~Said notification shall also occur any time combined laterals are identified.~~ "Combined lateral" ~~s are defined as means~~ two or more laterals that are interconnected before their connection to the main or riser.

2. Inspection of Possible Problems and Testing

The Plumbing Inspector shall ~~inspect the site and shall~~ conduct any necessary tests ~~or inspections~~ to verify **any possible problems to include, but not limited to, combined laterals and/or** clearwater infiltration into the City sewer main. The Plumbing Inspector ~~shall may~~ enlist the aid of Wastewater Treatment personnel to conduct any tests **and inspections** he deems necessary to verify **combined**

laterals and/or clearwater infiltration. Testing methods may include dye testing, smoke testing, lateral televising or visual inspections any other methods as deemed necessary. Clearwater infiltration and combined laterals shall be verified by an inspection team ~~of City employees,~~ consisting of the Plumbing Inspector, ~~and~~ Wastewater Treatment personnel and ~~also may include~~ the property owner.

3. Orders to the Property Owner

Upon verification by the inspection team of any possible problems to include, but not limited to, combined laterals and/or clearwater infiltration, ~~into the sewer main,~~ the Plumbing Inspector shall issue ~~an order~~ orders to the property owner and/or owners as deemed necessary and consistent with Chapter 16 of the Municipal Code to repair, replace or separate a sanitary sewer lateral. ~~to replace the lateral from the location of the break to the public sanitary sewer located in the street right-of-way within a reasonable period of time. It shall be the responsibility of the property owner to replace the lateral from the location of the break to the public sanitary sewer located in the street right-of-way. The owner or contractor shall obtain a plumbing permit and notify the Plumbing Inspector when the excavation will commence. The Plumbing Inspector shall be at the jobsite at the time the replacement is being made. The lateral shall be replaced for the entire length from the location of the break to the public sanitary sewer located in the street right-of-way unless it is constructed of PVC/ABS plastic or cast iron (with rubber gaskets) which is otherwise in good condition. With PVC/ABS plastic or cast iron (with rubber gaskets) in good condition, a spot repair is allowed.~~

~~— Prior to or at the time of replacement of a lateral, the Plumbing Inspector and Wastewater Treatment Plant personnel shall inspect the remainder of the lateral from the break to the building being served. If the inspection determines it to be necessary, orders shall be issued to the property owner to replace the remainder of the lateral from the break to the building being served.~~

~~Upon discovery of combined laterals, the Plumbing Inspector shall issue an order to the involved property owners to eliminate the lateral interconnection. Each lateral shall be connected directly separately to the main or riser.~~

~~If an order was issued for the replacement of a sanitary sewer lateral and the replacement did not occur by the compliance date listed on the order, unless otherwise approved by the Plumbing Inspector, any and all reimbursements and incentives will be forfeited including the repair costs to a street, alley, curbs, gutters, driveways and sidewalks located in the right-of-way or dedicated easements for in which otherwise the Wastewater Division is responsible for.~~

4. Determination of Responsibility and Payment of Repairs

~~If the inspection team has determined that the City main and/or riser are sound and that the sewer lateral must be replaced, he shall so notify the owner and advise him/her that all expenses regarding such replacement are his/hers before the actual replacement is made.~~

- ~~— If in the opinion of the inspection team, the sewer main or riser is broken or faulty outside of one foot (1') from the lateral tap (see drawing) along with a faulty or broken lateral, he shall notify the owner that he/she may submit a claim to the City for partial payment of the bill.~~
- ~~— If the inspection team determines that all clearwater infiltration is totally due to a faulty sewer main or riser, he shall so notify the owner of the property and shall notify the owner that the expenses shall be paid for by the City.~~
- ~~— Determination of fault and partial fault shall be made jointly with the Plumbing Inspector, Director of Public Works, and Wastewater Treatment Superintendent. Such determinations shall be in writing, with copies to the property owner and the proper City committees, and the Board of Public Works.~~
- ~~— The Wastewater Utility shall be responsible for all street and sidewalk repair and restoration costs within the street right-of-way associated with a replacement of a sanitary sewer lateral. Restoration outside the street right-of-way shall be the responsibility of the property owner. * This responsibility for street and/or sidewalk repair costs shall be retroactive to 10/13/92.~~

5-4. Sanitary Sewer Lateral Abandonment – CIPP Lining

~~Any sanitary sewer lateral shall be considered abandoned if a building which it serves is being moved or razed. Prior to any building being moved or razed, any floor drain or cleanout in the building leading to the sanitary sewer shall have a temporary plug or cap installed in it. All abandoned sanitary sewer laterals must be properly capped within 30 days at the sanitary sewer main by the property owner. Only PVC/ABS plastic or cast iron (with rubber gaskets) sanitary sewer laterals in good condition can be used for new development on a property where a building has been moved or razed.~~

- ~~— An exception to the 30-day completion requirement shall be made for the time period of December 1 to April 15 of the following year and/or for the time period when a roadway is posted for "Weight Limits". The 30-day completion requirement shall be enforced after expiration of either of these limitations. During these exception time periods, the lateral for the razed building must be temporarily capped as approved by the Plumbing Inspector.~~

~~Where approved by the Plumbing Inspector and Wastewater Superintendent or Assistant Superintendent, a sanitary sewer lateral may be abandoned by CIPP spot lining the lateral connection at the main. A one-time fee, as established by the Wastewater Superintendent, shall be collected at the time a plumbing permit is applied for. The Wastewater Superintendent or Assistant Superintendent shall be responsible for coordinating the CIPP spot lining of the lateral.~~

- ~~6. The Plumbing Inspector shall report all clearwater infiltration problems and corrective actions in writing monthly to the Building Inspector and Wastewater Treatment Superintendent and quarterly to the Director of Public Works. An~~

~~annual report shall also be submitted to the Director of Public Works, Building Inspector, and Wastewater Superintendent.~~

5. Sanitary Sewer Lateral Replacement Incentive Program

Any sanitary sewer lateral that is replaced in its entirety, from either inside or the exterior face of a foundation of a building or structure being served, up to and including the connection to the public sanitary sewer main may qualify for the sanitary sewer lateral replacement incentive program. A lateral that is slip lined or replaced to within 5' feet of a main where the main is 6" inch diameter or is scheduled to be replaced may also qualify for the incentive program.

The sanitary sewer lateral replacement incentive program consists of a standard reimbursement which may be adjusted from time to time. In addition to a standard reimbursement, there may also be an extra reimbursement if the depth of the lateral exceeds 10' feet and/or the length of the lateral exceeds 90' feet in developed length. The Plumbing Inspector shall determine if any extra reimbursement is warranted and notify the Wastewater Superintendent or Assistant Superintendent of the decision, who shall then approve or deny the request. The extra reimbursement may be adjusted from time to time.

All reimbursements shall be paid for by the Wastewater Division.

As part of the Incentive Program and in addition to a reimbursement, any sanitary sewer lateral that is or was replaced in its entirety, from either inside or the exterior face of a foundation of a building or structure being served, up to and including the connection or within 5' feet of the sanitary sewer main and is located with-in the scope of work of a street project where sanitary sewer work will be completed and this work will be assessed to the property owner, the sanitary sewer lateral portion of the special assessment may also be waived. This waiver may be retroactive to existing laterals that have been replaced with PVC prior to a street project with sanitary sewer work regardless of the lateral replacement date.

6. Repair/Replacement of a Riser

"Riser" means a pipe which is greater than 2' feet in length measured from the outside of the sewer main to a point where the pipe becomes horizontal and makes an angle of 45 degrees or more from horizontal at the connection to a sewer main.

Unless otherwise determined by the Plumbing Inspector, the City will be responsible for the repair and/or replacement of a riser that is broken, damaged or faulty, per Section 16-15 F. Municipal Code.



CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

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CHAPTER: Street/Sewer Construction and Maintenance

SUBJECT: Sewer Lateral Repair/Replacement/Abandonment

POLICY NUMBER: 5.350

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PAGES: 3

EFFECTIVE DATE: January 14, 2024

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All Wastewater Treatment personnel and Public Works personnel shall notify their supervisors whenever any possible broken sewer lateral, broken sewer main, broken riser, or combined lateral is detected. This shall include but not be limited to, any unusual depressions in front yards, ditches, or roadways. The supervisors shall inform the City Plumbing Inspector of the possible problem. "Combined lateral" means two or more laterals that are interconnected before their connection to the main or riser.

2. Inspection of Possible Problems and Testing

The Plumbing Inspector shall conduct any necessary tests or inspections to verify any possible problems including but not limited to, combined laterals and/or clearwater infiltration into the City sewer main. The Plumbing Inspector may enlist the aid of Wastewater Treatment personnel to conduct any tests and inspections deemed necessary to verify combined laterals and/or clearwater infiltration. Testing methods may include dye testing, smoke testing, lateral televising, or any other methods as deemed necessary. Clearwater infiltration and combined laterals shall be verified by an inspection team consisting of the

Plumbing Inspector and Wastewater Treatment personnel and may include the property owner.

3. Orders to the Property Owner

Upon verification by the inspection team of any possible problems including but not limited to, combined laterals and/or clearwater infiltration, the Plumbing Inspector shall issue orders to the property owner(s) as deemed necessary and consistent with Chapter 16 of the Municipal Code to repair, replace, or separate a sanitary sewer lateral.

Each lateral shall be connected directly separately to the main or riser.

If an order was issued for the replacement of a sanitary sewer lateral and the replacement did not occur by the compliance date listed on the order, unless otherwise approved by the Plumbing Inspector, any and all reimbursements and incentives will be forfeited including the repair costs to a street, alley, curbs, gutters, driveways, and sidewalks located in the right-of-way or dedicated easements for in which otherwise the Wastewater Division is responsible for.

4. Sanitary Sewer Lateral Abandonment – CIPP Lining

Where approved by the Plumbing Inspector and Wastewater Superintendent or Assistant Superintendent, a sanitary sewer lateral may be abandoned by CIPP spot-lining the lateral connection at the main. A one-time fee, as established by the Wastewater Superintendent, shall be collected at the time a plumbing permit is applied for. The Wastewater Superintendent or Assistant Superintendent shall be responsible for coordinating the CIPP spot-lining of the lateral.

5. Sanitary Sewer Lateral Replacement Incentive Program

Any sanitary sewer lateral that is replaced in its entirety, from either the inside or the exterior face of a foundation of a building or structure being served, up to and including the connection to the public sanitary sewer main may qualify for the sanitary sewer lateral replacement incentive program. A lateral that is slip-lined or replaced to within 5' of a main where the main is 6-inch diameter or is scheduled to be replaced may also qualify for the incentive program.

The sanitary sewer lateral replacement incentive program consists of a standard reimbursement which may be adjusted from time to time. In addition to a standard reimbursement, there may also be an extra reimbursement if the depth of the lateral exceeds 10' and/or the length of the lateral exceeds 90' in developed length. The Plumbing Inspector shall determine if any extra reimbursement is warranted and notify the Wastewater Superintendent or Assistant Superintendent of the decision, who shall then approve or deny the request. The extra reimbursement may be adjusted from time to time.

All reimbursements shall be paid for by the Wastewater Division.

As part of the Incentive Program and in addition to a reimbursement, any sanitary sewer lateral that is or was replaced in its entirety, from either the inside or the exterior face of a foundation of a building or structure being served, up to and including the connection or within 5' of the sanitary sewer main and is located within the scope of work of a street project where sanitary sewer work will be completed and this work will be assessed to the property owner, the sanitary sewer lateral portion of the special assessment may also be waived. This waiver may be retroactive to existing laterals that have been replaced with PVC prior to a street project with sanitary sewer work regardless of the lateral replacement date.

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“Riser” means a pipe which is greater than 2' in length measured from the outside of the sewer main to a point where the pipe becomes horizontal and makes an angle of 45 degrees or more from horizontal at the connection to a sewer main.

Unless otherwise determined by the Plumbing Inspector, the City will be responsible for the repair and/or replacement of a riser that is broken, damaged, or faulty, per Section 16-15 F. Municipal Code.



City of MARSHFIELD MEMORANDUM

TO: Board of Public Works
FROM: Josh Mauritz, Acting Public Work Director
DATE: January 6, 2025
RE: Revisions to Chapter 25 of the Municipal Code – Construction Site Erosion Control

BACKGROUND

In 2021, Strand Associates was hired to conduct a “Citywide Stormwater Management Plan – TMDL Analysis” utilizing a Wisconsin DNR Urban Nonpoint Source & Storm Water Management grant. One of the tasks of this project was to review and prepare potential updates to the City’s Construction Site Erosion Control Ordinance and the Post-Construction Stormwater Management Ordinance.

ANALYSIS

Strand Associate’s final “Citywide Stormwater Management Plan – TMDL Analysis” was delivered in February 2023. Prior to receiving the final report, “Article III – Illicit Discharge Detection and Elimination Requirements” of Strand Associates’ proposed revisions was added to Ch. 25 in September 2019. However, several remaining revisions were not incorporated at that time.

The proposed changes are highlighted in the attached document from Strand Associates. Staff recommends several other minor clerical changes to clarify certain language and to eliminate redundancy within the current code. Both sources of revisions appear in the proposed Ch. 25 update. Therefore, it is necessary to update the Municipal Code to adhere to the requirements set forth by our Municipal Separate Storm Sewer System (MS4) permit.

RECOMMENDATION

Approve the proposed changes to Chapter 25 of the Municipal Code and direct staff to draft an ordinance for Common Council consideration.

ATTACHMENTS

- A. Strand Associates’ recommended changes to Ch. 25.
- B. Proposed Ch. 25 with recommended changes and other minor clerical revisions

Respectfully submitted,
Josh Mauritz

Chapter 25

CONSTRUCTION SITE EROSION CONTROL

Article I. Construction Site Erosion Control

Article II. Post-Construction Storm Water Management

Article III. Illicit Discharge Detection and Elimination Requirements

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Strand Proposed Modifications Below (10/13/22):

1. Proposed Modifications in green highlights

2. City to update Table of Contents numbering, noting that the following sections were added

25-02 Findings of Fact

25-03 Purpose

25-06 Applicability of Maximum Extent Practicable

25-21 Findings of Fact

25-22 Purpose and Intent

25-25 Applicability of Maximum Extent Practicable

CONSTRUCTION SITE EROSION CONTROL

Article I. Construction Site Erosion Control

Sec. 25-01. Authority.

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 25-02. Findings of Fact.

The Common Council acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Marshfield.

Sec. 25-03. Purpose.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Marshfield.

Sec. 25-04. Applicability and Jurisdiction.

(1) APPLICABILITY.

(a) This ordinance applies to **any construction site as defined in Sec. 25-05 (7)**, except as provided under sub. (b):

~~1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with subch. III of ch. NR 216 on or after [reviser replace with date of adoption].~~

~~2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after [reviser replace with date of adoption].~~

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

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
2. Nonpoint discharges from agricultural facilities and practices.
3. Nonpoint discharges from silviculture activities.
4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

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

(2) JURISDICTION.

This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Marshfield.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the

state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

Sec. 25-05. Definitions.

(1) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) “Agricultural facilities and practices ” has the meaning in s. 281.16(1), Wis. Stats.

(3) “Average annual rainfall” means a typical calendar year of precipitation as determined by the department for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

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

(5) “Business day” means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.

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

(7) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

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

(9) “Division of land” means the creation from one parcel, two or more parcels regardless of size where such creation occurs at one time or through the successive partition within a 5 year period.

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

(11) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction 25-09.

(12) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

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

(14) “Governing body” means Common Council of the City of Marshfield.

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

(16) “Landowner” means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(17) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

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

(19) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(20) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(21) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

(22) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

(23) “Responsible party” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other

agreement.

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

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

(26) “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

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

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

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

(29) “Stop work order” means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

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

(31) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

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

(33) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

Sec. 25-06. Applicability of Maximum Extent Practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Director of Public Work’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 25-07. Technical Standards.

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

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

~~(b) For this ordinance, soil loss is calculated using the appropriate rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance. The following year and location has been selected as average annual rainfall: Green Bay, WI, 1969 (Mar 29 — Nov 25).~~

(b) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(c) Technical standards and methods approved by the Director of Public Works or his designee.

~~(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Director of Public Works or his designee.~~

Sec. 25-08. Performance Standards for Construction Sites Under An Acre

(1) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.

(2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.
2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the state.
4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 25-09. Performance Standards for Construction Sites of One Acre or More

(1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with **Sec. 25-11** that incorporates the requirements of this section.

(2) **PLAN.** A written plan shall be developed in accordance with **Sec. 25-11** and implemented for each construction site.

(3) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The plan required under sub. (2) shall include the following:

(a) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.
2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the state.
4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization. Electronic soil loss spreadsheet calculation file(s) shall be submitted with the erosion control plan.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20% or more.
4. Development of spill prevention and response procedures.

(4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(f) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(g) Erosion and sediment control practices shall be maintained until final stabilization.

(h) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(i) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(j) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(6) ALTERNATE REQUIREMENTS. The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed for sensitive resources.

Sec. 25-10. Permitting Requirements, Procedures and Fees.

(1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works or his designee.

(2) **PERMIT APPLICATION AND FEES.** At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of **Sec. 25-11** and shall pay a non-refundable application fee as set by the Board of Public Works to the Director of Public Works or his designee. By submitting an application, the applicant is authorizing the Director of Public Works or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Director of Public Works or his designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and plan are approved, the Director of Public Works or his designee shall issue the permit.

(c) If the permit application or plan is disapproved, the Director of Public Works or his designee shall state in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) SURETY BOND. As a condition of approval and issuance of the permit, the Director of Public Works or his designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

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

(a) Notify the Director of Public Works or his designee within 48 hours of commencing any land disturbing construction activity.

(b) Notify the Director of Public Works or his designee of completion of any BMPs within 14 days after their installation.

(c) Obtain permission in writing from the Director of Public Works or his designee prior to any modification pursuant to **Sec. 25-11 (3)** of the erosion and sediment control plan.

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

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

(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

(g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

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

(6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Director of Public Works or his designee in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in **Sec. 25-08 or Sec. 25-09**.

(7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Public Works or his designee may extend the

period one or more times for up to an additional 180 days. The Director of Public Works or his designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

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

Sec. 25-11. Erosion and Sediment Control Plan, Statement, and Amendments.

(1) EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared and submitted to the Director of Public Works or his designee.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in **Sec. 25-08, Sec. 25-09** and other requirements of this ordinance.

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

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
2. Description of the site and the nature of the construction activity.
3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Calculations to show compliance with the required performance standards.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the plan.
6. Location of areas where stabilization practices will be employed.
7. Areas which will be vegetated following construction.
8. Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

9. Area(s) used for infiltration of post-construction storm water runoff.

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

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless

otherwise specifically approved in writing by the Director of Public Works or his designee, structural measures shall be installed on upland soils.

3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
4. Trapping of sediment in channelized flow.
5. Staging construction to limit bare areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Control of soil erosion from dirt stockpiles.
12. Installation of permanent stabilization practices as soon as possible after final grading.
13. Minimization of dust to the maximum extent practicable.

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

(2) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under **Sec. 25-04 (1)(c)**, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works or his designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

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

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

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

(c) The Director of Public Works or his designee notifies the applicant of changes needed in the plan.

Sec. 25-12. Inspection.

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Director of Public Works or his designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

Sec. 25-(13.-19.) Reserved.

Article II. Post-Construction Storm Water Management

Sec. 25-20. Authority.

(1) This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

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

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

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

Sec. 25-21. Findings of Fact.

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

- (1) Degrade physical habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

Sec. 25-22. Purpose and Intent.

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

- (a) Further the maintenance of safe and healthful conditions.
- (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
- (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

(2) Intent. It is the intent of the Common Council that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water 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 s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Common Council, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

Sec. 25-23. Applicability and Jurisdiction.

(1) APPLICABILITY.

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

(a) Except as provided under paragraph (b), this ordinance applies to the following.

1. A post construction site with 1 or more acres of land disturbing construction activity.

(b) Exemptions: A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

1. A post construction site that had 1 or more acres of land disturbing construction activity.

2. A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

1. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.

2. Nonpoint discharges from agricultural facilities and practices. Agricultural facilities and practices.

3. Underground utility construction but not including the construction of any above ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the Director of Public Works or his designee, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the City of Marshfield.

EXCLUSIONS.

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

Sec. 25-24. Definitions.

(1) “Adequate sod, or self-sustaining vegetative cover” means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and woody debris.

(2) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(3) “Agricultural facilities and practices” has the meaning given in s. 281.16, Wis. Stats.

(4) “Atlas 14” means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

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

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

(7) “Business day” means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.

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

(9) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.

(10) “Connected imperviousness” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

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

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

(13) "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

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

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

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

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

(18) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(19) "Filtering layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines, or at least a 5-foot deep layer with at least 10 percent fines, or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

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

(21) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works or his designee by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(22) "Governing body" means Common Council of the City of Marshfield.

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

(24) "In-fill area" means an undeveloped area of land located within existing development.

(25) "Infiltration" means the entry of precipitation or runoff into or through the soil.

(26) "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal

infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

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

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

(29) “Landowner” means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

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

(31) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

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

(33) “NRCS MSE 3 or MSE 4 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

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

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

(36) "Ordinary high-water mark" has the meaning given in s. NR 115.03(6), Wis. Adm. Code.

(37) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.

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

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

(40) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(41) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

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

(43) “Pollutant” has the meaning given in s. 283.01(13), Wis. Stats.

(44) “Pollution” has the meaning given in s. 281.01(10), Wis. Stats.

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

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

(47) “Preventive action limit” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.

(48) “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.

(49) “Redevelopment” means areas where development is replacing older development.

(50) “Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

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

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

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

- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

(53) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

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

(55) "Stop work order" means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

(56) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

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

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

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

(60) "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(61) "TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

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

(63) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

(64) "TP" means total phosphorus.

(65) "TSS" means total suspended solids.

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

(67) "Waters of the state" has the meaning given in s. 283.01 (20), Wis. Stats.

Sec. 25-25. Applicability of Maximum Extent Practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Director of Public Work's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 25-26. Technical Standards.

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

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

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Director of Public Works or his designee.

(3) In this ordinance, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29-Nov. 25).

Sec. 25-27. Performance Standards.

(1) RESPONSIBLE PARTY. The landowner of the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.

(2) PLAN. A written storm water management plan in accordance with Sec. 25-29 shall be developed and implemented for each post-construction site.

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

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

1. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as provided in sub. (3). The design shall be based on an average annual rainfall, as compared to no runoff management controls. The stormwater plan shall include modeling of proposed stormwater BMPs for total phosphorus (TP) and reporting of TP reduction performance. Electronic stormwater quality model files shall be submitted with the stormwater plan.

Development Type	TSS Reduction
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. MAXIMUM EXTENT PRACTICABLE. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. No person shall be required to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

3. OFF-SITE DRAINAGE. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) PEAK DISCHARGE.

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-

year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2 shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 precipitation distribution. On a case-by-case basis, the Director of Public Works may allow the use of TP-40 precipitation depths and the Type II distribution. Electronic stormwater quantity model files shall be submitted with the stormwater plan.

Pre-development condition	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:
 - a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - b. A redevelopment post-construction site.
 - c. An in-fill development area less than 5 acres.

(c) INFILTRATION.

1. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
 - a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.

b. Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.

c. High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

2. Pre-development. Pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.

3. Source areas.

a. Prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of Wisconsin Department of Natural Resources groundwater standards in NR151.124(6):

i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 215.21(2)(b).

iii. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

b. Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

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

ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a. of this ordinance.

iii. In-fill development areas less than 5 acres

iv. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

4. Location of Practices.

a. *Prohibitions.* Infiltration practices may not be located in the following areas:

i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

iii. Areas where contaminants of concern, as defined in s. NR 720.03(2), are present in the soil through which infiltration will occur.

b. *Separation distances.*

i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source	3 feet or more	Filtering Layer

Areas		
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ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U. S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

5. *Alternate Use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

6. *Groundwater Standards.*

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

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

7. *Pretreatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

8. Maximum Extent Practicable. Where the conditions of subs. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of s. NR 151.124 shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS

1. Definition. In this section, “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 section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

- a. For outstanding resource waters and exceptional resource waters, 75 feet.
- b. For perennial and intermittent streams identified on a U.S. 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 wetlands not subject to par. e. or f., 50 feet.
- e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
- f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
- g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.
- h. Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a

fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

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

j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub 4.

3. Requirements. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

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

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

4. Exemptions. This section does not apply to any of the following:

a. **Redevelopment post-construction sites.**

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

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

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

e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak

flow reduction, 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 within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable

(f) **SWALE TREATMENT FOR TRANSPORTATION FACILITIES.**

1. Requirement. Except as provided in sub 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

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

b. Swales shall comply with the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document.

2. Other requirements.

a. Notwithstanding sub 1., the Director of Public Works or his designee may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is an of the following:

i. An outstanding resource water.

ii. An exceptional resource water.

iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

iv. Water where targeted performance standards are developed pursuant to s. NR 151.004.

b. The transportation facility authority shall contact the Director of Public Works or his designee to determine if additional BMPs beyond a water quality swale are needed under this subsection.

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

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

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

(5) LOCATION AND REGIONAL TREATMENT OPTION.

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

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

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

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

1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and
2. The BMP is designed to provide runoff treatment from future upland development.

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

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 Director of Public Works or his designee may approve off-site management measures provided that all of the following conditions are met:

1. The Director of Public Works or his designee determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Marshfield and that contains management requirements consistent with the purpose and intent of this ordinance.

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 storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

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 Director of Public Works or his designee exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works or his designee. In determining the fee for post-construction runoff, the Director of Public Works or his designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) FOUNDATION DRAIN SUMP PUMP LINE AND BUILDING ROOF DRAIN DISCHARGE

(a) Foundation drain sump pump lines and building roof drains are prohibited from discharging directly onto any public property, public right-of-way, public street, or public sidewalk if such discharge creates or contributes to a public hazard or public nuisance. No person shall hereafter construct, build, establish, replace, or maintain any foundation drain sump pump line or building roof drain onto a public right-of-way, public street, public sidewalk, roadside ditch, or other public property maintained by the City of Marshfield without first obtaining written permission to do so from the Director of Public Works.

Failure to obtain written permission from the Director of Public Works for a foundation drain sump pump line or building roof drain discharge onto a public street, public sidewalk, or other public property shall be deemed a violation of the Post-Construction Stormwater Management Ordinance.

(b) No foundation drain sump pump line or building roof drain shall convey or discharge stormwater to a point less than six (6) feet from a building foundation or property line if reasonably possible. No detached accessory structure shall convey or discharge roof stormwater drainage to a point less than four (4) feet from an accessory structure, building foundation or property line if reasonably possible. If it is not possible, to discharge such stormwater at least these distances, it shall be discharged as far as reasonably possible away from each foundation, structure or property line.

(c) Foundation drain sump pump lines may be routed to discharge underground via "mini" storm sewer into a stormwater inlet or catch basin if written permission is obtained from the Director of Public Works.

(d) No foundation drain sump pump line or building roof drain shall be connected to a sanitary sewer.

(7) **ALTERNATE REQUIREMENTS.** The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed to protect sensitive resources.

(8) **MAINTENANCE OF EFFORT:** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall maintain the existing level of control for TSS, infiltration and peak flow reduction, or meet the redevelopment standards of ss. NR 151.122 to 151.125, whichever is more stringent.

Sec. 25-28. Permitting Requirements, Procedures and Fees.

(1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works or his designee prior to commencing the proposed activity.

(2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works or his designee a permit application made on a form provided by the Director of Public Works or his designee for that purpose.

(a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

(b) The storm water management plan shall be prepared to meet the requirements of Sec.25-27 and 25-29, the maintenance agreement shall be prepared to meet the

requirements of **Sec.25-30**, the financial guarantee shall meet the requirements of **Sec.25-31**, and fees shall be those established by the Common Council as set forth in Sec. 25-52.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Director of Public Works or his designee shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Director of Public Works or his designee shall issue the permit.

(c) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works or his designee shall detail in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(2) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works or his designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works or his designee to suspend or revoke this permit may be appealed in accordance with Sec. 25-54.

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

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

(c) The responsible party shall notify the Director of Public Works or his designee at least three (3) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works or his designee so that practice installations can be inspected during construction.

(d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or his designee or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works or his designee or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. "As-built" drawing(s) of the installed best management practices shall be submitted based on a topographic survey of the "as-built" drawing. An electronic CAD file of the survey shall be submitted including raw data points, triangulated irregular network (TIN), and 1-foot contours.

(e) The responsible party shall notify the Director of Public Works or his designee of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works or his designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

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

(g) The responsible party authorizes the Director of Public Works or his designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under [Sec. 25-31](#).

(h) If so directed by the Director of Public Works or his designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

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

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works or his designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The responsible party is subject to the enforcement actions and penalties detailed in Sec. 25-53, if the responsible party fails to comply with the terms of this permit.

(5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Director of Public Works or his designee in addition to the requirements needed to meet the performance standards in **Sec. 25-27** or a financial guarantee as provided for in **Sec. 25-31**.

(6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works or his designee notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

Sec. 25-29. Storm Water Management Plan.

(1) PLAN REQUIREMENTS. The storm water management plan required under **Sec. 25-28(2)** shall contain at a minimum the following information:

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

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

(c) Pre-development site conditions, including:

1. One or more site maps at a scale of not less than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of

the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

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

(d) Post-development site conditions, including:

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

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

3. One or more site maps at a scale of not less than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

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

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

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in [Sec. 25-27](#).

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

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

(h) Other information requested in writing by the Director of Public Works or his designee to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

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

(2) **ALTERNATE REQUIREMENTS.** The Director of Public Works or his designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under **Sec. 25-27 (5)**.

Sec. 25-30. Maintenance Agreement.

(1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required under **Sec. 25-30 (2)** for storm water management practices shall be an agreement between the Director of Public Works or his designee and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by **Sec. 25-29(1)(f)**:

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

(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under **Sec. 25-28 (2)**.

(c) Identification of the responsible party(s) responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under **Sec. 25-28 (2)**.

(d) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (b).

(e) Authorization for the Director of Public Works or his designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) A requirement on the Director of Public Works or his designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.

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

(h) Authorization of the Director of Public Works or his designee to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Clerk shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

Sec. 25-31. Financial Guarantee.

(1) ESTABLISHMENT OF THE GUARANTEE. The Director of Public Works or his designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works or his designee. The financial guarantee shall be in an amount determined by the Director of Public Works or his designee to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Director of Public Works or his designee the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works or his designee that the requirements of this ordinance have not been met.

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

(a) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the Director of Public Works or his designee to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works or his designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Director of Public Works or his designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 25-(32.-39.) Reserved.

Article III. Illicit Discharge Detection and Elimination Requirements

Sec. 25-40. Authority.

This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

- (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (2) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.
- (3) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 25-41. Definitions.

- (1) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (2) “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (3) “Construction activity” means activities subject to WPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (4) “Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (5) “Illegal discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Sec. 25-45 of these requirements.
- (6) “Illicit connections” means an illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the system, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Director of Public Works or his designee or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Director of Public Works or his designee.
- (7) “Industrial activity” means activities subject to WPDES Industrial Permits.
- (8) “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
- (9) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(10) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(11) “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(12) “Sewage” means the water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 (12), with such surface water or groundwater as may be present as provided for in section 281.01(13), Wis. Stats.

(13) “Storm drainage system” means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

(14) “Storm water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(15) “Director of Public Works or his designee” means a city employee that is designated by the director of public works and utilities to administer the ordinance.

(16) “Storm water pollution prevention plan” means a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

(17) “Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(18) “Watercourse” means a channel that a flowing body of water follows. A watercourse includes those rivers which are dry for part of the year. Watercourses include navigable waterways.

(19) “Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit” means a permit issued by WDNR that authorizes discharges to the Waters of the State, whether the permit is applicable on an individual, group, or general area wide basis.

Sec. 25-42. Applicability.

These requirements shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Director of Public Works or his designee.

Sec. 25-43. Responsibility for administration.

The Director of Public Works or his designee shall administer, implement, and enforce the provisions of these requirements. Any powers granted or duties imposed upon the authorized enforcement personnel may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the City of Marshfield.

Sec. 25-44. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to these requirements are minimum standards; therefore, these requirements do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 25-45. Discharge prohibitions.

(1) **PROHIBITION OF ILLEGAL DISCHARGES.** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by these requirements: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or

wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

- (b) Discharges specified in writing by the Director of Public Works or his designee as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the Director of Public Works or his designee prior to the time of the test.
- (d) The prohibition shall not apply to any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(1) PROHIBITION OF ILLICIT CONNECTIONS.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of these requirements if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 25-46. Suspension of MS4 access.

(1) SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.

The Director of Public Works or his designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Director of Public Works or his designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

(2) SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE. Any person discharging to the MS4 in violation of these requirements may have their MS4 access terminated

if such termination would abate or reduce an illicit discharge. The Director of Public Works or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Director of Public Works or his designee for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director of Public Works or his designee.

Sec. 25-47. Industrial or construction activity discharge.

Any person subject to an industrial or construction activity WPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works or his designee prior to the allowing of discharges to the MS4.

Sec. 25-48. Monitoring of discharges.

- (1) **APPLICABILITY.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- (2) **ACCESS TO FACILITIES.**
 - (a) The Director of Public Works or his designee shall be permitted to enter and inspect facilities subject to regulation under these requirements as often as may be necessary to determine compliance with these requirements. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Director of Public Works or his designee.
 - (b) Facility operators shall allow the Director of Public Works or his designee ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - (c) The Director of Public Works or his designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Director of Public Works or his designee to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (d) The Director of Public Works or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring

equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director of Public Works or his designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the Director of Public Works or his designee access to a permitted facility is a violation of a storm water discharge permit and of these requirements. A person who is the operator of a facility with a WPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Director of Public Works or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these requirements.
- (g) If the Director of Public Works or his designee has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of these requirements, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these requirements or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Public Works or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 25-49. Requirements to prevent, control and reduce storm water pollutants by the use of best management practices.

Director of Public Works or his designee will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm

water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the WPDES permit.

Sec. 25-50. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 25-51. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency services of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the Director of Public Works or his designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works or his designee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 25-52. Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an annual basis. A schedule of the fees established by the Board of Public Works shall be available for review in office of the City Engineer.

Sec. 25-53. Enforcement.

- (1) The Director of Public Works or his designee may post a stop-work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.

- (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works or his designee may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works or his designee, or if a responsible party violates a stop-work order posted under sub. (1), the Director of Public Works or his designee may request the City attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) After posting a stop-work order under sub. (1), the Director of Public Works or his designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Director of Public Works or his designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Director of Public Works or his designee, plus interest at the rate authorized by Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (5) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (6) The Director of Public Works or his designee shall notify the responsible party by certified mail (or other acceptable written communication such as e-mail) of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (7) Upon receipt of written notification from the Director of Public Works or his designee under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works or his designee in the notice.
- (8) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works or his designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works or his designee plus interest and legal costs shall be billed to the responsible party.

(9) The Director of Public Works or his designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

(10) The Director of Public Works or his designee may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(11) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or his designee or by a court with jurisdiction.

(12) The Director of Public Works or his designee is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

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

(14) When the Director of Public Works or his designee determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or his designee or a party designated by the Director of Public Works or his designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works or his designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Sec. 25-28 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed. In the event the responsible party fails to pay the amount due, the City Clerk shall enter the amount due in the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of ch. 66, Wis Statutes.

(15) **NOTICE OF VIOLATION.** Whenever the Director of Public Works or his designee finds that a person has violated a prohibition or failed to meet a requirement of these requirements, the Director of Public Works or his designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting.

(b) The elimination of illicit connections or discharges.

(c) That violating discharges, practices, or operations shall cease and desist.

- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (e) Payment of a fine to cover administrative and remediation costs.
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

(16) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided by Sec. 1-05 of the City of Marshfield Municipal Code, together with the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

Sec. 25-54. Appeals.

(1) Zoning Board of Appeals. The Zoning Board of Appeals of the City of Marshfield ordinances pursuant to s. 62.23(7)(e), Wis. Stats, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or his designee in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(2) WHO MAY APPEAL. Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Marshfield affected by any decision of the Director of Public Works or his designee. **The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the board of public works shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.**

Sec. 25-55. Enforcement measures after appeal.

In the event of an appeal upheld by the municipal authority, the violation must be corrected within the timeframe as established by the municipal authority. If the violation is not corrected in said timeframe, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any

premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 25-56. Cost of abatement of the violation.

Within 45 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. Interest at the rate of nine percent per annum shall be assessed on the balance beginning on the forty-sixth day following discovery of the violation.

Sec. 25-57. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these requirements. If a person has violated or continues to violate the provisions of these requirements, the Director of Public Works or his designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 25-58. Cost alternatives.

In lieu of enforcement proceedings, penalties, and remedies authorized by these requirements, the Director of Public Works or his designee may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 25-59. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of these requirements is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 25-60. Criminal prosecution.

Any person that has violated or continues to violate these requirements shall be subject to a forfeiter of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation; each day such violation exists shall be deemed a separate violation.

The Director of Public Works or his designee may recover all attorneys' fees, court costs, and other expenses associated with enforcement of these requirements, including sampling and monitoring expenses.

Sec. 25-61. Remedies not exclusive.

The remedies listed in these requirements are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Director of Public Works or his designee to seek cumulative remedies.

Strand Associates
Recommendations

Chapter 25

EROSION CONTROL & STORM WATER MANAGEMENT

Article I. Construction Site Erosion Control

Article II. Post-Construction Storm Water Management

Article III. Illicit Discharge Detection and Elimination Requirements

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Article I. Construction Site Erosion Control

Sec. 25-01. Authority

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the Public Works Director or his designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 25-02. Findings of Fact

The Common Council acknowledges that runoff from land-disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Marshfield.

Sec. 25-03. Purpose

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land-disturbing construction activity to waters of the state in the City of Marshfield.

Sec. 25-04. Applicability and Jurisdiction

(1) APPLICABILITY.

- (a) This ordinance applies to any construction site as defined in Sec. 25-05 (7), except as provided under sub. (b):
- (b) This ordinance does not apply to the following:
 - 1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land-disturbing construction activity.
 - 2. Nonpoint discharges from agricultural facilities and practices.
 - 3. Nonpoint discharges from silviculture activities.
 - 4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Public Works Director or his designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to land-disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Marshfield.

(3) EXCLUSIONS.

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

Sec. 25-05. Definitions

- (1) “Administering authority” means a governmental employee or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

- (2) “Agricultural facilities and practices” have the meaning in s. 281.16(1), Wis. Stats.
- (3) “Average annual rainfall” means a typical calendar year of precipitation as determined by the department for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (4) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.
- (5) “Business day” means a day the office of the Public Works Director or his designee is routinely and customarily open for business.
- (6) “Cease and desist order” means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.
- (7) “Construction site” means an area upon which one or more land-disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land-disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (8) “Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (9) “Division of land” means the creation from one parcel, two or more parcels regardless of size where such creation occurs at one time or through the successive partition within a 5-year period.
- (10) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice, or gravity.
- (11) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction 25-09.
- (12) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third-class city, or within 1.5 miles of a fourth-class city or village.
- (13) “Final stabilization” means that all land-disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent

stabilization measures.

- (14) “Governing body” means Common Council of the City of Marshfield.
- (15) “Land-disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- (16) “Landowner” means any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land-disturbing construction activity, or maintenance of storm water BMPs on the property.
- (17) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (18) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (19) “Permit” means a written authorization made by the Public Works Director or his designee to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (20) “Permit administration fee” means a sum of money paid to the Public Works Director or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (21) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.
- (22) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.
- (23) “Responsible party” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (24) “Runoff” means storm water or precipitation including rain, snow ice melt, or similar water that moves on the land surface via sheet or channelized flow.
- (25) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

- (26) “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (27) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:
 - (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.
- (28) “Site” means the entire area included in the legal description of the land on which the land-disturbing construction activity is proposed in the permit application.
- (29) “Stop work order” means an order issued by the Public Works Director or his designee which requires that all construction activity on the site be stopped.
- (30) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- (31) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- (32) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (33) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

Sec. 25-06. Applicability of Maximum Extent Practicable

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Director of Public Work’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different

from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 25-07. Technical Standards

- (1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards, and specifications based on any of the following:
 - (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (b) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
 - (c) Technical standards and methods approved by the Director of Public Works or his designee.

Sec. 25-08. Performance Standards for Construction Sites Under One Acre

- (1) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.
- (2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.
 - (a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land-disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.

5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land-disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land-disturbing activities cease, and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land-disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 25-09. Performance Standards for Construction Sites of One Acre or More

- (1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 25-11 that incorporates the requirements of this section.
- (2) PLAN. A written plan shall be developed in accordance with Sec. 25-11 and implemented for each construction site.
- (3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The plan required under sub. (2) shall include the following:

- (a) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land-disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than five (5) tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization. Electronic soil loss spreadsheet calculation file(s) shall be submitted with the erosion control plan.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration

or area, or both, of land-disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land-disturbing construction activity on slopes of 20% or more.
4. Development of spill prevention and response procedures.

(4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land-disturbing construction activities begin.
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land-disturbing activities cease, and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land-disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(6) ALTERNATE REQUIREMENTS. The Public Works Director or his designee may establish storm water management requirements more stringent than those set forth in this section if the Public Works Director or his designee determines that an added level of protection is needed for sensitive resources.

Sec. 25-10. Permitting Requirements, Procedures, and Fees

- (1) **PERMIT REQUIRED.** No responsible party may commence a land-disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Public Works Director or his designee.
- (2) **PERMIT APPLICATION AND FEES.** At least one responsible party desiring to undertake a land-disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Sec. 25-11 and shall pay a non-refundable application fee as set by the Board of Public Works to the Public Works Director or his designee. By submitting an application, the applicant is authorizing the Public Works Director or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Public Works Director or his designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (2), the Public Works Director or his designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Public Works Director or his designee shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Public Works Director or his designee shall state in writing the reasons for disapproval.
 - (d) The Public Works Director or his designee may request additional information from the applicant. If additional information is submitted, the Public Works Director or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Public Works Director or his designee to inform the permit applicant of a decision within 35 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Public Works Director or his designee may require the applicant to deposit a surety bond or irrevocable

letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Public Works Director or his designee within 48 hours of commencing any land-disturbing construction activity.
 - (b) Notify the Public Works Director or his designee of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Public Works Director or his designee prior to any modification pursuant to Sec. 25-11 (3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs, and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land-disturbing construction activities and document repairs in a site erosion control log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Public Works Director or his designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by the Public Works Director or his designee in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Sec. 25-08 or Sec. 25-09.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Public Works Director or his designee may extend the period one or more times for up to an additional 180 days. The Public Works Director or his designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

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

Sec. 25-11. Erosion and Sediment Control Plan, Statement, and Amendments

(1) EROSION AND SEDIMENT CONTROL PLAN.

- (a) An erosion and sediment control plan shall be prepared and submitted to the Public Works Director or his designee.
- (b) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 25-08, Sec. 25-09, and other requirements of this ordinance.
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the site and the nature of the construction activity.
 3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 5. Calculations to show compliance with the required performance standards.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.

- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five (5) feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of major structural and non-structural controls identified in the plan.
 6. Location of areas where stabilization practices will be employed.
 7. Areas which will be vegetated following construction.
 8. Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 9. Area(s) used for infiltration of post-construction storm water runoff.
- (e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a practice implementation schedule. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Public

Works Director or his designee, structural measures shall be installed on upland soils.

3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste material.
 10. Stabilization of drainage ways.
 11. Control of soil erosion from dirt stockpiles.
 12. Installation of permanent stabilization practices as soon as possible after final grading.
 13. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.
- (2) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under Sec. 25-04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Public Works Director or his designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (3) **AMENDMENTS.** The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation, or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

- (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The Public Works Director or his designee notifies the applicant of changes needed in the plan.

Sec. 25-12. Inspection

If land-disturbing construction activities are being carried out without a permit required by this ordinance, the Public Works Director or his designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

Sec. 25-(13–19). Reserved

Article II. Post-Construction Storm Water Management

Sec. 25-20. Authority

- (1) This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the Public Works Director or his designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 25-21. Findings of Fact

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

- (1) Degrade physical habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, and recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.

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

Sec. 25-22. Purpose and Intent

- (1) **PURPOSE.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment. Specific purposes are to:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
 - (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (2) **INTENT.** It is the intent of the Common Council that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water 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 s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Common Council, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community

Sec. 25-23. Applicability and Jurisdiction

- (1) **APPLICABILITY.**
 - (a) Except as provided under paragraph (b), this ordinance applies to the following.
 1. A post-construction site with 1 or more acres of land-disturbing construction activity.

- (b) Exemptions: A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
 - 1. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
 - 2. Agricultural facilities and practices.
 - 3. Underground utility construction but not including the construction of any above-ground structures associated with utility construction.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the Public Works Director or his designee, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (2) JURISDICTION. This ordinance applies to post-construction sites within the boundaries and jurisdiction of the City of Marshfield.
- (3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

Sec. 25-24. Definitions

- (1) “Adequate sod, or self-sustaining vegetative cover” means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and woody debris.
- (2) “Administering authority” means a governmental employee or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.
- (3) “Agricultural facilities and practices” has the meaning given in s. 281.16, Wis. Stats.
- (4) “Atlas 14” means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

- (5) “Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (6) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (7) “Business day” means a day the office of the Public Works Director or his designee is routinely and customarily open for business.
- (8) “Cease and desist order” means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.
- (9) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.
- (10) “Connected imperviousness” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (11) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (12) “Development” means residential, commercial, industrial, or institutional land uses and associated roads.
- (13) “Direct conduits to groundwater” means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (14) “Division of land” means the creation from one parcel of two or more parcels or building sites of two or fewer acres each in area where such creation occurs at one time or through the successive partition within a five-year period.
- (15) “Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms, or pretreatment.
- (16) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice, or gravity.
- (17) “Exceptional resource waters” means waters listed in s. NR 102.11, Wis. Adm. Code.

- (18) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third-class city, or within 1.5 miles of a fourth-class city or village.
- (19) “Filtering layer” means soil that has at least a 3-foot-deep layer with at least 20 percent fines, or at least a 5-foot-deep layer with at least 10 percent fines, or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
- (20) "Final stabilization" means that all land-disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (21) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Public Works Director or his designee by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (22) “Governing body” means Common Council of the City of Marshfield.
- (23) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots, and streets are examples of areas that typically are impervious.
- (24) “In-fill area” means an undeveloped area of land located within existing development.
- (25) “Infiltration” means the entry of precipitation or runoff into or through the soil.
- (26) “Infiltration system” means a device or practice such as a basin, trench, rain garden, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels designed for conveyance and pollutant removal only.
- (27) “Karst feature” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (28) “Land-disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

- (29) “Landowner” means any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land-disturbing construction activity, or maintenance of storm water BMPs on the property.
- (30) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.
- (31) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (32) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (33) “NRCS MSE 3 or MSE 4 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- (34) “Off-site” means located outside the property boundary described in the permit application.
- (35) “On-site” means located within the property boundary described in the permit application.
- (36) "Ordinary high-water mark" has the meaning given in s. NR 115.03(6), Wis. Adm. Code.
- (37) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.
- (38) “Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.
- (39) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (40) “Permit” means a written authorization made by the Public Works Director or his designee to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (41) “Permit administration fee” means a sum of money paid to the Public Works Director or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

- (42) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.
- (43) “Pollutant” has the meaning given in s. 283.01(13), Wis. Stats.
- (44) “Pollution” has the meaning given in s. 281.01(10), Wis. Stats.
- (45) “Post-construction site” means a construction site following the completion of land-disturbing construction activity and final site stabilization.
- (46) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land-disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (47) “Preventive action limit” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- (48) “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.
- (49) “Redevelopment” means areas where development is replacing older development.
- (50) “Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- (51) “Runoff” means storm water or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.
- (52) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.

- (53) “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (54) “Site” means the entire area included in the legal description of the land on which the land-disturbing construction activity occurred.
- (55) “Stop work order” means an order issued by the Public Works Director or his designee which requires that all construction activity on the site be stopped.
- (56) “Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.
- (57) “Storm water management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (58) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- (59) “Top of the channel” means an edge or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (60) “Total maximum daily load” or “TMDL” means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.
- (61) “TP-40” means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- (62) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- (63) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- (64) “TP” means total phosphorus.

- (65) “TSS” means total suspended solids.
- (66) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (67) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

Sec. 25-25. Applicability of Maximum Extent Practicable

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Director of Public Work’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Sec. 25-26. Technical Standards

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

- (1) Technical standards identified, developed, or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Public Works Director or his designee.
- (3) In this ordinance, the following year and location have been selected as average annual rainfall: Green Bay, 1969 (Mar. 29-Nov. 25).

Sec. 25-27. Performance Standards

- (1) RESPONSIBLE PARTY. The landowner of the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.
- (2) PLAN. A written storm water management plan in accordance with Sec. 25-29 shall be developed and implemented for each post-construction site.

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

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

1. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as provided in sub. (3). The design shall be based on an average annual rainfall, as compared to no runoff management controls. The storm water plan shall include modeling of proposed storm water BMPs for total phosphorus (TP) and reporting of TP reduction performance. Electronic storm water quality model files shall be submitted with the storm water plan.

Development Type	TSS Reduction
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. MAXIMUM EXTENT PRACTICABLE. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. No person shall be required to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

3. OFF-SITE DRAINAGE. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) PEAK DISCHARGE.

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; 2-year, 24-hour; 10-year, 24-hour; 25-year, 24-hour; 50-year, 24-hour; and the 100-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; 2-year, 24-hour; 10-year, 24-hour; 25-year, 24-hour; 50-year, 24-hour; and the 100-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2 shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 precipitation distribution. On a case-

by-case basis, the Public Works Director may allow the use of TP-40 precipitation depths and the Type II distribution. Electronic storm water quantity model files shall be submitted with the storm water plan,

Table 2 – Maximum Pre-Development Runoff Curve Numbers				
Pre-Development Condition	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:

- a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
- b. A redevelopment post-construction site.
- c. An in-fill development area less than 5 acres.

(c) INFILTRATION.

1. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

- a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low-density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.
- b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high-density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.

- c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
- 2. Pre-development. Pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
- 3. Source areas.
 - a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of Wisconsin Department of Natural Resources groundwater standards in NR151.124(6):
 - i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), including storage, loading, and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 215.21(2)(b).
 - iii. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
 - b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
 - i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a. of this ordinance.
 - iii. In-fill development areas less than 5 acres.

- iv. Roads on commercial, industrial, and institutional land uses, and arterial residential roads.
4. Location of Practices.
- a. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in s. NR 720.03(2), are present in the soil through which infiltration will occur.
 - b. Separation distances.
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, and Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

- c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U. S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. **Alternate Use.** Where alternate uses of runoff are employed, such as for toilet flushing, laundry, irrigation, or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- 6. **Groundwater Standards.**
 - a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 - b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- 7. **Pretreatment.** Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. 6. Pretreatment options may include but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales, or filter strips.

8. Maximum Extent Practicable. Where the conditions of subs. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of s. NR 151.124 shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS

1. Definition. In this section, “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 section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a U.S. 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 wetlands not subject to par. e. or f., 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.
 - h. Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been

- c. Structures that cross or access surface water such as boat landings, bridges, and culverts.
 - d. Structures constructed in accordance with s. 59.692(1v), Stats.
 - e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, 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 within runoff so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.
- (f) **SWALE TREATMENT FOR TRANSPORTATION FACILITIES.**
- 1. Requirement. Except as provided in sub 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document.
 - 2. Other requirements.
 - a. Notwithstanding sub 1., the Public Works Director or his designee may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is an of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.

- iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to s. NR 151.004.
 - b. The transportation facility authority shall contact the Public Works Director or his designee to determine if additional BMPs beyond a water quality swale are needed under this subsection.
- (4) **GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES.** The following considerations shall be observed in managing runoff:
- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (5) **LOCATION AND REGIONAL TREATMENT OPTION.**
- (a) The BMPs may be located on-site or off-site as part of a regional storm water device, practice, or system.
 - (b) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.
 - (c) Except as allowed under par. (d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (d) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:
 - 1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.
- (e) Runoff from existing development, redevelopment, and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
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 Public Works Director or his designee may approve off-site management measures provided that all of the following conditions are met:
1. The Public Works Director or his designee determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Marshfield and that contains management requirements consistent with the purpose and intent of this ordinance.
 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 storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - 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 Public Works Director or his designee exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Public Works Director or his designee. In determining the fee for post-construction runoff, the Public Works Director or his designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) FOUNDATION DRAIN, SUMP PUMP LINE, AND BUILDING ROOF DRAIN DISCHARGE

- (a) Foundation drain, sump pump lines, and building roof drains are prohibited from discharging directly onto any public property, public right-of-way, public street, or public sidewalk if such discharge creates or contributes to a public hazard or public nuisance. No person shall hereafter construct, build, establish, replace, or maintain any foundation drain sump pump line or building roof drain onto a public right-of-way, public street, public sidewalk, roadside ditch, or other public property maintained by the City of Marshfield without first obtaining written permission to do so from the Public Works Director. Failure to obtain written permission from the Public Works Director for a foundation drain sump pump line or building roof drain discharge onto a public street, public sidewalk, or other public property shall be deemed a violation of the Post-Construction Storm Water Management Ordinance.
 - (b) No foundation drain, sump pump line, or building roof drain shall convey or discharge storm water to a point less than six (6) feet from a building foundation or property line if reasonably possible. No detached accessory structure shall convey or discharge roof storm water drainage to a point less than four (4) feet from an accessory structure, building foundation, or property line if reasonably possible. If it is not possible to discharge such storm water at least these distances, it shall be discharged as far as reasonably possible away from each foundation, structure, or property line.
 - (c) Foundation drain sump pump lines may be routed to discharge underground via “mini” storm sewer into a storm water inlet or catch basin if written permission is obtained from the Public Works Director.
 - (d) No foundation drain, sump pump line, or building roof drain shall be connected to a sanitary sewer.
- (7) ALTERNATE REQUIREMENTS. The Public Works Director or his designee may establish storm water management requirements more stringent than those set forth in this section if the Public Works Director or his designee determines that an added level of protection is needed to protect sensitive resources.
- (8) MAINTENANCE OF EFFORT: For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall maintain the existing level of control for TSS, infiltration and peak flow reduction, or meet the redevelopment standards of ss. NR 151.122 to 151.125, whichever is more stringent.

Sec. 25-28. Permitting Requirements, Procedures, and Fees

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land-disturbing construction activity without receiving a post-construction runoff permit from the Public Works Director or his designee prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Public Works Director or his designee a permit application made on a form provided by the Public Works Director or his designee for that purpose.
 - (a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee.
 - (b) The storm water management plan shall be prepared to meet the requirements of Sec.25-27 and 25-29, the maintenance agreement shall be prepared to meet the requirements of Sec.25-30, the financial guarantee shall meet the requirements of Sec.25-31, and fees shall be those established by the Common Council as set forth in Sec. 25-52.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Public Works Director or his designee shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (a) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by sub. (2), the Public Works Director or his designee shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the storm water permit application, plan, and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Public Works Director or his designee shall issue the permit.
 - (c) If the storm water permit application, plan, or maintenance agreement is disapproved, the Public Works Director or his designee shall detail in writing the reasons for disapproval.
 - (d) The Public Works Director or his designee may request additional information from the applicant. If additional information is submitted, the Public Works Director or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

- (e) Failure by the Public Works Director or his designee to inform the permit applicant of a decision within 35 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (2) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Public Works Director or his designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Public Works Director or his designee to suspend or revoke this permit may be appealed in accordance with Sec. 25-54.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
 - (c) The responsible party shall notify the Public Works Director or his designee at least three (3) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Public Works Director or his designee so that practice installations can be inspected during construction.
 - (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Public Works Director or his designee or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Public Works Director or his designee or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. "As-built" drawing(s) of the installed best management practices shall be submitted based on a topographic survey of the "as-built" drawing. An electronic CAD file of the survey shall be submitted including raw data points, triangulated irregular network (TIN), and 1-foot contours.
 - (e) The responsible party shall notify the Public Works Director or his designee of any significant modifications it intends to make to an approved storm water management plan. The Public Works Director or his designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

- (f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Common Council or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (g) The responsible party authorizes the Public Works Director or his designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Sec. 25-31.
 - (h) If so directed by the Public Works Director or his designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
 - (i) The responsible party shall permit property access to the Public Works Director or his designee or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Public Works Director or his designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in Sec. 25-53 if the responsible party fails to comply with the terms of this permit.
- (5) **PERMIT CONDITIONS.** Permits issued under this subsection may include conditions established by the Public Works Director or his designee in addition to the requirements needed to meet the performance standards in Sec. 25-27 or a financial guarantee as provided for in Sec. 25-31.
- (6) **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Public Works Director or his designee notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

Sec. 25-29. Storm Water Management Plan

- (1) PLAN REQUIREMENTS. The storm water management plan required under Sec. 25-28(2) shall contain at a minimum the following information:
 - (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (c) Pre-development site conditions, including:
 1. One or more site maps at a scale of not less than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.
 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (d) Post-development site conditions, including:
 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

3. One or more site maps at a scale of not less than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. Computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Sec. 25-27.
 - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - (h) Other information requested in writing by the Public Works Director or his designee to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

- (2) ALTERNATE REQUIREMENTS. The Public Works Director or his designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 25-27 (5).

Sec. 25-30. Maintenance Agreement

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Sec.25-30 (2) for storm water management practices shall be an agreement between the Public Works Director or his designee and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Sec. 25-29 (1)(f):
 - (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Sec. 25-28 (2).
 - (c) Identification of the responsible party(s) responsible for long-term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 25-28 (2).
 - (d) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the Public Works Director or his designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the Public Works Director or his designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c), as responsible for long-term maintenance of the storm water management practices, shall be notified by the Public Works Director or his designee of maintenance problems which require

correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Public Works Director or his designee.

- (h) Authorization of the Public Works Director or his designee to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Clerk shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

Sec. 25-31. Financial Guarantee

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

Sec. 25-(32 - 39). Reserved

Article III. Illicit Discharge Detection and Elimination Requirements

Sec. 25-40. Authority

This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

- (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (2) The Common Council hereby designates the Public Works Director or his designee to administer and enforce the provisions of this ordinance.
- (3) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 25-41. Definitions

- (1) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (2) “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (3) “Construction activity” means activities subject to WPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (4) “Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical,

or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- (5) “Illegal discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Sec. 25-45 of these requirements.
- (6) “Illicit connections” means an illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the system, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Public Works Director or his designee or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Public Works Director or his designee.
- (7) “Industrial activity” means activities subject to WPDES Industrial Permits.
- (8) “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
- (9) “Person” means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.
- (10) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (11) “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (12) “Sewage” means the water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 (12), with such surface water or groundwater as may be present as provided for in section 281.01(13), Wis. Stats.
- (13) “Storm drainage system” means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention,

and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

- (14) “Storm water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- (15) “Public Works Director or his designee” means a city employee that is designated by the Public Works Director and utilities to administer the ordinance.
- (16) “Storm water pollution prevention plan” means a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- (17) “Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- (18) “Watercourse” means a channel that a flowing body of water follows. A watercourse includes those rivers which are dry for part of the year. Watercourses include navigable waterways.
- (19) “Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit” means a permit issued by WDNR that authorizes discharges to the Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Sec. 25-42. Applicability

These requirements shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Public Works Director or his designee.

Sec. 25-43. Responsibility for Administration

The Public Works Director or his designee shall administer, implement, and enforce the provisions of these requirements. Any powers granted or duties imposed upon the authorized enforcement personnel may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City of Marshfield.

Sec. 25-44. Ultimate Responsibility

The standards set forth herein and promulgated pursuant to these requirements are minimum standards; therefore, these requirements do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

Sec. 25-45. Discharge Prohibitions

- (1) PROHIBITION OF ILLEGAL DISCHARGES. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by these requirements: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than 1 PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
 - (b) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge but requires a verbal notification to the Public Works Director or his designee prior to the time of the test.
 - (d) The prohibition shall not apply to any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (2) Prohibition of illicit connections.
 - (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (c) A person is considered to be in violation of these requirements if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

Sec. 25-46. Suspension of MS4 Access

- (1) **SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.** The Public Works Director or his designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Public Works Director or his designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.
- (2) **SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE.** Any person discharging to the MS4 in violation of these requirements may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Public Works Director or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Public Works Director or his designee for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Public Works Director or his designee.

Sec. 25-47. Industrial or Construction Activity Discharge

Any person subject to an industrial or construction activity WPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director or his designee prior to the allowing of discharges to the MS4.

Sec. 25-48. Monitoring of Discharges

- (1) **APPLICABILITY.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- (2) **Access to Facilities.**
 - (a) The Public Works Director or his designee shall be permitted to enter and inspect facilities subject to regulation under these requirements as often as may be necessary to determine compliance with these requirements. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Public Works Director or his designee.
 - (b) Facility operators shall allow the Public Works Director or his designee ready access to all parts of the premises for the purposes of inspection, sampling,

examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- (c) The Public Works Director or his designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Public Works Director or his designee to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The Public Works Director or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Director or his designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the Public Works Director or his designee access to a permitted facility is a violation of a storm water discharge permit and of these requirements. A person who is the operator of a facility with a WPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Public Works Director or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these requirements.
- (g) If the Public Works Director or his designee has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of these requirements, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these requirements or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Public Works Director or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 25-49. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The Public Works Director or his designee will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental

discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the WPDES permit.

Sec. 25-50. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 25-51. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency services of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the Public Works Director or his designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Director or his designee within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 25-52. Fee Schedule

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an annual basis. A schedule of the fees established by the Board of Public Works shall be available for review in the office of the City Engineer.

Sec. 25-53. Enforcement

- (1) The Public Works Director or his designee may post a stop-work order if any of the following occurs:
 - (a) Any land-disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Public Works Director or his designee may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Public Works Director or his designee, or if a responsible party violates a stop-work order posted under sub. (1), the Public Works Director or his designee may request the City attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) After posting a stop-work order under sub. (1), the Public Works Director or his designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Public Works Director or his designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Public Works Director or his designee, plus interest at the rate authorized by the Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (5) Any land-disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (6) The Public Works Director or his designee shall notify the responsible party by certified mail (or other acceptable written communication such as e-mail) of any non-complying land-disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (7) Upon receipt of written notification from the Public Works Director or his designee under sub. (2), the responsible party shall correct work that does not comply with the storm water

management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Public Works Director or his designee in the notice.

- (8) If the violations of a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Public Works Director or his designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Public Works Director or his designee plus interest and legal costs shall be billed to the responsible party.
- (9) The Public Works Director or his designee is authorized to post a stop work order on all land-disturbing construction activity that is in violation of this ordinance or to request the City Attorney to obtain a cease-and-desist order in any court with jurisdiction.
- (10) The Public Works Director or his designee may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (11) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Public Works Director or his designee or by a court with jurisdiction.
- (12) The Public Works Director or his designee is authorized to refer any violation of this ordinance, or of a stop work order, or cease-and-desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (13) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.
- (14) When the Public Works Director or his designee determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Public Works Director or his designee or a party designated by the Public Works Director or his designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Public Works Director or his designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Sec. 25-28 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed. In the event the responsible party fails to pay the amount due, the City Clerk shall enter the amount due in the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of ch. 66, Wis. Statutes.

- (15) **NOTICE OF VIOLATION.** Whenever the Public Works Director or his designee finds that a person has violated a prohibition or failed to meet a requirement of these requirements, the Public Works Director or his designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (a) The performance of monitoring, analyses, and reporting.
 - (b) The elimination of illicit connections or discharges.
 - (c) That violating discharges, practices, or operations shall cease and desist.
 - (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
 - (e) Payment of a fine to cover administrative and remediation costs.
 - (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

- (16) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided by Sec. 1-05 of the City of Marshfield Municipal Code, together with the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

Sec. 25-54. Appeals

- (1) **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of the City of Marshfield ordinances pursuant to s. 62.23(7)(e), Wis. Stats, shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the Public Works Director or his designee in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) **WHO MAY APPEAL.** Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Marshfield affected by any decision of the Public Works Director or his designee. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the Board of Public Works shall take place within 30 days from the date of

receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Sec. 25-55. Enforcement Measures After Appeal

In the event of an appeal upheld by the municipal authority, the violation must be corrected within the timeframe as established by the municipal authority. If the violation is not corrected in said timeframe, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 25-56. Cost of Abatement of the Violation

Within 45 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. Interest at the rate of nine percent (9%) per annum shall be assessed on the balance beginning on the forty-sixth day following discovery of the violation.

Sec. 25-57. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these requirements. If a person has violated or continues to violate the provisions of these requirements, the Public Works Director or his designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 25-58. Cost Alternatives

In lieu of enforcement proceedings, penalties, and remedies authorized by these requirements, the Public Works Director or his designee may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 25-59. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of these requirements is a threat to public health,

safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 25-60. Criminal Prosecution

Any person that has violated or continues to violate these requirements shall be subject to a forfeiter of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation; each day such violation exists shall be deemed a separate violation.

The Public Works Director or his designee may recover all attorneys' fees, court costs, and other expenses associated with enforcement of these requirements, including sampling and monitoring expenses.

Sec. 25-61. Remedies Not Exclusive

The remedies listed in these requirements are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Public Works Director or his designee to seek cumulative remedies.



City of MARSHFIELD MEMORANDUM

TO: Board of Public Works
FROM: Josh Mauritz, Acting Public Works Director
DATE: January 6, 2025
RE: Certified Survey Map and Dedication of Right-of-Way for Lincoln Avenue

BACKGROUND

The attached Certified Survey Map (CSM) adjacent to Lincoln Avenue has been submitted to the City for review. Lincoln Avenue is identified as a Minor Arterial in the City of Marshfield Comprehensive Plan. The Subdivision and Platting Chapter of the Municipal Code requires a minimum right-of-way width of 80 feet for minor arterials. The existing right-of-way on Lincoln Avenue in this area is 66 feet so the request for CSM review triggers a requirement to dedicate an additional 7 feet of right-of-way on the east side of Lincoln Avenue, which is indicated on the CSM.

ANALYSIS

Resolution 2025-02 acknowledges the City's approval of the CSM and City's acceptance of the additional right-of-way.

RECOMMENDATION

Approve the Certified Survey Map and dedication of additional right-of-way on Lincoln Avenue and refer Resolution 2025-02 to the Common Council for consideration.

RESOLUTION NO. 2025-02

Resolved, by the Common Council of the City of Marshfield, Wood County, Wisconsin, that this Certified Survey Map, and dedication of additional public right-of-way for Lincoln Avenue located in the W ½ of the fractional NW ¼ of Section 6, Town 25 North, Range 3 East, prepared for Brad Lenz, owner, by Land Surveyor Tim Vreeland, be approved and accepted. Further resolved that the Official Map be updated to reflect said addition of public right-of-way.

Brian Varsho, Common Council President
City of Marshfield

Date

I, Jessica Schiferl, City Clerk, City of Marshfield, do hereby certify that the above Resolution was adopted by the Common Council of the City of Marshfield, Wood County, Wisconsin at its regular meeting this ____ day of _____, 2025.

Jessica Schiferl, City Clerk
City of Marshfield

Date

ADOPTED: _____

APPROVED: _____

CERTIFIED SURVEY MAP

WOOD COUNTY NO. _____

PART OF LOT 2 OF CSM 8049-27-249, LOCATED IN THE W1/2 OF THE FRAC. NW1/4 OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

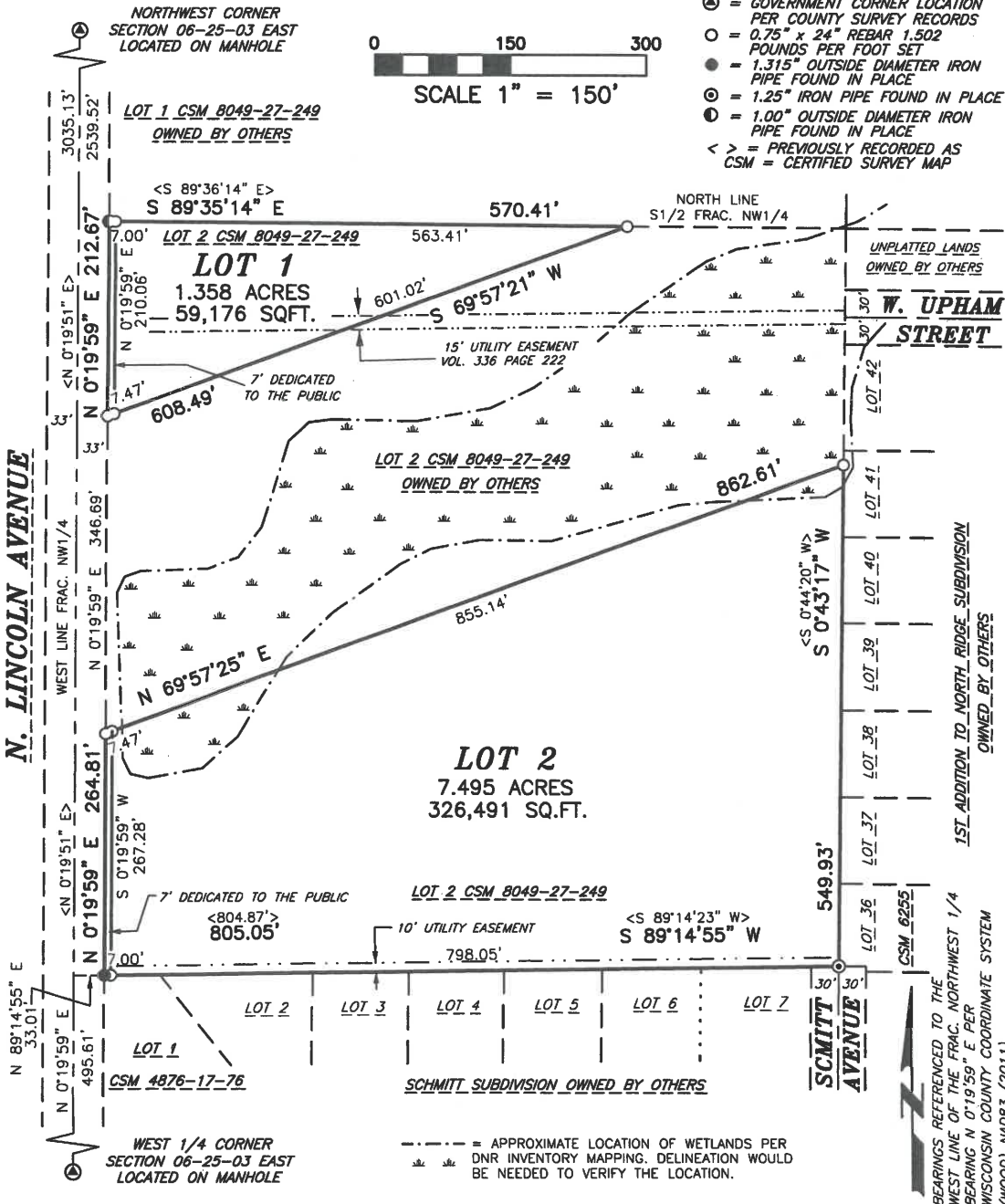
VREELAND ASSOCIATES, INC. LAND SURVEYORS & ENGINEERS 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 tim@vreelandassociates.us	
PREPARED FOR:	BRAD LENZ
FILE #: 24-0272 LENZ	
DRAFTED & DRAWN BY: TIMOTHY G. VREELAND	



SHEET 1 OF 3 SHEETS

LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 0.75" x 24" REBAR 1.502 POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- ⦿ = 1.25" IRON PIPE FOUND IN PLACE
- ⦿ = 1.00" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- < > = PREVIOUSLY RECORDED AS CSM = CERTIFIED SURVEY MAP



BEARINGS REFERENCED TO THE WEST LINE OF THE FRAC. NORTHWEST 1/4 BEARING N 0°19'59" E PER WISCONSIN COUNTY COORDINATE SYSTEM (WOOD) #4083 (2011)

- - - - - = APPROXIMATE LOCATION OF WETLANDS PER DNR INVENTORY MAPPING. DELINEATION WOULD BE NEEDED TO VERIFY THE LOCATION.

CERTIFIED SURVEY MAP

WOOD COUNTY NO. _____

PART OF LOT 2 OF CSM 8049-27-249, LOCATED IN THE W1/2
OF THE FRAC. NW1/4 OF SECTION 6, TOWNSHIP 25 NORTH,
RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

SHEET 2 OF 3 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF BRAD LENZ, I SURVEYED, MAPPED AND DIVIDED THAT PART LOT 2 OF CERTIFIED SURVEY MAP NUMBER 8049, RECORDED IN VOLUME 27 ON PAGE 249, LOCATED IN THE W1/2 OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 6; THENCE N 0°19'59" E ALONG THE WEST LINE OF THE FRACTIONAL NORTHWEST 1/4 495.61 FEET; THENCE S 89°14'55" W 33.01 FEET TO THE EAST LINE OF N. LINCOLN AVENUE AND TO THE POINT OF BEGINNING; THENCE N 0°19'59" E ALONG THE EAST LINE OF N. LINCOLN AVENUE 264.81 FEET; THENCE CONTINUING N 0°19'59" E ALONG THE EAST LINE OF N. LINCOLN AVENUE 346.69 FEET; THENCE CONTINUING N 0°19'59" E ALONG THE EAST LINE OF N. LINCOLN AVENUE 212.67 FEET; THENCE S 89°35'14" E ALONG THE NORTH LINE OF SAID LOT 2 570.41 FEET; THENCE S 69°57'21" W 608.49 FEET TO THE EAST LINE OF N. LINCOLN AVENUE; THENCE S 0°19'59" W ALONG THE EAST LINE OF N. LINCOLN AVENUE 346.69 FEET; THENCE N 69°57'25" E 862.61 FEET; THENCE S 0°43'17" W ALONG THE EAST LINE OF SAID LOT 2 549.93 FEET; THENCE S 89°14'55" W ALONG THE SOUTH LINE OF SAID LOT 2 805.05 FEET TO THE EAST LINE OF N. LINCOLN AVENUE AND TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE CITY OF MARSHFIELD, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING AND MAPPING THE SAME.



DATED THIS 22ND DAY OF OCTOBER, 2024
SURVEY PERFORMED JUNE 20TH, 2024

TIMOTHY G. VREELAND P.L.S. 2291

THIS CERTIFIED SURVEY MAP IS APPROVED IN ACCORDANCE
WITH CHAPTER 19-61(3) OF THE MUNICIPAL CODE.

DATE _____

CITY OF MARSHFIELD ENGINEER _____

CERTIFIED SURVEY MAP

WOOD COUNTY NO. _____

PART OF LOT 2 OF CSM 8049-27-249, LOCATED IN THE W1/2 OF THE FRAC. NW1/4 OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

SHEET 3 OF 3 SHEETS

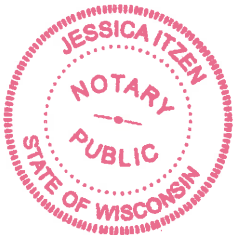
OWNERS CERTIFICATE OF DEDICATION

I, BRAD LENZ OF SUNSET LOTS LLC., OWNER, DO HEREBY CERTIFY THAT SUNSET LOTS LLC., CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THE MAP. SUNSET LOTS LLC., DOES FURTHER CERTIFY THAT THIS MAP IS REQUIRED BY s.236.10 OR s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: THE CITY OF MARSHFIELD COMMON COUNSEL.

IN WITNESS HEREOF, THE SAID SUNSET LOTS LLC., HAS CAUSED THESE PRESENTS TO BE SIGNED BY:


DBA Sunset Lots LLC
BRAD LENZ
SUNSET LOTS LLC.

STATE OF WISCONSIN) SS
WOOD COUNTY)
PERSONALLY CAME BEFORE ME THIS 15th DAY OF November, 2024, THE ABOVE NAMED BRAD LENZ OF SUNSET LOTS LLC., TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.




NOTARY PUBLIC, WOOD COUNTY, WISCONSIN

MY COMMISSION EXPIRES 12/29/2024

COMMON COUNCIL RESOLUTION

RESOLVED THAT THE CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF MARSHFIELD. BRAD LENZ OF SUNSET LOTS LLC., OWNER OF THE LANDS.

DATE APPROVED _____

MAYOR _____
LOIS TESTRAKE

DATE SIGNED _____

MAYOR _____
LOIS TESTRAKE

CITY CLERK

I, HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MARSHFIELD.

JESSICA SCHIFERL

