

**TOWN OF EDEN  
FOND DU LAC COUNTY, WISCONSIN**

**STORMWATER MANAGEMENT ORDINANCE**

The Town Board of the Town of Eden do ordain as follows:

The Town finds that urbanized land uses accelerate the process of runoff in the waters of the Town of Eden and its environs. Therefore, the purpose of this Ordinance shall be to preserve the natural resources, control floods, protect the quality of public waters, protect and promote the health, safety and general welfare of the people of the Town of Eden. The ordinance controls and minimizes the stormwater runoff increases by requiring that runoff peak outflow after development be no larger than the peak outflow before development for a wide range of storm sizes. This Ordinance is enacted under authority granted under section 60.62 and 61.35, Wisconsin Statutes.

Section 1. General Provisions

- 1.1 Applicability. This Ordinance applies to the use of lands within the municipal boundaries of the Town.

Section 2. Definitions

- 2.1 For the purpose of this Ordinance, certain words herein are defined as follows:
- (A) Development: Refers to the construction of new residential, commercial, industrial, public and institutional buildings, other than accessory structures, or the expansion of such areas, wherein the expansion exceeds fifty percent (50%) of the square footage of the existing structures on the premises. Excluded are park facilities and structures.
  - (B) Ten (10) Year and One Hundred (100) Year Storms: Those rain storms of varying durations and intensities that have a ten percent (10%) and one percent (1%) chance, respectively, of occurring in any given year.
  - (C) Ten (10) Year and One Hundred (100) Year Storm Runoffs: The stormwater runoffs from their respective storms.
  - (D) On-Site Detention: The temporary detaining or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed devices.

- (E) Stormwater Runoff: The water derived from rains, falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, water courses.

### Section 3. Storm Drainage Requirements

- 3.1 Development on public and private lands shall be subject to on-site detention and runoff control of stormwater if:
- (A) The land development activity will be development having a gross aggregated area of three (3) acres or more; or
  - (B) The land development activity will be a development having a gross aggregated area of at least one (1) acre, but less than three (3) acres, having fifty percent (50%) or more of the area as impervious surfaces, including roads, buildings, parking facilities and other improvements; or
  - (C) In the opinion of the Building Inspector or designee, the runoff from the development will exceed the safe capacity of the existing drainage facilities, or cause undue ditch erosion, or increase water pollution by scour and transport of particles, or endanger downstream properties, or drain surface or stormwater onto adjoining properties.
- 3.2 Reduction of the post-development runoff peaks will generally be done by maintaining large amounts of vegetation and by various types of detention storage. Detention storage, when used, shall be designed by this criteria:
- (A) Design the outflow structure so that the post-development peak flow rates for the 2 year and 100 year storm do not exceed the predevelopment peak flows for the 2 year and 100 year storms. If the rounded 2 year predevelopment peak flow equals zero, calculate the flow from the Unit Peak Discharge in the TR-55 output table. ( $Q = U.P.D. \times D.A. \times \text{Inches of runoff}$ ).
  - (B) Peak rates of flow, runoff volumes, and detention basin designs shall be done using the USDA, Soil Conservation Service, Technical Release No. 55, Urban Hydrology of Small Watersheds, commonly known as TR-55.

3.3 The rainfall duration shall be 24 hours.

Frequency	Rainfall Amount In Inches
2	2.5
5	3.4
10	3.9
25	4.4
50	4.9
100	5.4
500	6.5

3.4 Where on-site detention is used for runoff control, the detention facility shall safely detain the runoff volume of the peak discharge as outlined in Sec. 22.04(4) from a one hundred (100) year post-development storm. Runoff in excess of the one hundred (100) year development condition event must be safely passed.

- (A) Any portion of the detention area that is going to be used for occasional storage of materials or parking, the detention volume must be increased by 10%. Use of a detention area for recurrent storage is prohibited.

3.5 Plan submittals shall include all pertinent information relating to structural and non-structural measures to be constructed in connection with the proposed development. All plan submittal shall include the following items.

- (A) Predevelopment and post-development runoff computations at all structural and nonstructural measures and at the point of discharge from the site location for all required storm events.
- (B) The storm event frequency discharge rates in cubic feet per second upon which the design of plans for the site location is based.
- (C) Provisions to carry runoff to the nearest adequate outlet.
- (D) If drainage easements are required, documentation of perpetual maintenance and control.

- (E) Predevelopment land use criteria:
  - i. Cropland - The runoff curve numbers (RCN) for land which was cropland within the last 10 years will be based on a typical dairy farm crop rotation (CCCOHHH).
  - ii. Non-cropland - Use the typical land use for the last 10 to 20 years for instance, if a woods is cleared in the last few years, the RCN would still be for the wooded condition. Use the appropriate RCN for the soils or weighted combinations of the soils of the watershed.
- (F) When the soils of the developing area are disturbed, it changes the structure and profile, therefore changing the criteria used to place it in a specific hydrologic unit. All the soils in the Town of Eden area have a high clay content and when disturbed should be placed in the "D" category. All drainage calculations from a developed area should be based on the "D" hydrologic soil group criteria.
- (G) For runoff peaks flows exceeding the 100 year event, the runoff path and elevations shall be considered so that flooding of buildings or other structures is avoided.
- (H) Water from upstream of the development shall be conveyed through the parcel without erosion or flooding. Channels shall be designed for a minimum capacity of a five year discharge, stable velocities for a 25 year discharge, and flood for a 100 year discharge.
- (I) Certification by a Professional Engineer, registered in the State of Wisconsin, that states that the plans are submitted will meet or exceed the requirements as outlined in this Section to the best of their knowledge.

3.6 The developer shall be required to prepare plans for reducing or detaining peak discharges and such plans will be reviewed on a case-by-case basis. As referenced, the Wisconsin Department of Natural Resources section of Chapter NR 116.

3.7 Approval of plans and calculations shall be by the Building Inspector or designee.

3.8 Any structure built within 1,000 feet of the 100 year floodplain shall have a first floor elevation of at least six (6) inches above the highest 100 year floodplain elevation located within 1,000 feet of the structure.

## Section 4. Application and Issuance of Permits

### 4.1 Permit Required; Procedure and Fee.

- (A) Unless specifically excluded by this Ordinance, no owner, occupant or user may undertake an activity subject to this Ordinance without receiving a permit from the Building Inspector. Each owner, occupant or user desiring to undertake a regulated activity subject to this Ordinance, shall submit for review, all requested data twenty (20) days prior to application for a permit. The review fee is to be collected by the Building Inspector as part of the building permit fees. Review fees shall be as set by the Town Board and shall be sufficient to cover the cost of review by outside consultants retained by the Town.
- (B) Exceptions to this requirement are as follows:
  - i. No permit fees shall be assessed against public lands.

### 4.2 Permit; Conditions. All permits under this Ordinance shall be issued subject to the following conditions and requirements.

- (A) Commercial, Industrial, and Residential Permits. The permittee shall provide and install, at permittee's expense, all drainage and runoff control improvements as required by this Ordinance, unless drainage or detention has been previously constructed by the Town. If such public drainage structures exist, the permittee shall be assessed for his proportionate share of the drainage structure costs as determined by the Town. When private drainage controls are constructed, the property owner and/or occupant shall provide perpetual maintenance of all private control facilities. Said maintenance shall include normal operational maintenance of all physical facilities, clean up of debris and litter and elimination of standing water within a reasonable time after cessation of storm.
- (B) The permittee, property owner, and/or occupant agrees to permit the Building Inspector or designee to enter onto land regulated under this Ordinance prior to permit issuance for the purpose of determining whether to approve the permit, and other permit issuance, to determine compliance with this Ordinance.
- (C) No permit may be issued unless it is determined by the Building Inspector or designee that the development will not cause drainage of surface or stormwater onto adjoining property owned by someone other than the applicant/permittee.

Section 5. Violations

- 5.1 Penalties. Any person, firm, company or corporation, either owner or occupant of the premises, who fails to comply with any of the provisions of this Ordinance, shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) and costs of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense. Compliance with the provisions of this Ordinance may also be enforced by injunction. In addition to the forfeitures set forth above, any person convicted of a violation of any provision of this Ordinance shall pay the costs of prosecution, including reasonable attorneys' fees.

Section 6. Appeals

- 6.1 Authority. The Town Board shall:
- (A) Hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector or designee in administering this Ordinance.
  - (B) Authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Section 7. Separability.

- 7.1 Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date.

- 8.1 This Ordinance shall be in force from and after its passage, approval and publication according to law.

Section 9. Rules of Construction.

- 9.1 In the construction of this Ordinance, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Ordinance:

- (A) References to the male gender include the female and references to the single include the plural. References to "person" extends to natural persons, firms, corporations, partnerships or other entities;
- (B) It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Town Chairman

Attest: \_\_\_\_\_  
Town Clerk

Published: \_\_\_\_\_