

**ORDINANCE NO. 1347-2008**

**AN ORDINANCE TO AMEND CHAPTER 15 TITLE 2 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING  
TO CONSTRUCTION SITE/EXCAVATION EROSION CONTROL**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS  
FOLLOWS:

SECTION I. Chapter 15 Title 2 of the City of Onalaska Code of Ordinances is hereby  
deleted in its entirety and replaced with:

**CONSTRUCTION SITE / EXCAVATION EROSION CONTROL**

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- 15-2-2 Statement of Findings and Purpose**
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**15-2-14 Penalties**

**15-2-15 Definitions**

**15-2-1 Authority.**

- (a) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats., for cities. 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.
- (b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) The City Common Council hereby designates the Land Use and Development Director to administer and enforce the provisions of this ordinance.
- (d) 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:
- (e) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
- (f) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.
- (g) La Crosse sewer service area water quality management plan through cooperative agreement with La Crosse County Land Conservation Department.

**15-2-2 Statement of Findings and Purpose.**

The finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to neighboring properties, public holdings, and waters of the State. It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the

amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Onalaska.

### **15-2-3      Applicability and Jurisdiction.**

(a)      **Applicability.**

- (1)      This ordinance applies to a construction site with land disturbing construction activity except as provided under sub. (b).
- (2)      This ordinance does not apply to the following:
  - a.      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.
  - b.      Land development and land disturbing activities exempted by State or Federal law, including highway construction projects.
  - c.      Nonpoint discharges from agricultural facilities and practices.
  - d.      Nonpoint discharges from silviculture activities.
  - e.      Agricultural or horticultural activities, landscaping activities of one/half (0.5) acre or less, the construction or maintenance of a septic system or associated drain field or any project involving excavation or fill of less than one hundred (100) cubic yards of earth and quarry operations governed by City Ordinance 7-10-5.
- (3)      Notwithstanding the applicability requirements in paragraph (1), this ordinance applies to construction sites of any size that, in the opinion of the Land Use and Development Director, 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.

(b)      **Jurisdiction.**

This ordinance applies to land disturbing activity located within the boundaries and jurisdiction of the City of Onalaska.

(c)      **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.

#### **15-2-4 Technical Standards.**

- (a) **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. Where not superseded by stricter requirements in City of Onalaska Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:
- (1) Applicable design criteria, standards and specifications identified in the Wisconsin Department of Natural Resources Stormwater Technical Standards
  - (2) Other 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) **Other Standards.** Other technical standards not identified or developed in sub. (a), may be used provided that the methods have been approved by the Land Use and Development Director.

#### **15-2-5 Performance Standards.**

- (a) **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with 15-2-7, that incorporates the requirements of this section.
- (b) **Plan.** A written plan shall be developed in accordance with 15-2-7 and implemented for each construction site.
- (c) **Erosion and Sediment Control Performance Standards.** All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer.

- (d) **Alternate Requirements.** The Land Use and Development Director may establish erosion and sediment control requirements more stringent than those set forth in City of Onalaska Erosion Control Stormwater Management Requirements, if the Land Use and Development Director determines that an added level of protection is needed to address downstream stormwater management issues.

## **15-2-6 Permitting Requirements, Procedures and Fees.**

- (a) **Permit Required.** No responsible party may commence a land disturbing construction or excavation/fill activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Land Use and Development Director or his designee. The Common Council may issue a written waiver of the permit requirement if it is satisfied that the nature or size of the excavating/grading project will not result in erosion or be detrimental to the public health, safety, and welfare.
- (b) **Wisconsin Department of Natural Resources Permits.** All land disturbance activities of greater than one (1) acre in size shall obtain any necessary permits as required by NR216 unless sites are construction of public buildings or places of employment, then permit must be issued by the Wisconsin Department of Commerce. Copies of any needed permits or supporting documents shall be given to the City of Onalaska as part of the erosion control permit.
- (c) **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 15-2-9 and shall pay an application fee consistent with the fee schedule maintained by the Land Use and Development Director. By submitting an application, the applicant is authorizing the Land Use and Development Director or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (d) **Review and Approval of Permit Application.** The Land Use and Development Director, City Engineer or his designee shall review any permit application that is submitted with erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (1) All proposed project applications for grading and/or excavating in excess of ten thousand (10,000) cubic yards shall be reviewed by the Common Council prior to

issuance of any permit. Said review shall be made after consideration of the application by the City Engineer, Land Use and Development Director and the Plan Commission.

- (2) All proposed applications for grading and/or excavating which involve ten thousand (10,000) cubic yards or less shall be reviewed by the City Engineer or the Land Use and Development Director or designee prior to the issuance of any permit. The Common Council may, in its discretion, review all such applications prior to issuance of a permit.
  - (3) All said reviews shall be scheduled by the Common Council within thirty (30) days of the filing of a satisfactory completed application with the Land Use and Development Director.
  - (4) The Land Use and Development Director may request additional information if required for a complete application within 15 business days of receipt of any permit application. Within 30 business days of the receipt of a complete permit application, as required by sub. (b), the Land Use and Development Director shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
  - (5) If the permit application and plan are approved, the Land Use and Development Director or his designee shall issue the permit.
  - (6) If the permit application or plan is disapproved, the Land Use and Development director or his designee shall state in writing the reasons for disapproval.
  - (7) The Land Use and Development Director or his designee may request additional information from the applicant. If additional information is submitted, the Land Use and Development Director or his designee shall have 30 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (e) **Permit Standards and Provisions.** The standards and provisions for all permits granted herein are as follows:
- (1) All fill material added to an approved site shall be clean, noncombustible and non-deleterious.
  - (2) All decisions made by the Common Council under this Chapter shall be made to affect the purpose of controlling erosion to the extent that this is reasonable under the circumstances. Under no circumstances shall a permit be issued for disturbance or excavation of lands having slopes in excess of thirty percent (30%)

or any area within ten (10) foot prior to the start of thirty percent (30%) slope except for the following purposes (per La Crosse Sanitary Service agreement):

- a. Access road developments for residential and non-residential purposes where a soil erosion control plan has been submitted to and approved by the Land Use and Development Director.
  - b. Quarry operations where a soil erosion control plan has been submitted to and approved by the Land Use and Development Director.
- (3) The recipient of a permit agrees to indemnify and hold harmless the City of Onalaska, its employees, agents, or officers, from any cost, suit, liability or award which might come or be brought or assessed because of the issuance or exercise of the permit, or because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.
  - (4) The Land Use and Development Director may require at any time that a surety bond or irrevocable letter of credit be secured by the owner, applicant, contractor, or developer holding the permit; such bond or irrevocable letter of credit amount and conditions thereto are to be made and approved by the Land Use and Development Director to effectuate the purpose of this Chapter.
  - (5) If conditions arise during development or construction which require the taking of measures or precautions of the imposition of limits or restraints to control erosion, the Common Council or its agents, at its discretion, may require that such be taken. When, during development or construction, it appears that measures or precautions previously required are unnecessary, the Common Council may choose to waive them in writing.
  - (6) Any permit issued under this chapter is limited to the stated project, description, time frame and cubic yardage granted in the permit. The permit shall be invalid if work is not commenced within 1 year of permit issuance and shall expire two years after permit issuance for residential construction or one year after issuance for commercial construction. The Land Use and Development Director or designee may extend the period one or more times for up to an additional 180 days each.
  - (7) As a condition of granting the permit, the applicant agrees that the site may be inspected by the Common Council of the City of Onalaska or its designee at all reasonable times with advance notice to the permittee.

- (8) The Common Council of the City of Onalaska may require that the owner/developer comply with the recommendations of officials or agencies designated by the Common Council which may:
- a. Require where appropriate and reasonable under the circumstances, erosion control practices set forth in the Wisconsin Department of Natural Resources Stormwater Technical Standards, including but not limited to the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures and bank protection structures;
  - b. Place limits on the area of land which may be exposed and staging timetables
  - c. Require all acts and impose all other limits and restraints which are necessary and reasonable to control erosion.
- (9) Any permit granted under this Chapter shall be enforced by the Common Council and shall be effective for the period established by the Common Council. No permit shall be issued for more than one (1) excavation season. The permit shall set forth all time limitations with which the permit holder is required to comply. All restoration of top soil and/or re-vegetation must be completed in the fall season (target date should be October 1<sup>st</sup>) in order that the seeding is effective before the commencement of the winter season. The Common Council or its designee, at their discretion, shall have the authority to waive re-vegetation requirements in no set circumstances in which the Council determines that re-vegetation is not necessary to meet the purposes of this Chapter. If it is determined that delays have occurred due to an act of God and topsoil spreading and re-vegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion during the seasons that the site will remain uncovered.
- (10) Construction excavating/disturbance beginning on or after October 1<sup>st</sup> and/or prior to April 1<sup>st</sup> of each year shall include dormant seeding, and erosion control measures per Wisconsin Department of Transportation erosion control (PAL) product acceptability list or approved equal.
- (f) **FINANCIAL GUARANTEE.** As a condition of approval and issuance of the permit, the Land Use and Development Director 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.

- (g) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
- (1) Notify the Land Use and Development Director 2 full business days prior to commencing any land disturbing construction activity.
  - (2) Notify the Land Use and Development Director of completion of any BMPs within 3 full business days after their installation and prior to the start of any excavating or land disturbance.
  - (3) Obtain finalized permit from the Land Use and Development Director prior to any modification pursuant to 15-2-7(3) of the erosion and sediment control plan.
  - (4) Install all BMPs as identified in the approved erosion and sediment control plan prior to construction or excavation activity.
  - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
  - (6) Inspect and or repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing activities and document said inspection and repairs in a site erosion control log, weekly. Any displaced sediment must be removed from downstream culverts, streets, adjoining properties, storm sewers, and other drainage facilities within 24 hours.
  - (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and any needed corrections, and a description of the present phase of the construction at the site.
  - (8) Allow the Land Use and Development Director or 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.
- (h) **Permit Conditions.** Permits issued under this section may include conditions established by Land Use and Development Director in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in 15-2-5.

- (i) **Permit Duration.** Permits issued under this section shall be valid for a period of one (1) year for commercial sites and two (2) years for residential sites, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The permit shall be invalid if work is not commenced within one year of issuance. The Land Use and Development Director may extend the period one or more times for up to an additional 180 days. The Land Use and Development Director may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (j) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain and inspect all BMPs weekly or within 24 hours of a rain event in a necessary methodology to meet the requirements of this ordinance until the site has undergone final stabilization.

### **15-2-7 Erosion and Sediment Control Plan, Statement, and Amendments.**

- (a) **Plan Requirements.** An Erosion and Sediment Control Plan shall be prepared and submitted to the Land Use and Development Director or designee. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. The Land Use and Development Director may waive certain submittal requirements, if determined by the Land Use and Development Director to be unnecessary to demonstrate compliance with the ordinance standards.
- (b) **Amendments.** The applicant shall amend the plan if any of the following occur:
  - (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
  - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
  - (3) The Land Use and Development Director or designee notifies the applicant of changes needed in the plan.

### **15-2-8 Fee Schedule.**

The fees referred to in other sections of this ordinance shall be established by the City Common Council and may from time to time be modified. A schedule of the fees established by the Land Use and Development Director shall be available for review in City Hall and is listed in the forms section of the City of Onalaska Erosion Control and Stormwater Management Requirements.

### **15-2-9 Inspection.**

- (a) If land disturbing construction activities are being carried out without a permit required by this ordinance, the Land Use and Development Director or designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.
- (b) The City of Onalaska shall inspect construction sites weekly during the period starting March 1 and ending October 21 and at least two (2) times during the period starting November 1 and ending February 28 or after a rain event of equal to or greater than .5 inch, to ensure compliance with the control plan.

### **15-2-10 Enforcement.**

- (a) After official notice has been given for a violation of nonconformance to the erosion control plan, the property owner or land developer shall be given forty-eight (48) hours to correct a minor nonconformance and twenty-four (24) hours to correct a major nonconformance. The City shall adopt rules and regulations regarding what shall constitute a “major” and “minor” nonconformance.
- (b) The Land Use and Development Director or designee may post a stop-work order if any of the following occurs:
  - (1) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
  - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
  - (3) The conditions of the permit are not being met.

- (c) 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 Land Use and Development Director may revoke the permit.
- (d) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Land Use and Development Director, or if a responsible party violates a stop-work order posted under sub. (b), the Land Use and Development Director may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (e) The Land Use and Development Director may retract the stop-work order issued under sub. (b) or the permit revocation under sub. (c).
- (f) After posting a stop-work order under sub. (b), the Land Use and Development Director or designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Land Use and Development Director 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 Land Use and Development Director, plus interest at the rate authorized by Land Use and Development Director 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.
- (g) Any person violating any of the provisions of this ordinance shall be subject to penalties as outlined in 15-2-14. Each day a violation exists shall constitute a separate offense.
- (h) 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.

## **15-2-11 Appeals.**

- (a) **Board of Zoning Appeals.** The Board of Zoning Appeals created pursuant to section 130-1-190 through 12-1-195 of the City of Onalaska ordinances pursuant to 62.23(7)(e), Wis. Stats.:
  - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Land Use and Development Director in administering this ordinance except for cease and desist orders obtained under 15-2-10 (4).

- (2) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
- (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(b) **Who May Appeal.** Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Onalaska affected by any decision of the Land Use and Development Director.

### **15-2-12 Severability.**

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

### **15-2-13 Violations**

- (a) It is a violation of this Chapter:
- (1) To fail to meet any time limits imposed by regulation under this Chapter, except failure caused by an act of God; or
  - (2) To fail to do any act required by this Chapter or any regulation imposed hereunder; or
  - (3) To do any act prohibited by this Chapter or any regulation imposed hereunder; or
  - (4) To continue any construction or development work on a site, except to correct a violation while a stop work order is in effect; or
  - (5) To suffer or permit any violation to continue in existence, except continuance caused by an act of God.

### **15-2-14 Penalties**

- (a) Any person, firm, or corporation violating this Chapter or any part thereof shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than

Five Thousand Dollars (\$5,000.00) and the cost of prosecution and, in default of such fine and costs, shall be imprisoned in the County Jail until payment of such forfeiture and the costs for a period not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

- (b) In addition to the aforementioned penalties, no plat submitted to the City and no site plan or certified survey required by the City shall be approved unless it shows all improvements reasonably required to prevent erosion after completion of development as required in this Chapter and the subdivision code of the City of Onalaska.

## **15-2-15 Definitions.**

- (a) **“Administering authority”** means a governmental employee, or a regional planning commission empowered under s. 61.354 Wis. Stats., that is designated by the City Common Council to administer this ordinance.
- (b) **“Agricultural facilities and practices”** has the meaning in s. 281.16(1), Wis. Stats.
- (c) **“Average annual rainfall”** means a typical calendar year of precipitation, excluding snow, and as defined by the Wisconsin Department of Natural Resources within models such as SLAMM, p8 or equivalent technology.
- (d) **“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.
- (e) **“Business day”** means a day the office of the Land Use and Development Director is routinely and customarily open for business.
- (f) **“Cease and desist order”** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (g) **“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.
- (h) **“Division of land”** means the creation from one parcel of 2 or more parcels or building sites of 5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.
- (i) **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

- (j) **“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.
- (k) **“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.
- (l) **“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.
- (m) **“Governing body”** means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- (n) **“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.
- (o) **“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 and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (p) **“Performance standard”** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (q) **“Permit”** means a written authorization made by the Land Use and Development Director to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (r) **“Pollutant”** has the meaning given in s. 283.01 (13), Wis. Stats.
- (s) **“Pollution”** has the meaning given in s. 281.01 (10), Wis. Stats.
- (t) **“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.

- (u) **“Restricted Development Area”** means any area on an undeveloped site which has a slope of thirty percent (30%) or greater. These areas must be delineated and must not be disturbed with exceptions as laid out in Section 15-2-6(4)(b).
- (v) **“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.
- (w) **“Sediment”** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (x) **“Separate storm sewer”** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
  - (1) Is designed or used for collecting water or conveying runoff.
  - (2) Is not part of a combined sewer system.
  - (3) Is not draining to a storm water treatment device or system.
  - (4) Discharges directly or indirectly to waters of the state.
- (y) **“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.
- (z) **“Stop work order”** means an order issued by the Land Use and Development Director which requires that all construction activity on the site be stopped.
- (aa) **“Technical standard”** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (bb) **“Waters of the state”** has the meaning given in s. 281.01 (18), Wis. Stats.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated this 9th day of December, 2008.

CITY OF ONALASKA, BY:



Michael D. Giese  
Michael D. Giese, Mayor

Caroline J. Burmaster  
Caroline Burmaster, Clerk

PASSED: 12/9/08  
APPROVED: 12/9/08  
PUBLISHED: 12/19/08