



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Utilities Committee

Tuesday, May 24, 2016

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[16-821](#) Approval of the May 10, 2016 Utilities Committee Meeting minutes.

Attachments: [May 10, 2016 Utilities Committee Minutes.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[16-822](#) Approve May 2016 Revisions to Stormwater Utility Credit Policy.

Attachments: [Memo Credit Policy Approval 05-24-2016.pdf](#)
[2016 Revised Stormwater Utility Credit Policy Combined.pdf](#)

[16-823](#) Revision to Chapter 24 of the Municipal Code for Erosion and Sediment Control.

Attachments: [Erosion Control Ord - Redlined - 05-17-2016.pdf](#)

6. **Information Items**

[16-824](#) Monthly Reports for April 2016
- Water Distribution and Meter Team Monthly Report

Attachments: [Meter Team Reports April.pdf](#)

7. **Adjournment**

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.

For questions on the agenda, contact Chris Shaw at 920-832-5945 or Paula Vandehey at 920-832-6474.



City of Appleton

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Meeting Minutes Utilities Committee

Tuesday, May 10, 2016

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Chairperson Dannecker called the Utilities Committee meeting to order at 5:30 p.m.

2. Roll call of membership

Present: 5 - Dannecker, Baranowski, Meltzer, Reed and Jirschele

3. Approval of minutes from previous meeting

[16-696](#)

Approval of the April 26, 2016 Utilities Committee Meeting minutes.

Baranowski moved, seconded by Jirschele, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Dannecker, Baranowski, Reed and Jirschele

Absent: 1 - Meltzer

4. Public Hearings/Appearances

5. Action Items

[16-723](#)

Award of Cotter Street Stormwater Management Alternatives Evaluation, in an amount not to exceed \$20,687 and authorization to single source the future design contract and construction related services contract, with RA Smith National, Inc.

Aldersperson Meltzer arrived at 5:33 p.m.

Jirschele moved, seconded by Reed, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Dannecker, Baranowski, Meltzer, Reed and Jirschele

6. Information Items

[16-699](#)

Revision to Municipal Code Chapter 24 Erosion Control.

Reviewed.

[16-721](#) Stormwater Utility Credit Policy Revisions.

Reviewed.

[16-697](#) Update on annual hydrant flushing program.

Reviewed.

[16-698](#) Update on Northeast Wisconsin Stormwater Consortium.

Reviewed.

[16-753](#) Pharmaceuticals and Wastewater Treatment.

Discussed.

7. Adjournment

Baranowski moved, seconded by Meltzer, that the Utilities Committee meeting be adjourned at 6:34 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Dannecker, Baranowski, Meltzer, Reed and Jirschele

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer
Sue Olson, Staff Engineer

DATE: May 18, 2016

RE: Approve May 2016 Revisions to Stormwater Utility Credit Policy (attachments).

The Department of Public Works is requesting approval of the proposed May 2016 Revised Stormwater Utility Credit Policy (attached).

At the May 9th, 2016 Utilities Committee, DPW staff presented a draft revised credit policy for discussion, which included new standards for allowing single- and two-family properties to obtain credits for listed “basic stormwater practices” that improve stormwater runoff quality.

During that discussion, the Utilities Committee requested that staff investigate the following potential revisions to the proposed policy as presented:

1. Increase maximum number of rain barrels eligible for credit from three to four, with a possible corresponding change to the credit amount for each rain barrel.
2. Provide customers a written notice of credit expiration dates on or with their utility bills.

The credit policy has been updated to reflect Item 1, with credits available for up to four rain barrels, at \$20 per barrel.

DPW Staff presented Item 2 to Information Technology and Finance staff for consideration. Staff’s recommendation is as follows:

Finance will soon be updating its billing to use the new Tyler Munis system. Programming the existing system and modifying the current billing format to accommodate an expiration date is not recommended, as the City will likely be transferred to the new system before the three year credit expirations. Once the Tyler Munis system is up and running, staff would like the opportunity to evaluate how the software can accommodate the request. At this time, staff cannot verify the new system will be able to provide a credit expiration date on the bill itself. Therefore, the policy as presented does not include a notification of credit expiration at this time. DPW staff intends to update the Utilities Committee on expiration notices once Information Technology and Finance staff is more familiar with the Tyler Munis system, likely in 2017.

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

CITY OF APPLETON
STORMWATER UTILITY CREDIT POLICY
May 2016

I. Purpose and Scope

The purpose of this policy is to provide a credit structure for stormwater utility charges for properties within the City of Appleton. Credit applications must be submitted by the property owner. Credit will only be considered for properties that meet at least one of the following criteria:

Property is a multi-family or non-residential property that meets one or more of the following criteria:

- Property implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.
- Property contains one or more approved stormwater practices that provide measurable, maintainable reductions in peak flow rates, flow volumes, and/or pollutant discharges.
- Property discharges some or all of its flow from impervious surfaces directly to the Fox River without such flow entering a stormwater conveyance owned or maintained by the City.

Property is a single-family or two-family residential property that:

- Implements onsite stormwater management practices according to the list of eligible practices per Appendix B, Basic Stormwater Practices.

This policy recognizes that:

- NR 151, containing water quality requirements from the State of Wisconsin, became effective October 1, 2004 and has since been updated.
- The Fox River TMDL, containing water quality requirements from United States Environmental Protection Agency and the State of Wisconsin, became effective March, 2012.
- The State of Wisconsin regulates floodplains through NR 116 and NR 117.
- The City of Appleton is regulated under a WPDES Stormwater Permit per NR 216.
- For some criteria, the City of Appleton Stormwater Management Ordinance exceeds the requirements of the state standards in NR 151 and the Fox River TMDL.

This policy may be reviewed and updated from time to time. Properties receiving a credit prior to adoption of this policy are not subject to re-evaluation of credits, unless site redevelopment causes the property to become subject to the stormwater management ordinance. Under this policy, properties that are not subject to re-evaluation of credits will continue to receive credits based on the policy in place at the time credit was issued.

II. Definitions

Definitions for this policy are as listed in the Appleton Municipal Code Sec. 20-229.

III. Credit Structure

1. Multi-Family and Non-Residential Properties

These properties may be eligible for a credit for implementing Basic Stormwater Practices per Appendix B, as well as for implementing onsite practices that provide quantifiable reductions in stormwater peak flow rates or measureable improvements in runoff quality.

For the purposes of calculating applicable credit rates for practices that do not qualify as Basic Stormwater Practices, the municipal stormwater management services, which are funded through the user fee, are divided into three categories. The listed percentages are the approximate fraction of utility expenditures within each category:

Stormwater Base Fee:	27%
Stormwater Peak Flow Fee:	60%
Stormwater Quality Fee:	13%

There is no credit applicable to the Stormwater Base Fee portion of Utility charges. The Stormwater Base costs are required to conduct the stormwater management programs throughout the City. Such programs include, but are not limited to leaf collection, street cleaning, and utility administration.

Only the costs associated with the Stormwater Peak Flow and Stormwater Quality Fees are eligible for a credit. These costs are associated with the City's efforts to maintain the capacity of the stormwater conveyance system, reduce flooding, and reduce pollution to meet regulations. Properties that demonstrate they are reducing the impacts on the stormwater peak flow and/or stormwater quality components may be eligible for a portion or all of the allowed credits.

2. Single Family and Two-Family Properties

The small scale of single-family and two-family properties renders impractical the accurate calculation of peak flow reduction and water quality improvement using stormwater practices. Therefore the credit for these properties is based upon a fixed amount according to the type of eligible Basic Stormwater Practice used, as listed in Appendix B. As long as a Basic Stormwater Practice meets City required design and operation criteria, the credit for such a practice is not based on performance calculation for peak flow control or runoff quality control.

IV. Credit Criteria for Multi-Family and Non-Residential Properties

Properties that implement the practices meeting the credit criteria described in this section are potentially eligible for a credit. To be eligible for a credit, the property owner shall comply with all of the following:

- Submit a completed credit application form and review fee per Section VI of this policy.
- For Basic Stormwater Practices, submit the following documentation:
 - Written description of the number, type, and location of each practice.
 - A photograph of each practice installed onsite.
- For other stormwater practices that provide measurable stormwater peak flow and/or runoff quality benefits, submit documentation regarding the design stormwater management function of each practice for which a credit is requested, as described in this section.
- Allow the City of Appleton to enter the property to inspect each practice
- Operate and maintain each practice in such a way that it continues to function per the approved design and, for practices designed to provide measurable benefits, per the approved Operation and Maintenance Plan.

1. Practices That Provide Measureable Benefits That Exceed Peak Flow Control Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff peak flow control practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices. Properties that implement flow control management practices so as to exceed the City's stormwater management standards may be eligible for a credit. Minimum stormwater management standards for peak flow control are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirement of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating that a management practice on their property exceeds the peak flow reduction criteria to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount by which the property is exceeding the requirements.

The amount of Stormwater Peak Flow credit will be based on the following criteria:

- a. Post-development flow from all design storms, as defined in Article VI of Chapter 20 of the City's stormwater management ordinance, meet or exceed the minimum requirements.
- b. Property must reduce the peak flow rate of the 10-year design storm below the City required rate. All calculations shall use the 10-year storm as defined in Article VI of Chapter 20. For existing developed properties with no peak flow reduction requirements, the allowable peak flow rate is based on the actual peak flow rate for the developed property prior to installation of peak flow reduction practices.

The credit amount will be based on the percentage the property exceeds the minimum peak flow control requirements for the 10-year design storm. An example of credit calculations is provided in Table 1.

Table 1: Example Stormwater Peak Flow Fee Credit Calculations

Reduce peak flow below the requirement by:	0%	20%	40%	60%	80%	100%
Multiply by 60% (maximum eligible credit for peak flows)	60%	60%	60%	60%	60%	60%
The utility fee credit will be:	0%	12%	24%	36%	48%	60%

To calculate the percentage amount by which Peak Flow is reduced below the requirement, subtract the actual 10-year peak runoff rate from the allowed 10-year peak runoff rate. Then divide the resulting value by the allowed 10-year peak runoff rate.

2. Practices That Provide Measureable Benefits Which Exceed Runoff Quality Requirements

This credit applies to properties that provide privately constructed, owned, and maintained runoff quality practices that are not Basic Stormwater Practices, and which provide measurable benefits according to accepted engineering practices and any applicable DNR technical standards. Properties that implement pollution control management practices to reduce stormwater sediment (Total Suspended Solids, or TSS) beyond the requirements of the City's Stormwater Management Ordinance may be eligible for a credit. Minimum stormwater management standards for runoff quality are described in the Stormwater Management section of the Appleton Municipal Code, Chapter 20, Article VI, Sec 20-312. If, during site plan or stormwater management plan review, the Department of Public Works imposes requirements that are more restrictive than standard requirements of the Stormwater Management Ordinance, the more restrictive standards shall be considered the minimum requirements for credit purposes. The utility customer must submit documentation demonstrating the sediment control effectiveness of the management practice on their property to the Department of Public Works (DPW). The amount of credit will be based on the prorated amount as described below.

The amount of Stormwater Quality credit will be based on the following criteria:

- a. For new development and redevelopment properties as defined in the City's stormwater management ordinance:
 - 1) All requirements of the City's stormwater management ordinance must be met.
 - 2) If the stormwater Total Suspended Solids (TSS) reduction practices exceed the minimum requirements, then a credit is applied pro-rated to the level of TSS reduction achieved. An example of credit calculations is provided in Table 2.

Table 2: Example Stormwater Quality Credit Calculations for a New Development Parcel Required to Reduce Sediment by 80%

Parcel reduces TSS by:	80%**	85%	90%	95%	100%
Pro-ratio*	0/20	5/20	10/20	15/20	20/20
Multiply above row by 13% max eligible quality credit	13%	13%	13%	13%	13%
The utility fee credit will be:	0%	3%	6%	10%	13%

* credit pro-rated based on the percent sediment control remaining after the minimum requirement is met.

** this column does not exceed minimum requirement of City ordinance, thus no stormwater utility credit is applied.

- b. For existing developed properties with no pollution control requirements, the credit will be equal to the pro-ratio multiplied by 13%, where the pro-ratio is equal to the sediment control achieved compared to the property under the pre-management condition. In no case will the credit for this category exceed 13%.

For example: If an existing developed property installs a stormwater pollution management measure that reduces sediment pollution from the property by 20%, the property shall be eligible for a 2.6% credit. ($20/100 \times 13\%$)

3. Riparian Properties

Properties that discharge stormwater from all or a portion of their property directly into the Fox River, without entering a City of Appleton municipally owned stormwater conveyance system, may be eligible for a credit. The credit amount will be pro-rated based on the percent impervious area of the property that drains directly to the Fox River. Properties located on other creeks, streams and/or ditches, are not eligible for this credit.

For example if a property has 50% of its impervious area draining directly to the Fox River without entering the City's stormwater conveyance system, the eligible credit will be calculated as follows:

Stormwater Base Fee Portion of 27% =	0% (no credit applied)
Stormwater Peak Flow Fee Portion = $50\% \times 60\%$ =	30%
Stormwater Quality Fee Portion = $50\% \times 13\%$ =	6.5%
TOTAL CREDIT	36.5%

4. Properties that Implement Basic Stormwater Practices

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are

potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to inspect the practice.
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

V. Credit Criteria for Single-Family and Two-Family Properties

Properties that implement the practices listed in Appendix B, Basic Stormwater Practices are potentially eligible for a credit. To be eligible for a credit, the property owner shall:

- Submit a credit application per Section VI of this policy.
- Allow the City of Appleton to enter the property to inspect the practice.
- Install and maintain one or more practices according to the listed standards and in such a way that the practice provides a runoff quality benefit typical of such practices.
- Submit a photograph of the practice after installation.

Refer to Appendix B for applicable credits and conditions.

VI. Credit Request Submittal Requirements

The Director of Public Works shall review credit request submittals for compliance with this policy.

1. Multi-Family and Non-Residential Property:

A. Review Fee

- i. Basic Stormwater Practices. There is no review fee for this category
- ii. Stormwater Practices with Measurable Benefits. Prior to review, the individual requesting the review shall pay a non-refundable review fee of \$200.00.

B. Required Documentation

- i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Narrative Description, Certification and Supporting Documentation

Applicant shall provide a report including a narrative description, supporting documentation, and certification as described herein.

Narrative description shall describe the amount and type of credit requested, and describe in general the property and the basis for the request.

For non-riparian properties, the applicant shall provide written certification that the stormwater practices that are the subject of the credit have been constructed and are functioning in the manner indicated on the credit request calculations, and are owned and maintained by the property owner.

For practices that are not Basic Stormwater Practices, the applicant shall provide for DPW review and approval any hydrologic/hydraulic studies, plans, computer models, and other supporting documentation required to demonstrate, to the satisfaction of the Director, that the measures taken meet the requirements for the credits requested. A Registered Engineer or Hydrologist, licensed in the State of Wisconsin, must certify supporting plan and calculations.

For riparian properties, the applicant shall provide a site plan (to scale) showing existing elevations, drainage divides, and drainage patterns. The plan shall be stamped by an engineer or surveyor licensed in the state of Wisconsin.

iii. Operations and Maintenance Manual and Agreement

For practices that are not Basic Stormwater Practices, the applicant shall provide a manual for the operation, inspection, and maintenance of each stormwater practice, to ensure that it will continue to function as designed. The applicant shall also sign an Operation and Maintenance Agreement that will be recorded with the appropriate county to ensure continued maintenance of on-site practices. The applicant shall provide records of the inspection and maintenance performed pursuant to the approved Operation and Maintenance Agreement.

2. Single-Family and Two Family Residential Property

A. Review Fee

There is no review fee for this category.

B. Required Documentation

i. Application Form

The applicant shall submit a completed application form to the Department of Public Works, Engineering Division.

ii. Certification and Supporting Documentation

Applicant shall provide the following information with the application form:

- A site plan (to scale, with aerial photo) showing location of on-site stormwater management practice(s) and size of contributing impervious area(s)
- Copy of manufacturer's information (if applicable)
- Plant list and sizing calculations (for rain gardens)

3. Approval Process

A. Director's Review

The Director shall have thirty (30) business days to review credit applications, whereupon the Director may approve the application, deny the application, or provide comments for resubmittal. In the event of a resubmittal request, the thirty-day period referred to above shall begin again once the requested additional information is received.

B. Appeals

If the Director denies a credit request, the applicant may appeal the decision pursuant to sec. 20-239 of the Appleton Municipal Code. The applicant must file a notice of appeal with the Director no later than fifteen (15) days after receipt of the decision of the Director. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a credit. As the committee of jurisdiction, the Utilities Committee shall approve, disapprove, or conditionally approve with changes the credit request.

C. Annual Reevaluation

All credits shall be subject to an annual review for compliance with the terms and conditions of the credit at the time it was granted as well as the criteria of the current policy. Credits may vary or be eliminated over time. It is the responsibility of the billed customer to provide the Director with any and all changes to the conditions of the onsite practices and conditions that may affect the credit rate for the site. Violations of the terms and/or conditions of the credit request may be subject to collection of utility fees retroactive to the date of the violation.

VII. Effective Date and Expiration of Credits

A. Effective date of credits.

- a. Credits for Basic Stormwater Practices will be effective approximately 60 calendar days after they are approved.
- b. All other credits will become effective the date they are approved.

B. Expiration of Credits

- a. Ongoing Multi-Family and Non-Residential credits for Basic Stormwater Practices automatically expire as described in Appendix B. Other stormwater credits do not automatically expire. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.
- b. Ongoing Single- and Two-Family credits automatically expire as described in Appendix B. A new credit application must be filed to be eligible for a credit after credit expiration. Subsequent applications are allowed. Credits are subject to cancellation or modification at any time if practices are found not to meet applicable credit standards. Credits are subject to modification based on changes to the credit standards. The applicant is responsible for tracking the date of credit expiration. The City does not provide notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix A

Stormwater Utility Credit Application Form

CITY OF APPLETON
STORMWATER UTILITY CREDIT APPLICATION FORM

May 2016

Submit completed application and any necessary attachments to:

City of Appleton Department of Public Works
Attn: Engineering Division
100 N. Appleton Street
Appleton, WI 54911

Please read the requirements of the City of Appleton Stormwater Utility Credit Policy prior to completing this application. You may contact the Engineering Division at 920-832-6474 if you have any questions.

Property Information	Utility Account #
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Check all practices for which you are applying for a credit:

Residential (Single Family and 2-Family Credits)

Stormwater Practice (No Application Fee)	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 55 Gal. Capacity) _____ Number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Pervious Pavement System \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Pledge Supporter (must attach completed pledge form) \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.

Multi-Family and Non-Residential Credits

Stormwater Practice/Application Fee	Credit Amount
<input type="checkbox"/> Rain Barrel (Min 55 Gal. Capacity) _____ number of barrels installed \$0 Application Fee	One-Time Credit \$20 per barrel Maximum \$80 Credit per property
<input type="checkbox"/> Rain Garden \$0 Application Fee	Ongoing Credit \$25 per year. Expires after 3 years.
<input type="checkbox"/> Stormwater Peak Flow/Quality Practice must provide calculations \$200 Review Fee Applies	Special, See Credit Policy Section IV
<input type="checkbox"/> Riparian Property must provide drainage map \$200 Review Fee Applies	Special, See Credit Policy Section IV

Attach the following information to your application (Refer to Stormwater Utility Credit Policy for guidance):

- (1) Site plan (to scale) showing location of onsite stormwater management practice(s) and size of contributing impervious area(s) (rooftop, driveway, concrete walks/patios).
- (2) Copy of manufacturer's information (if applicable)
- (3) Plant list and sizing calculations (for rain gardens)
- (4) For Multi-Family and Nonresidential properties applying for Peak Flow Reduction credit, applicant must submit documentation for function of practice(s) per Credit Policy.
- (5) For Multi-Family and Nonresidential properties applying for Runoff Quality credit, applicant must submit documentation for function of practice(s) per Credit Policy.

Property Owner Certification

By signing this application, I certify that I am the owner or authorized representative of the owner and have read this application and understand the terms and conditions of Appleton's Stormwater Utility Credit Program. I certify that this application and additional materials accurately describe stormwater management practices on the property identified on this application. I hereby grant the City permission to enter this property for the sole purpose of conducting site inspections of the stormwater management practices on my property.

Property Owner Signature	Printed Name	Date
Reviewed By	Printed Name/Title	Date
Approved By	Printed Name/Title	Date**

**For single- and two-family properties, this credit approval is valid up to three years from date of approval. After this period, property owner must submit a new application to remain eligible for a credit.

Terms and Conditions

The design of the on-site stormwater management practice must be approved by the City of Appleton Public Works Department before a credit will be issued. **Applicants may submit this application form along with the required supporting documents for review prior to the installation of any on-site stormwater management practice, but credit will only be applied once practices are in-place.** The City may require the applicant to have the design certified and stamped by a registered Wisconsin Professional Engineer qualified in stormwater management design (see policy for further information).

The City grants stormwater utility credits to the property owner. If approved, the credit will be deducted from the City stormwater bill for the utility account provided on this application. The City may revoke the discount, require payment of previous discounts, and impose civil penalties if any of the following conditions occur:

- (1) the City finds that this application is inaccurate;
- (2) the private stormwater management system is unsafe or illegal;
- (3) the property does not comply with City building, plumbing, or stormwater requirements; or
- (4) the practice is not operated and maintained as required;
- (5) the City is denied an opportunity to conduct a site inspection of the stormwater systems.

The Director of Public Works or their designee may change the amount of the stormwater credit in response to changes in the stormwater utility rates, changes to the Credit Policy, or changes to the property.

Appendix B

Basic Stormwater Practices

1. Rain Barrel (One-Time \$20 Credit per Barrel, Maximum \$80 per Property)

This credit applies to properties that provide one or more onsite rain barrels to collect and contain rooftop runoff. Each rain barrel shall have a minimum storage capacity of 55 gallons and shall receive runoff from at least one-quarter of the roof surface of the residence in question.

There are many functional rain barrel configurations. Unless otherwise allowed by City of Appleton, rain barrels shall follow the guidance provided in University of Wisconsin Garden Facts: Rain Barrels, Revised February 5, 2008 (XHT1157).

http://labs.russell.wisc.edu/pddc/files/Fact_Sheets/LC_PDF/Rain_Barrels.pdf

2. Rain Garden (Ongoing \$25 Annual Credit)

This credit applies to properties that provide one or more onsite rain gardens to collect runoff from impervious onsite sources. Such practices shall receive runoff from at least one quarter of the impervious surfaces on the site.

Rain Gardens shall be constructed and maintained according to WDNR Publication PUB-WI-776 2003 (UWEX Publication GWQ037) "Rain Gardens a How To Manual for Homeowners".

<http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf>

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

3. Pervious Pavement System (Ongoing \$25 Annual Credit)

This credit applies to single- and two-family properties that provide a minimum of 200 square feet of pervious pavement system driveway on private property, constructed and maintained according to manufacturer's guidelines such that infiltration of runoff occurs.

Multi-family and non-residential properties that implement a Pervious Pavement System are not eligible for a credit as a Basic Stormwater Practice. Such properties shall follow the requirements for Peak Flow Reduction and/or Runoff Quality practices in Section IV.

The pervious pavement system shall not violate standards in City Ordinance Sec 19-91 "Parking in front and side yard in residential district; parking on terraces."

This credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

4. Stormwater Supporter Pledge (Ongoing \$10 Annual Credit)

The City of Appleton encourages "good housekeeping" stormwater practices by homeowners. This credit applies to single- and two-family property owners who sign and submit the Appleton Stormwater Supporter Pledge Form and then implement pledge practices over the duration of the credit. For single- and two-family properties, this credit automatically expires after 3 years, at which time a new credit application may be submitted. The applicant is responsible for tracking the date of credit expiration. The City does not provide special notification of credit expiration, and any such changes are reflected by the amount billed.

Appendix C

Appleton Stormwater Supporter Pledge Form

Appleton Stormwater Supporter Pledge Form

Submit completed pledge form to:

City of Appleton
Department of Public Works
Attn: Director of Public Works
100 N. Appleton Street
Appleton, WI 54911

Please contact the Department of Public Works at 920-832-6474 if you have any questions on this pledge form.

Property Information	Utility Account #:
Property Owner Name:	
Property Address:	
Phone & E-mail:	

Property Owner Certification

By signing this pledge form, I certify that I am the owner or authorized representative of the owner of the subject property listed above. I certify that I am pledging that everyone on this subject property will follow 30 of the total 47 activities as checked off on the following pages. I hereby grant the City permission to enter this property for the sole purpose of verifying these activities on my property.

Property Owner Signature	Printed Name	Date
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Reviewed By	Printed Name/Title	Date
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Welcome to the Appleton Stormwater Supporter Program!

The Appleton Stormwater Supporter program is a community education and action project that helps local residents and businesses do their part for clean water. Take a moment to look through this application form and learn how you can help prevent pollution to Appleton's waters. You may find you have already incorporated many water-friendly practices into your daily life. We hope you will find new ideas to try as well.

To be a "Appleton Stormwater Supporter", fill out this form and submit it to the Appleton Public Works Department. We want to know what you are already doing to protect the watershed and which new things you will try. Applicants that can demonstrate they are doing at least 30 of the 47 activities noted to protect Appleton's waters are eligible for a credit on their stormwater utility bill.

Join your neighbors in pledging to protect our watersheds. Remember, kids can help too (see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Kids-can-help-too.pdf> for more info). Together we can make a difference!

The Appleton Stormwater Supporter program is sponsored by the City of Appleton's Stormwater Utility.

1. Lawn Care

Everyone loves a green, healthy lawn. There are many ways to keep your lawn beautiful without applying harmful chemicals. The right amount of water and proper mowing are important to keep your lawn in top shape. Lawns consisting of short turf grass need no more than one inch of water every week. Too much water leads to runoff and an unhealthy lawn. Consider letting your lawn go brown and dormant during the summer dry season – it will green up when the rains return. A low growing clover (ie: Dwarf White 'Dutch' Clover – *Trifolium repens*) interseeded with your lawn will help keep it green during drought conditions and help capture nitrogen. Use 2-5 oz. per 1000 ft². If you have a shady area that you do not walk on much, 'Low-Mow' or 'No-Mow' grasses such as a mix of fine fescues (*Festuca ovina*, *Festuca longifolia*, *Festuca rubra*, etc.) may also be worth considering to reduce the need to mow your lawn.

Grass clippings fertilize the lawn, help hold moisture, and improve soil organic matter content to reduce the need for chemical fertilizers that can end up in our groundwater. Instead of bagging your clippings, leave them on the lawn, add them to your compost pile, or use them as mulch in garden beds. Grass clippings will not cause thatch build-up. Thatch is mostly roots and stems, not grass blades.

Consider using slow release natural fertilizers such as compost or corn gluten meal. Conventional fertilizers are petroleum-based products that have a high salt content. They also tend to be quick release, creating a greater risk of leaching into streams and groundwater. Grass takes up fertilizer best in late fall.

Consider installing one or more rain barrels to collect roof runoff that would be lost. Catching rainwater allows you to water your garden and plants during dry periods, saving you money on your water bill. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Rain-Barrel.pdf>.

Did you know a regular gas-powered mower emits pollutants into the air at over ten times the rate of the average car? When it comes time to buy a new mower, think about

getting a mulching, electric mower – they are quiet and will finely chop your clippings. Better yet, use a hand-powered reel mower, which gives your grass the healthiest cut, has the least impact on the environment, and is great exercise too! For more information, check out <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Lawn.pdf> and <http://www.renewourwaters.org/wp-content/uploads/2015/07/The-Perfect-Landscape.pdf> for more information.

I pledge to:

	a. Mow with a non-power or electric mower to reduce fossil fuel consumption, noise, air pollution, and run-off.
	b. Leave grass clippings on the lawn and sweep them from sidewalk, driveway, and street areas back into the lawn.
	c. Compost any collected grass clippings and other yard waste. Check http://clean-water.uwex.edu/pubs/pdf/managlt.pdf for composting information.
	d. Obtain a soil test on my lawn before selecting a chemical fertilizer and sweep up any fertilizer that lands on the driveway, sidewalk, or street
	e. Use natural lawn fertilizers such as compost or corn gluten meal.
	f. Reduce lawn size and enhance the beauty of my yard by installing a rain garden with native vegetation. Many native plants require less water and maintenance than grass and provide better stormwater capabilities as well as habitat for native insects and animals. Check http://dnr.wi.gov/topic/shorelandzoning/documents/rgmanual.pdf for information on rain gardens.

2. Weeds and Pests

While they may seem to be a great solution to weed and pest problems, fertilizers, insecticides, fungicides and herbicides (collectively called pesticides), often provide a short-term solution with long-term consequences. The suffix “-cide” means “to kill.” Insecticides kill insects, herbicides kill plants and fungicides kill fungus species. Understanding the nutritional and environmental needs of your lawn and garden will help you maintain them without chemicals. Most diseases and insects attack plants that are already stressed by poor growing conditions. For example, plants that thrive on sunny, sandy soil are likely to be susceptible to molds and other diseases when planted in shady, moist areas. Healthy plants well suited to their environment are the best prevention against pest and weed damage.

Avoid “weed and feed” products that spread chemicals over a large area instead of targeting specific weeds. These products also apply a heavy dose of quick-release fertilizer that your lawn oftentimes doesn’t need. All pesticides can be harmful to the health of your family and pets by increasing exposure to toxic chemicals. Pesticides can also kill earthworms and other soil organisms that are beneficial to your lawn.

A healthy, fluffy soil high in organic matter is the best prevention for insect and disease problems. Regular soil aeration helps create a good environment for beneficial microbes and earthworms. Core aerate your lawn once a year in the fall or early spring. Then overseed to create a dense lawn that shades out weeds. Corn gluten meal is a natural product that fertilizes lawns and prevents weed seedlings from growing.

Check <http://clean-water.uwex.edu/pubs/> for more information on yard and garden care recommendations.

I pledge to:

	a. Accept a few weeds, even clover which adds nitrogen to the soil.
	b. Target invasive and/or noxious weeds with hand-weeding or spot spraying.
	c. Avoid conventional “weed and feed” products and replace with corn gluten meal if necessary.
	d. Re-seed thin lawn areas to crowd out weeds.
	e. Read herbicide and pesticide labels and follow application directions. Never apply more than the recommended amount.
	f. Pick harmful insects off plants or spray them off with water.
	g. Keep pesticides from leaving my property via storm runoff.

3. Sanitary Sewer Savvy

Appleton’s storm sewer system is separate from its sanitary sewer (wastewater) system. Well-maintained private sewer systems can provide years of reliable service. Poor housekeeping practices can affect the performance and longevity of private and public sanitary sewer systems. Poor housekeeping practices can also place a greater burden on Appleton’s Wastewater Treatment Plant. Chemical drain cleaners, solvents, and some cleaning products can kill beneficial bacteria that make sanitary sewage treatment systems work. To keep wastewater systems healthy, try biodegradable cleaning products and do not flush baby wipes or cleaning wipes down your drains. Avoid pouring fats, oils, and grease (FOG) down the drain-- instead pour it into a container after it has cooled, secure the lid and put it in the trash. Check your basement plumbing to make sure your sump pump isn’t connected to or discharging into your sanitary sewer. Inspect your floor drains to confirm there are no drain tiles connected to them. Drain tile piping should discharge to a sump pit and then to the outside of the building. Never dump unused medicine or hazardous products down the drain; never dump motor oil or other auto fluids down any sanitary drain.

See <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information on disposing of special waste such as household hazardous waste.

I pledge to:

	a. Use biodegradable soaps and alternatives to hazardous cleaning compounds.
	b. Never put refuse down the drain or in toilets. Oil, grease, plastics, paper towels, wipes and cigarettes can clog the sanitary sewer system.
	c. Never flush unused medications down the toilet. Instead, take meds to an approved medication drop-off. See http://www.recyclemoreoutagamie.org/wp-content/uploads/2015/12/pill-dropoff-landing-page-Rev1.pdf for medication drop-off info.
	d. Verify that no basement floor drains are connected to my storm lateral, and that my sump pump and foundation drain tiles are not discharging into my sanitary lateral.

	e. Dispose of dirty wash water from carpet cleaning into a sanitary drain in my house, never into a storm drain. See http://www.renewourwaters.org/wp-content/uploads/2015/07/carpet-cleaning.pdf
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4. In the Home: Tips on Toxics

Many household products contain hazardous ingredients. If improperly handled, they may end up in our local streams, wetlands, marshes, lakes, or groundwater. Small amounts of toxins from many homes can build up and cause big problems. When choosing a product, take a moment to read the label. Key words can alert us to the hazardous nature of products. “Danger” “Caution” and “Warning” signify products that are potentially dangerous to the environment and animals, including humans. If you choose to use a hazardous product, use the least toxic substance, buy only what you need, and use it up or dispose of it properly. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Household-Hazardous-Waste.pdf> . For disposal of hazardous products, such as household cleaners, pesticides, oil paints, and solvents, visit <http://www.recyclemoreoutagamie.org/what-do-i-do-with/> for more information.

I pledge to:

	a. Use all-purpose cleaner made of 1 cup of vinegar in a pail of water.
	b. Use bathtub/sink cleaner – sprinkle baking soda, scrub, and rinse.
	c. Use drain cleaner – pour ½ cup of borax in drain followed by 2 cups of boiling water.
	d. Use phosphate-free laundry soaps.
	e. Use oven cleaner – mix 2 teaspoons borax and 2 tablespoons liquid soap in a spray bottle of warm water. Spray on and clean after 20 minutes.
	f. Use toilet cleaner – scrub with a solution of ½ cup borax in 1-gallon water.
	g. Use window cleaner – mix 1 part vinegar to every 4 parts water.
	h. Read labels when purchasing household cleaning products and dispose of unused products as directed.

5. Pets and Animals

Animal waste is a serious water quality problem that is often overlooked. While there have always been animals, it was not until humans and their pets and farm animals concentrated populations along waterways that animal waste became a real problem. Waste from dogs, cats, horses, and waterfowl may contain disease-causing organisms that are harmful to both humans and animals. Animal waste also contains nutrients that encourage weed and algae growth in streams and lakes. Never put animal waste in a street inlet.

Did you know that dogs are not the only problem? Cat waste is also a significant contributor to water quality problems in urban watersheds. Encourage your cat to use a litter box inside and out. Keep it clean so that the cat will prefer it to the garden. Dispose of the waste in the trash.

I pledge to:

	a. Carry a bag and clean up after my pet when out walking and in the yard. I will either put it in a plastic bag in the refuse or give it a flush.
	b. Encourage my cat to use a litter box by keeping it clean. I'll dispose of the waste in the refuse rather than the yard or garden.
	c. Never feed ducks and geese. They will be healthier without my breadcrumbs and will not be encouraged to concentrate in one area where their waste would also be concentrated.

Check <http://www.renewourwaters.org/wp-content/uploads/2015/04/Pet-Waste.pdf> for more information on protecting our waters from pet waste.

6. On the Road

Automobiles are one of the largest sources of water pollution. Cars leak oil, antifreeze, and other fluids that are washed into waterways. Exhaust and brake systems also release chemicals, particulates, metals, and other compounds into the air and onto the ground. When these products get into streams or wetlands they are harmful to plants, fish, wildlife, and humans.

So each time you get in the car, remember the impacts and consider an alternative to driving. Driving less often and owning an efficient and well maintained car saves money and resources and helps protect the environment. For more information, see <http://www.renewourwaters.org/wp-content/uploads/2015/07/Car.pdf>.

I pledge to:

	a. Wash cars at a commercial car wash where wastewater is treated and recycled. If washed at home, cars will be washed on grass or permeable pavement with biodegradable soap.
	b. Maintain cars with regular tune-ups and fix fluid leaks. Clean up any leaks that accumulate on surfaces as soon as possible.
	c. Use ground cloths and/or drip pans under the car when working on it at home.
	d. Properly dispose of used antifreeze by taking it to a local auto service center that will accept it, or to the Brown County Hazardous Waste Facility. You can also use the Outagamie County Hazardous Waste Collection Program. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/ for the latest schedule.
	e. Properly dispose of used motor oil by taking it to an approved drop-off. See http://www.recyclemoreoutagamie.org/what-do-i-do-with/#topic-Waste-Oil-Oil-Filters
	f. Reduce the number of car trips I take by consolidating errands, carpooling, walking, using public transportation, or riding my bike.
	g. Consider purchasing a more fuel efficient vehicle, or other method of transportation, when it's time to replace my current vehicle(s).

7. Runoff and Stormwater

In the natural world, soil acts like a sponge, filtering out impurities and slowly releasing water from runoff into the groundwater and adjacent surface waters. Hard surfaces such as roadways, parking lots, and rooftops increase runoff that contributes to flooding and water pollution. Porous surfaces, such as natural landscapes, and pervious pavement, slowly absorb pollutants and reduce runoff. Buffers along the banks of streams and water bodies filter sediments and other pollutants from runoff.

Appleton storm sewers and roadside ditches do not drain to the wastewater treatment plant; they carry runoff, along with any pollutants, directly to area streams and the Fox River. The combination of cars, homes, people, and animals in the watershed makes pollution from stormwater a serious threat to water quality.

I pledge to:

	a. Minimize or reduce paved or non-porous surfaces when planning to build or remodel.
	b. Use paving alternatives such as spaced paving stones, paver bricks, and paver blocks.
	c. Position rain gutters so they drain rainwater onto grass or garden beds and away from hard surfaces such as asphalt or concrete.

Appleton is a member of the Northeast Stormwater Consortuim (NEWSC). Check out the NEWSC “Renew our Waters” website at <http://www.renewourwaters.org/> for more information.

8. Urban Forestry

According to the USDA Forest Service, planting trees improves water quality and reduces runoff and erosion. During rain events, trees capture and hold water in their canopy and then release it later into the atmosphere by evapotranspiration. Where rain falls on paved surfaces, a much greater amount of runoff is generated compared to runoff from the same storm falling over a forested area. The large volumes of water from impervious surfaces are swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion, and wash away important animal habitats. In addition, tree roots and leaf litter create soil conditions that promote the infiltration of rainwater into the soil. This helps to replenish our groundwater supply and maintain streamflow during dry periods. Visit <http://www.arboday.org/trees/stormwater.cfm> to get a better idea of how a city changes when more trees are present.

The benefits of trees are more than just reducing stormwater runoff. Trees around your home can increase its value by improving curb appeal. In the summer they provide shade (and save you money on air conditioning bills) and in winter help by providing wind breaks to help lower your heating costs. Trees remove carbon dioxide (CO₂) from the atmosphere and release oxygen, and they provide a habitat for birds and other small creatures. By properly maintaining existing trees and planting new ones, we both protect our streams and enjoy all of the other benefits that these plants have to offer.

For more information about planting trees in urban areas, visit <http://www.forestsforwatersheds.org/storage/Part3ForestryManual.pdf> to learn how to plant trees. Most established trees and shrubs in our area should never need fertilization. In particular, where trees are surrounded by fertilized turf, they very likely receive adequate nutrients.

I pledge to:

	a. Minimize removal of trees.
	b. Preserve established trees, plant new trees when possible, and replace any established trees that are cut down.
	c. Plant new trees that encourage diversity and site suitability. Select tree species that are appropriate for the climate and site conditions, including soils and sun exposure. Visit http://www.arboday.org/shopping/trees/treeWizard/intro.cfm to find a tree that's right for you.
	d. Mulch my leaves into my lawn, or compost them for use in the spring. See http://www.renewourwaters.org/wp-content/uploads/2015/07/Leaf-Collection.pdf for more info.
	e. Preserve and improve the soil quality around any trees. Soil should be accessible to air, water and nutrients. Minimize soil compaction, displacement, and erosion.
	f. Not over fertilize or over irrigate trees or lawns.

9. Ice and Snow

Winter is a fact of life in northeast Wisconsin. Managing ice and snow properly requires being aware of both safety and water quality. Shoveling frequently during and after snow storms, and using only as much salt as necessary will improve both safety and water quality. See <http://www.renewourwaters.org/wp-content/uploads/2015/07/Ice-and-Snow-Control.pdf> for more information.

I pledge to:

	a. Limit the amount of salt I apply to my sidewalk and driveway to the amount needed for safety, and not use it as a substitute for shoveling.
	b. Shovel during and immediately after snow storms to reduce snow and ice accumulation.

Sec. 24-1. Authority.

(a) This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of any ordinance previously enacted under §62.23, Wis. Stats., that relates to erosion and sediment control. Except as otherwise specified in §62.234 Wis. Stats., §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 City of Appleton.

(c) The City of Appleton hereby designates the Director of Public Works or his/her designee as the administering authority to enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any ~~other~~ authority of the following.

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

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

(Ord 180-04, §1, 1-1-05)

Sec. 24-2. Purpose.

The City of Appleton acknowledges that runoff from land disturbing construction activity and improper land management carries sediment and other pollutants to the 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 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 activity to waters of the state within the City of Appleton.

It is also the purpose of this ordinance to meet the performance standards in subchapters III and IV of Ch.

NR 151, Wis. Adm. Code and to meet the requirements for construction site ~~erosion-pollutant control~~ in the ~~Phase II National Pollutant Discharge Elimination System (NPDES) General Permit to Discharge under the Wisconsin Pollutant Discharge Elimination System WPDES Permit No. WI S050075-2~~ administered by the ~~Federal Environmental Protection Agency (EPA)~~ Wisconsin Department of Natural Resources (WDNR).

(Ord 180-04, §1, 1-1-05)

Secs. 24-3 – 24-9. Reserved.

Sec. 24-10. Applicability and jurisdiction.

(a) *Applicability.*

- (1) This ordinance applies to all land disturbing activities within the City of Appleton except as provided under sub. (3).
- (2) Land disturbing activities meeting any one of the following are required to prepare a plan and obtain a permit.
 - a. Building on lots in subdivisions, certified survey maps or unplatted lands.
 - b. Land disturbing activities involving grading, removal of protective ground cover or vegetation, excavation, land filling, scraping or other land disturbing activity affecting a surface of two thousand (2,000) square feet or more.
 - c. Land disturbing activities involving excavation or filling or a combination of excavating and filling affecting two hundred (200) cubic yards or more of soil, dirt, sand or other excavation or fill material.
 - d. Land disturbing activities involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - e. Land disturbing activities involving the laying, repairing, replacing or enlarging of an underground pipe, wire, cable or facility for a distance of three hundred (300) feet or more.
 - f. Land disturbing activities within protective areas as defined in City of

Appleton Municipal Code Chapter 20-
312(f).

- g. Routine ditch maintenance for a continuous distance of one hundred (100) feet or more.
 - h. Notwithstanding the previously listed applicability requirements, this ordinance applies to any sites which, in the opinion of the City of Appleton, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.
- (3) This ordinance does not apply to the following:

a. Land disturbing construction activity that includes the construction of one- (1-) and two- (2-) family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one (1) acre of disturbance. These construction sites are regulated by the Wisconsin Department of Safety and Professional Services under s. SPS 321.125 Wis. Adm. Code.

~~a. Land disturbing activity that includes the construction of residential buildings pursuant to Wis. Adm. Code Chapters 20 through 25.~~

- b. 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 activity.
- c. Nonpoint discharges from agricultural facilities and practices.
- d. Nonpoint discharges from silviculture activities.
- e. Activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats., but also including the office of

district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33 (2), Wis. Stats.

(b) ***Jurisdiction.***

- (1) This ordinance applies to land disturbing activities located within the boundaries of the City of Appleton.

- (2) ***County and Town Ordinances.*** This ordinance supercedes any county or town erosion and sediment control ordinance for lands annexed to the City after the effective date of the county's or town's ordinance, except when the county's or town's ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county or town ordinance shall become part of this ordinance and apply to the annexed lands. In such cases, the City may grant a variance from the more restrictive requirements provided that the criteria for a variance as set forth in the county ordinance is met.

- (3) ***Waivers.*** Requests to waive the erosion and sediment control requirements, or a portion thereof, shall be submitted to the City of Appleton, in writing, with the application and fee, for review. Written waivers may be granted administratively by the City for erosion and sediment control requirements that are required by the City ~~(but not to those items required by the State of Wisconsin)~~ if it is demonstrated to the satisfaction of the City that it is reasonable to expect that the objectives of this ordinance will be met without an erosion and sediment control plan or portion thereof.

- (4) ***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 City of Appleton'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 completing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(Ord 180-04, §1, 1-1-05; Ord 181-11, §1, 1-1-12)

Secs. 24-11 – 24-14. Reserved.

Sec. 24-15. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administering authority means ~~a City of Appleton employee~~the Director of Public Works, or a designee,~~empowered under §62.234, Wis. Stats., to administer this ordinance.~~

Agricultural facilities and practices has the meaning in §281.16(1), Wis. Stats.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. An average annual rainfall for Green Bay, 1969 (March 29 - November 25) is applicable for the City of Appleton.

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.

Business day means a day the offices of the City of Appleton ~~is~~are routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land disturbing ~~construction~~ activity that is being conducted without the required permit or not in conformance with an existing permit.

City means the City of Appleton.

Common plan of development or sale means a 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 (1) plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

Construction site means an area upon which one (1) 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 (1) common plan of development plan.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in Appleton are: 100-year, 5.50 inches; 10-year, 3.51 inches; 5-year, 3.01 inches; 2-year, 2.45 inches, and 1-year 2.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

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

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.

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 seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Land disturbing activity means any man-made alteration resulting in a change in the topography, existing vegetative or non-vegetative soil cover, or drainage pattern, that may result in runoff and lead to an increase in soil erosion and movement of sediment. Land disturbing activities include, but are not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, an unstable pipe outfall, or an unstable slope.

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.

Maximum extent practicable means the highest level of performance that is achievable, but is not equivalent to a performance standard, taking into account the best available technology, cost effectiveness and other competing issues such as human welfare, endangered and threatened resources, historic properties, and geographic features, pursuant to Sec. 20-10(b)(4) of this code.

~~MEP or maximum extent practicable means a level of implementing best management practices to achieve a performance standard specified in this chapter that 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.~~

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City of Appleton to the applicant to conduct land disturbing activity.

Pollutant has the meaning given in §283.01(13), Wis. Stats.

Pollution has the meaning given in §281.01(10), Wis. Stats.

Responsible party means any ~~entity person~~ holding fee title to the property or ~~other entity~~ performing services to meet the ~~performance standards requirements~~ of this ordinance through a contract or other agreement.

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.

Performance security means cash, or an irrevocable letter of credit submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the approved erosion and sediment control plan and to recover any costs incurred by the City for designing, engineering, preparation, checking and review of plans and specifications, regulations and ordinances, and legal, administrative and fiscal work undertaken to assure and implement such compliance.

Permit application fee means a sum of money paid to the City of Appleton by the responsible party for the purpose of recouping expenses incurred by the City in administering the permit.

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

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.

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 or has occurred.

Stop work order means an order issued by the City of Appleton, which requires that all construction activity on the site be stopped.

~~Storm conveyance system means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, natural or constructed channels, or storm drains, which meets any 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) Discharges directly or indirectly to waters of the state;~~

~~(d) Discharges directly or indirectly to a post-construction stormwater treatment device or system.~~

Stormwater conveyance system means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the waters of the state. Examples of methods include: swales, channels and storm sewers.

(Ord 182-11, §1, 1-1-12)

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

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.

Waters of the state has the meaning in §283.01(20), Wis. Stat. means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural

~~or artificial, public or private, within Wisconsin or its jurisdiction.~~
(Ord 180-04, §1, 1-1-05)

Secs. 24-16 – 24-19. Reserved.

Sec. 24-20. Technical standards.

(a) *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:

- (1) 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.

~~(2) For this ordinance, average annual basis is calculated using the appropriate average annual 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.~~

~~(3) Soil loss prediction tools such as Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the construction site under varying land and management conditions.~~

(2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE) or its successors RUSLE and RUSLE2) 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.

(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 City of Appleton.
(Ord 180-04, §1, 1-1-05; Ord 183-11, §1, 1-1-12)

Secs. 24-21 – 24-23. Reserved.

Sec. 24-24. Performance standards for non-permitted sites.

(a) *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.~~

(b) *Requirements.* 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. 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 seven (7) days.
- (7) 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 paragraph.

(c) *Location.* The BMPs used to comply with this section shall be located so that treatment occurs before runoff leaves the site or enters a storm conveyance system, any drainage channel or waters of the state.

(d) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and

final grade has been reached on any portion of the site.

- (4) Temporary stabilization activity shall commence when land disturbing activities cease and will not resume for a period exceeding fourteen (14) calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(6) All off-site deposits occurring as a result of a storm event shall be cleaned up by the end of the next working day. All other off-site deposits occurring as a result of land disturbing activities shall be cleaned up by the end of the workday. Flushing is not allowed.

(e) **Alternate requirements.** The City of Appleton may establish erosion and sediment control requirements more stringent than those set forth in this section if the City determines that an added level of protection is needed to protect resources.
(Ord 184-11, §1, 1-1-12)

Sec. 24-25. Performance standards for permitted sites.

(a) **Responsible party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with §24-35, that incorporates the requirements of this section.

(b) **Plan.** A written site specific erosion and sediment control plan shall be developed in accordance with §24-35 and implemented for each construction site.

(c) **Erosion and other pollutant control requirements.** The plan required under sub. (b) shall include the following:

- (1) Erosion and sediment control practices shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.

- d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. 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.
 - i. The transport by runoff ~~into waters of the state~~ of untreated wash water from vehicle and wheel washing. Wastewaters, such as concrete truck washout, ~~needs to~~shall be properly managed to limit the discharge of pollutants ~~to waters of the state. A separate permit may be needed from the Department of Natural Resources (department) where a wastewater discharge has the potential to adversely impact waters of the state. The appropriate department wastewater specialist should be contacted to determine if wastewater permit coverage is needed where wastewater will be discharged to waters of the state.~~
- (2) For permitted sites with less than one (1) acre disturbed activity, Prior to December 31, 2012 BMPs that, by design, achieve to the maximum extent practicable, a reduction of eighty percent (80%) of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the site has undergone final stabilization. No person shall be required to exceed an eighty percent (80%) sediment reduction to meet the requirements of this paragraph.

- (3) For permitted sites with one (1) acre or more disturbed area, After January 1, 2013 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, as determined by the WDNR construction site soil loss and sediment discharge guidance.

- (4) Erosion and Sedimentation BMPs may be combined to meet the requirements of this ~~paragraph~~section. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing activity, or other appropriate mechanism. The method of calculating the percent reduction in sediment shall be a method approved by the City of Appleton.

- (5) No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with MEP.

- ~~(56)~~ Notwithstanding sub. (2) and (3), if BMPs cannot be designed and implemented to meet these requirements, the plan shall include a written and site-specific explanation as to why the requirements are not attainable and how the sediment load shall be reduced to the maximum extent practicable.

- ~~(67)~~ *Preventative measures.* The plan shall incorporate all of the following:

- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
- b. Minimization of soil compaction and preservation of topsoil.
- c. Minimization of land disturbing construction activity on slopes of twenty percent (20%) or more.
- d. Development of spill prevention and response procedures.

- ~~(78)~~ All off-site deposits occurring as a result of a storm event shall be cleaned up by the end of the next working day. All other off-site deposits occurring as a result of land

disturbing activities shall be cleaned up by the end of the workday. Flushing is not allowed.

(d) **Location.** The BMPs used to comply with this section shall be located so that treatment occurs prior to runoff leaving the site or entering the storm conveyance system, any drainage channel or waters of the state.

(e) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with plan developed under §24-~~535~~.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities cease and will not resume for a period exceeding fourteen (14) calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(f) **Alternate requirements.** The City of Appleton may establish erosion and sediment control requirements more stringent than those set forth in this section if the City determines that an added level of protection is needed to protect sensitive resources.

(Ord 180-04, §1, 1-1-05; Ord 185-11, §1, 1-1-12)

Secs. 24-26 – 24-29. Reserved.

Sec. 24-30. Permitting requirements, procedures and fees.

(a) **Permit required.** No responsible party may commence any land-land disturbing activity subject to this ordinance ~~shall not commence~~ without first receiving approval of an erosion and sediment control plan for the site and a permit from the City of Appleton.

(b) **Permit application and fees.** ~~At least one~~ ~~(+)~~The responsible party desiring to undertake a land disturbing activity subject to this ordinance shall submit an application for a permit and an erosion and sediment

control plan that meets the requirements of §24-35 and shall pay an application fee to the City of Appleton. By submitting an application, the applicant is authorizing the City of Appleton to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) *Review and approval of permit application.*

The City of Appleton shall review any complete permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (1) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (b), the City of Appleton shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
- (2) If the permit application and plan are approved, the City of Appleton shall issue the permit.
- (3) If the permit application or plan is disapproved, the City of Appleton shall state in writing the reasons for disapproval.
- (4) The City of Appleton may request additional information from the applicant. If additional information is submitted, the City of Appleton shall have twenty (20) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (5) Failure by the City of Appleton to inform the permit applicant of a decision within twenty (20) 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.

(d) *Performance security.* The City of Appleton may, at its discretion, require the submittal of a cash escrow, irrevocable letter of credit, or performance security prior to issuance of the permit to ensure that the practices are installed and maintained by the responsible party as required by the approved erosion and sediment control plan and any conditions attached to the permit. The amount of the installation performance security shall be determined by the City of Appleton, not to exceed the total estimated construction cost of the erosion and sediment control practices approved under the permit unless otherwise specified in the permit. The amount of

any required maintenance performance security shall be determined by the City of Appleton. Any performance securities shall contain forfeiture provisions for failure to complete work specified in the plan.

Conditions for the release of performance security are as follows:

- (1) The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a professional engineer registered in the State of Wisconsin that the practice(s) were installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Appleton may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.
- (2) The maintenance performance security, minus any costs incurred by the City of Appleton to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans and specifications; supervision and inspection to ensure that construction is in compliance with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the City of Appleton.

(e) *Permit requirements.* All permits shall require the responsible party to:

- (1) Notify the City of Appleton no less than two (2) business days prior to commencing any land disturbing construction activity.
- (2) Notify the City of Appleton of completion of any BMPs within two (2) business days after their installation.
- (3) Obtain permission in writing from the City of Appleton prior to any modification pursuant to §24-35 of the erosion and sediment control plan.

- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain and repair all road drainage systems, storm conveyance systems, BMPs and other facilities, both on and off site, identified in the approved erosion and sediment control plan.
- (6) 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.
- (7) Inspect the BMPs within twenty-four (24) hours after each rain of 0.5 inches or more and at least once each week. Make needed repairs, install additional BMPs as necessary and document the findings of the inspections in an erosion control log kept on site with the date of inspection, the name of the person conducting the inspection, a description of the present phase of the construction, a description of any repairs needed and documentation of the completed repairs.

(8) Winter dormant inspection requirements. When a permitted construction site is shut down and dormant over the winter season, the applicant shall be exempt from weekly inspections as required in §24-30(e)(7) upon approval of the Director of Public Works. In order for a permitted site to be classified as winter dormant, the applicant must install erosion control measures to the satisfaction of the Director of Public Works, provide an inspection of these measures and then cease all construction activities except for minor maintenance activities. Once a site is classified as winter dormant by the Director of Public Works, inspections are only required within twenty-four (24) hours of a rain or thaw event as determined by the Director of Public Works. If at any time construction resumes or an erosion control failure occurs at the site, the site shall lose the winter dormant classification and the applicant must resume normal inspection.

(9) Documentation of inspection. When required by the City of Appleton, erosion control inspections, including any repairs needed and/or actions taken at the site, shall

be documented on the City of Appleton online erosion control self-reporting system. The permittee will be given access to this website, which contains documentations and forms for use in the erosion control inspections. Digital photographs of each of the erosion control practices and the site conditions shall be submitted and shall be required to meet the minimum inspection requirements of this section.

(§10) Allow the City of Appleton 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 plan. Keep a copy of the erosion and sediment control plan at the construction site.

(f) **Permit conditions.** Permits issued under this section may include conditions established by City of Appleton in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in §24-25.

(g) **Permit duration.** Permits issued under this section shall be valid for a period of one (1) year, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance.

(h) **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 and final acceptance by the City of Appleton. Upon failure to perform the necessary maintenance of the erosion control practices, the City of Appleton retains the right to perform maintenance and/or repairs. The costs shall be assessed to the responsible party.

(i) All sites covered under this ordinance shall implement a long-term stormwater management plan per Wis. Adm. Code NR 216.47. For sites not subject to the Stormwater Management Standards and Planning Ordinance in Article VI of Chapter 20 of the Appleton Municipal Code, a stormwater management acknowledgement form, accepting the long-term stormwater management requirements, shall be required prior to receiving an erosion and sediment control permit.
(Ord 180-04, §1, 1-1-05)

Secs. 24-31 – 24-34. Reserved.

Sec. 24-35. Erosion and sediment control plan, statement and amendments.

(a) *Erosion and sediment control plan.*

- (1) An erosion and sediment control plan shall be prepared and submitted to the City of Appleton Department of Public Works unless the project is required to also submit a site plan. If a site plan is required, the complete erosion and sediment control permit application and appropriate fee shall be submitted to the City of Appleton Community Development Department with the site plan submittal.

(2) The complete erosion and sediment control plan shall be submitted in both hard copy and .pdf format.

- (23) The erosion and sediment control plan shall be prepared by a person who holds a registration issued by the Wisconsin Department of Regulation and Licensing in one (1) of the following categories:

- a. Architect.
- b. Engineer.
- c. Land Surveyor.
- d. Landscape Architect.

- (34) The erosion and sediment control plan shall be designed to meet the performance standards in §24-25 and other requirements of this ordinance.

- (45) 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:

- a. 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 contact at such firm. The application shall also include start and end dates for construction.
- b. Description of the site and the nature of the land disturbing construction

activity. Sites of one (1) acre ~~ten (10) acres~~ or more shall include the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

- c. The intended A—sequence of land disturbing 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 when clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, establishment of permanent vegetation and removal of erosion and sediment controls.

- d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

- ~~e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.~~

- ~~f. For sites less than one (1) acre of disturbed area, include BMPs meeting the provisions of Sec. 24-25(c)(2). Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.~~

- f. For sites with one (1) acre or more of disturbed area, provide calculations per WDNR Soil Loss Guidelines per Sec. 24.25(c)(3).

- g. Location and description of the existing surface soil as well as subsoils, as indicated by USDA Natural Resource Conservation ~~Department~~ Service Soil Survey information.

- h. Depth to groundwater, as indicated by USDA Natural Resources Conservation Department soil survey information.

- i. Name of the immediate named receiving water.
- (5) 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 one hundred (100) feet per inch and at a contour interval not to exceed two (2) feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on the site and on adjacent lands shall be shown. Any identified 100-year flood plains, flood fringes, floodways, and flood storage areas shall also be shown.
 - b. Boundaries of the parcel and the construction site.
 - c. Drainage patterns and approximate slopes before and after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location, dimensions and descriptions of major structural and non-structural controls identified in the erosion and sediment control plan.
 - f. Location of areas where stabilization ~~practices~~ BMPs will be employed.
 - g. Areas that will be vegetated following construction.
 - h. Area(s) and location(s) of wetlands acreage ~~Area extent~~ of wetlands ~~acreage~~ on the site and locations where stormwater is discharged to a surface water or wetland, within one-quarter mile downstream of the construction site.
 - i. Water courses and wetlands that may affect or be affected by runoff from the site.
 - j. On sites one (1) acre ~~ten (10) acres~~ or larger an alphanumeric or equivalent grid overlying the entire construction site map.
 - k. Topography and drainage network of enough of the contiguous properties to show runoff patterns onto, through, and from the site.
 - l. Location, dimensions and description of utilities, structures and pavements.
 - m. Area(s) used for infiltration of post-construction stormwater runoff.
- (6) ~~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 the storm conveyance system, any drainage channel, or waters of the state or from being carried off site. 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:~~ Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including ~~a~~ BMP implementation schedule. ~~Site~~ Erosion and sediment control plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. 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 City of Appleton, structural measures shall be installed on upland soils.

- c. Management of overland flow at all sites/areas of the construction site, unless otherwise controlled by outfall controls.
- d. Trapping of sediment in channelized flow.
- e. Staging land disturbing construction activities to limit bare-exposed soil areas subject to erosion.
- f. Protection of downslope drainage inlets where they occur.
- g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction sites.
- h. Clean up of off-site sediment deposits.
- i. Proper disposal of building and waste materials, at all sites, including but not limited to designated sites for concrete truck washout.
- j. Stabilization of drainage ways.
- k. Control of soil erosion from stockpiles.
- l. Installation of permanent stabilization practices within ten (10) days after final grading.
- m. Minimization of dust to the maximum extent practicable.

(Ord 187-11, §1, 1-1-12)

- (7) 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.

(b) ***Erosion and sediment control plan statement.***

For each land disturbing construction site identified under §24-15, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City of Appleton. The control plan

statement shall briefly describe the site, the development schedules and the best management practices that will be used to meet the requirements of the ordinance.

(c) ***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 that has the reasonable potential for the discharge of pollutants and has not otherwise been addressed in the erosion and sediment control plan.
- (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

- (3) The City of Appleton notifies the applicant of changes needed in the plan.

(Ord 180-04, §1, 1-1-05)

Secs. 24-36 – 24-39. Reserved.

Sec. 24-40. Fee schedule.

Fees for the erosion and sediment control permits will be in such amount as may be established by the City of Appleton Common Council from time to time by separate resolution. Fees will be on file with the City Clerk.

(Ord 180-04, §1, 1-1-05)

Secs. 24-41 – 24-44. Reserved.

Sec. 24-45. Site inspections.

Whenever land disturbing activities are being carried out, the City of Appleton may enter the land pursuant to the provisions of §§66.0119(1), (2), and (3), Wis. Stats. (Ord 180-04, §1, 1-1-05; Ord 188-11, §1, 1-1-12)

Secs. 24-46 – 24-49. Reserved.

Sec. 24-50. Enforcement and penalties.

(a) Any land disturbing—development—or redevelopment activity 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 these ordinance provisions.

(b) The City of Appleton shall notify the responsible party in writing of any non-complying land development or redevelopment activity. 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.

(c) Upon receipt of written notification from the City of Appleton, the responsible party shall make the necessary corrections work, which does not comply with the erosion and sediment control plan or other provisions of this permit within twenty four (24) hours, or other the time period established by the City of Appleton. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City of Appleton in the notice.

(d) 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 City of Appleton may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Appleton plus interest and legal costs shall be billed to the responsible party.

(e) The City of Appleton is authorized to post a stop work order on all land development or redevelopment activity in violation of this ordinance, or to request the Appleton City Attorney to obtain a cease and desist order.

(f) The City of Appleton may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease and desist order shall remain in effect unless retracted by the City of Appleton or by a court of competent jurisdiction.

(h) The City of Appleton 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 Appleton City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Appleton Municipal Code §1-16. Each day that the violation exists shall constitute a separate offense.

(j) Violations of this ordinance deemed to be a public nuisance shall be subject to abatement under §12-32 of the City of Appleton Municipal Code or compliance with this ordinance may be enforced by injunctive order in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(k) When the City of Appleton determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the erosion and sediment control plan submitted and approved pursuant to this ordinance, or has failed to comply with schedules set forth in said erosion and sediment control plan, the City of Appleton or a party designated by the City of Appleton 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 City of Appleton shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to 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.

(l) No building occupancy may be issued if there is noncompliance of any provision herein.

(m) No building permit may be issued in any subdivision when the subdivision is not in compliance with the requirements of this chapter.
(Ord 180-04, §1, 1-1-05)

Secs. 24-51 – 24-54. Reserved.

Sec. 24-55. Appeals

(a) The Utilities Committee of the Appleton Common Council shall hear and recommend to Council appeals where it is alleged that there is error in any order, decision or determination made by the City of Appleton in administering this ordinance except for cease and desist orders obtained under Sec. 24-50(e). The Committee shall use the rules, procedures, duties and powers authorized by statute in hearing and recommending appeals.

Upon appeal, the Committee may recommend to Council relief from the provisions of this ordinance that are not contrary to the public interest or provisions of state regulations, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(b) **Who may appeal.** Appeals to the Utilities Committee of the City of Appleton may be taken by any aggrieved person or by an officer, department, board or bureau of the City of Appleton affected by any decision of the City of Appleton. Written appeals shall be filed with the City Clerk. The Utilities Committee will make a recommendation within forty-five (45) calendar days of

filing of the appeal. If the Utilities Committee takes no action within forty-five (45) calendar days, the appeal will automatically be sent to Council with a recommendation for approval. Either party may file a written request for a time extension with the City Clerk.
(Ord 180-04, §1, 1-1-05)

Secs. 24-56 – 24-59. Reserved.

Sec. 24-60. Severability.

If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect.

(Ord 180-04, §1, 1-1-05)

*Editor's Note: Chapter 24 was repealed and recreated by ordinance 180-04. This ordinance is effective as of January 1, 2005.

(The next page is 2259.)

Last Update: May 2, 2016

By: Sue Olson and Jim Walsh

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WATER SUMMARY FOR APRIL 2016

Work done by Construction Maintenance				
	April 15	April 16	YTD 15	YTD 16
Hydrants repaired	2	3	18	7
Hydrants replaced	2	0	6	2
Hydrant leaks	0	0	1	1
Valves replaced	0	1	0	1
Valves tested & inspected	0	0	0	559
Valves Rebuilt	2	0	5	0
Valve boxes repaired	31	4	62	22
Curb boxes repaired	53	38	100	52
Curb boxes replaced	9	0	29	9
Lead or galvanized replaced	0	0	0	0
New services 1"	0	0	0	0
New services >1"	0	0	1	1
Water main breaks	2	4	40	20
Joint leaks repaired	0	0	1	0
Water quality	0	0	1	0
Service leaks (City side)	0	0	0	1
Work done by Meter Service Team				
	April 15	April 16	YTD 15	YTD 16
New accounts set with 3/4" or 1"	6	20	30	40
New accounts set with larger meter	0	0	1	1
Meters tested	545	887	2220	3219
Meters failed	0	38	0	261
Meters stalled	0	0	0	0
Service calls	140	122	506	539
Final readings	291	314	1015	1016
Read meters - no reading	0	0	0	0
New meters installed	736	981	2389	3377
Exception meters inspected	0	0	0	0
Exception meters removed	0	0	0	0
Service leaks found	1	4	1	20
Cross connection inspections	690	880	2226	3117

**WATER MAIN BREAK/JOINT LEAK REPORT APRIL
2016**

LOCATION	Work Order	TYPE OF PIPE	SIZE	YEAR	BREAK	ESTIMATED DURATION	ESTIMATED WATER LOSS IN GALLONS	ESTIMATED DOLLAR VALUE OF WATER REVENUE LOSS**
11 Briarcliff Court	208735	CIP	8"	1969	1/4" crack	7 days	12,081,595	\$73,490.99
Edison Street River Crossing	209768	CIP	12"	1920's	Unknown	25 hours	3,394,000	\$20,645.32
3120 N. Roemer Road	209552	DIP	12"	1978	2" hole	4 hours	216,411	\$1,316.40
1127 E. Grant Street	209694	CIP	8"	1957	3" & 2.5" hole	2 hours	206,674	\$1,257.17
								\$0.00
								\$0.00
								\$0.00

**Water loss is calculated at the residential rate of \$4.55 per 100 cubic feet.

WATER MAIN BREAK/JOINT LEAK DATA LOG APRIL 2016

Leak Location	Arterial, Collector, Freeway, Local	Type of Street Concrete/Asphalt	Major Break Minor Break	Catch Basin Draining Yes/No	Date/Time	Comments
11 Briarcliff Court	Local	Concrete	Minor	Yes 125' away	4/3/2016 3:15 p.m. Sunday	Fixed right away. Water was not coming to the surface.
Edison Street River Crossing	River	NA	Major	NA	4/7/2016 9:00 a.m. Thursday	This break is on the river crossing. We cannot see it or access it to confirm exact location or size of the break. Water loss is an estimate provided by the Water Treatment Plant.
3120 N. Roemer Road	Collector	Terrace	Major	Yes 250' away	4/20/2016 4:30 a.m. Wednesday	Throttled down and repaired during normal work hours.
1127 E. Grant Street	Local	Asphalt	Major	Yes 150' away	4/25/2015 6:00 a.m. Monday	Fixed right away during normal work hours.