Sec. 15-2-20 Authority.

(a) **Statutory Authority.** This Article is adopted by the Village Board under the authority granted by Section 61.354, Wis. Stats. This Article supersedes any conflicting and contradictory stormwater management regulations previously enacted under Section 61.35, Wis. Stats. Except as specifically provided for in Section 61.354, Wis. Stats., Section 61.35, Wis. Stats., applies to this Article and to any amendments to this Article.

(b) **Other Village Regulatory Powers.** The provisions of this Article shall not limit any other lawful regulatory powers of the Village Board.

(c) **Additional Control Requirements.** The requirements of this Article do not limit any additional stormwater management requirements that may be imposed by WPDES Stormwater Permits issued by the Wisconsin Department of Natural Resources under Section 147.021, Wis. Stats.

Sec. 15-2-21 Findings and Purpose.

(a) **Findings of Fact.** The Village Board finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can:

(1) Degrade physical stream habitat by increasing bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational uses and water supply uses by increasing loadings of nutrients and other urban pollutants;

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;

(4) Reduce the quality of groundwater by increasing pollutant loading;

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

(6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(b) **Purpose.** The general purpose of this Article is to set forth stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic

environment due to runoff of stormwater from land development activity. Specific purposes are:

(1) Further the maintenance of safe and healthful conditions;

(2) Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish and aquatic life;

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property; and

(4) Control building sites, placement of structures, and land uses, and promote sound economic growth.

(c) **Intent.** It is the intent of the Village of Elk Mound that this Article regulates post-construction stormwater discharges to waters of the State. This Article may be applied on a site-by-site basis. The Village recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the State. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village, it is the intent of this Article that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 15-2-22 General Applicability of Regulations.

This Article applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village of Elk Mound and the public and private lands subject to extraterritorial review under Chapter 236, Wis. Stats.

Cross-Reference: Section 15-2-24

Sec. 15-2-23 Definitions.

(a) **Article Definitions.** The following definitions shall be applicable in this Article:

(1) ***Administering Authority.*** A governmental employee, or other intergovernmental agency, that is designated by the Village to administer this Article.

(2) ***Agricultural Facilities and Practices.*** Has the meaning given in Section 281.16, Wis. Stats.

(3) ***Average Annual Rainfall.*** A calendar year of precipitation, excluding snow, which is considered typical.

(4) ***Best Management Practice ("BMP").*** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the State.

(5) ***Business Day.*** A day the office of the Village designee is routinely and customarily open for business.

(6) ***Cease and Desist Order.*** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) ***Combined Sewer System.*** A system for conveying both sanitary sewage and stormwater runoff.

(8) ***Connected Imperviousness.*** An impervious surface that is directly connected to a separate storm sewer or water of the State via an impervious flow path.

(9) ***Design Storm.*** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall density, return frequency, and total depth of rainfall.

(10) ***Development.*** Residential, commercial, industrial or institutional land uses and associated roads.

(11) ***Division of Land.*** The creation from one (1) parcel of [number] or more parcels or building sites of [number] or fewer acres each in area where such creation occurs at one time or through the successive partition within a five (5) year period.

(12) ***Effective Infiltration Area.*** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(13) ***Erosion.*** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(14) ***Exceptional Resource Waters.*** Waters listed in NR 102.11, Wis. Adm. Code.

(15) ***Extraterritorial.*** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or within one and one-half (1.5) miles of a fourth class city or village.

(16) ***Final Stabilization.*** 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 employment of equivalent permanent stabilization measures.

(17) ***Financial Guarantee.*** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village designee by the responsible party to assure that requirements of the Article are carried out in compliance with the stormwater management plan.

(18) ***Governing Body.*** Town board of supervisors, county board of supervisors, common council (city), or village board of trustees.

(19) ***Impervious Surface.*** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

(20) ***In-Fill Areas.*** An undeveloped area of land located within existing development.

(21) ***Infiltration.*** The entry of precipitation or runoff into or through the soil.

(22) ***Infiltration System.*** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels designed for conveyance and pollutant removal only.

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

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

(25) ***Maintenance Agreement.*** A legal document that provides for long-term maintenance of stormwater management practices.

(26) ***Maximum Extent Practicable ("MEP").*** A level of implementing best management practices in order to achieve a performance standard specified in this Article which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(27) ***New Development.*** Development resulting from the conversion of previously undeveloped land or agricultural land uses.

(28) ***Off-Site.*** Located outside the property boundary described in the permit application.

(29) ***On-Site.*** Located within the property boundary described in the permit application.

(30) ***Ordinary High-Water Mark.*** Has the meaning given in NR 115.03(6), Wis. Stats.

(31) ***Outstanding Resource Waters.*** Waters listed in NR 102.10, Wis. Adm. Code.

(32) ***Percent Fines.*** The percentage of a given sample of soil, which passes through a #200 sieve.

(33) ***Performance Standards.*** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(34) ***Permit.*** A written authorization made by the Village designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.

(35) ***Permit Administration Fee.*** A sum of money paid to the Village designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(36) ***Pervious Surface.*** An area that releases as runoff a small portion of the precipitation that falls on its. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(37) ***Pollutant.*** Has the meaning in Section 283.01(13), Wis. Stats.

(38) ***Pollution.*** Has the meaning given in Section 281.01(10), Wis. Stats.

(39) ***Post-Construction Site.*** A construction site following the completion of land disturbing construction activity and final site stabilization.

(40) ***Pre-Development Condition.*** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(41) ***Preventive Action Limit.*** Has the meaning given in NR 140.05(17), Wis. Adm. Code.

(42) ***Redevelopment.*** Areas where development is replacing older development.

(43) ***Responsible Party.*** Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

(44) ***Runoff.*** Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(45) ***Separate Storm Sewer.*** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

a. Is designed or used for collecting water or conveying runoff.
b. Is not part of a combined sewer system
c. Is not draining to a stormwater treatment device or system.
d. Discharges directly or indirectly to waters of the State.

(46) ***Site.*** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(47) ***Stop Work Order.*** An order issued by the Village designee which requires that all construction activity on the site be stopped.

(48) ***Stormwater Management Plan.*** A comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

(49) ***Stormwater Management System Plan.*** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(50) ***Technical Standard.*** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(51) ***Top of the Channel.*** An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the State, where the slope of the land begins

to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the initial fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(52) ***TR-55.*** The United States Department of Agriculture, Natural Resources Conservation Service (formerly Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

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

(54) ***Waters of the State.*** Has the meaning given in Section 281.01(18), Wis. Stats.

Sec. 15-2-24 Applicability and Jurisdiction.

(a) **Applicability.**

(1) Where not otherwise limited by law, this Article applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this Subsection, unless the site is otherwise exempt under Subsection (a)(2):

a. A post-construction site that had one (1) or more acres of land disturbing construction activity.

b. Post-construction sites of any size that, in the opinion of the Village designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) A site that meets any of the criteria in this Subsection is exempt from the requirements of this Article:

a. A redevelopment post-construction site with no increase in exposed parking lots or roads.

b. A post-construction site with less than ten percent (10%) connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one (1) acre.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

f. Underground utility construction such as water, sewer and fiberoptic lines. This exemption does not apply to the construction of any above-ground structures associated with utility construction.

(b) **Jurisdiction.** This Article applies to land disturbing construction activity on construction sites located within the territorial limits of the Village of Elk Mound and publicly or privately owned lands within the extraterritorial plat review jurisdiction of the Village of Elk Mound.

(c) **Exclusions.** This Article is not applicable to activities conducted by a state agency, as defined under Section 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 Section 281.33(2), Wis. Stats.

Sec. 15-2-25 Technical and Performance Standards.

(a) **Technical Standards.** The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this Article:

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

(2) ***Other Technical Standards.*** Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Village designee.

(3) ***Average Annual Rainfall Standard Selected.*** In this Article, the following year and location has been selected as average annual rainfall(s): Minneapolis, 1959 (Mar. 13-Nov. 4).

(b) **Performance Standards.**

(1) ***Responsible Party.*** The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this Section.

(2) ***Stormwater Management Plan.*** A written stormwater management plan in accordance with this Article shall be developed and implemented for each post-construction site.

(c) **Requirements.** The plan required under Subsection (b) shall include the following:

(1) ***Total Suspended Solids.*** BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an eighty percent (80%) total suspended solids reduction to meet the requirements of this Subsection.

b. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%), based on the average annual

rainfall, as compared to no runoff management controls. No person shall be required to exceed a forty percent (40%) total suspended solids reduction to meet the requirements of this Subsection.

c. For in-fill development under five (5) acres that occurs within ten (10) years after the effective date of this rule (December 14, 2006), by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%), based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a forty percent (40%) total suspended solids reduction to meet the requirements of this Subsection.

d. For in-fill development that occurs ten (10) or more years after the effective date of this rule (December 14, 2006), by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on an annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an eighty percent (80%) total suspended solids load reduction to meet the requirements of this Subsection.

e. Notwithstanding Subsections (c)(1)a-d above, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(2) ***Peak Discharge.***

a. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to pre-development conditions for the 2-year, 10-year, 25-year and 100-year recurrence interval, 24-hour duration design storms applicable to the post-construction site.

b. The 10-year, 25-year and/or the 100-year recurrence interval requirements of this Section may be waived or modified, in the sole discretion of the Village designee, if it can be demonstrated that safe conveyance of the 100-year storm event is possible without adversely affecting public or private lands, buildings or infrastructure. The Village designee, in his/her sole discretion, may also waive or modify the 10-year, 25-year and/or the 100-year recurrence interval requirements of this Section if there are existing site conditions that make constructing those BMPs unfeasible or impracticable and it can be demonstrated no adverse no adverse impact to adjacent public or private properties will occur.

c. The 10-, 25- and 100-year recurrence interval requirements of this Section shall be waived for post-construction sites adjacent to a downstream water body where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 of a foot for the 2-year, 24-hour storm event.

d. Pre-development conditions shall assume "good hydrologic condition" for appropriate land covers as identified in TR-55 or an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used:

Table 1:
Maximum Pre-Development Runoff Curve Numbers for Cropland Areas

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

Note to Users: *The curve numbers in Table 1 represent mid-range values for soils under a good hydrologic condition where conservation practices are used and are selected to be protective of the resource waters.*

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e. This Subsection does not apply to any of the following:
   1. A redevelopment post-construction site.

(3) ***Infiltration.*** BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in Subsections (c)(3)e-h below:

a. For residential developments one (1) of the following shall be met:
   1. Infiltrate sufficient runoff volume so that the post-development infiltration volume, including runoff from anticipated buildings and other impervious structures, shall be at least ninety percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.
   2. Infiltrate twenty-five percent (25%) of the post-development runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.

b. For non-residential development, including commercial, industrial and institutional development, one (1) of the following shall be met:
   1. Infiltrate sufficient runoff volume so that the post-development infiltration volume, including runoff from anticipated buildings and other impervious structures, shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.
   2. Infiltrate ten percent (10%) of the runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.

c. Pre-development condition shall be the same as in Subsection (c)(2). [Note to Users: A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology may be used.]

d. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Subsection (c)(3)h. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips. [Note to Users: To achieve the infiltration requirement for the parking lots or roads, maximum extent practicable should not be interpreted to require significant topography changes that create an excessive financial burden. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollutant source areas such as parking lots.

e. Development prohibited from infiltrating. The runoff from the following areas are prohibited from meeting the requirements of this Subsection:
   1. Areas associated with Tier 1 industrial facilities identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
   2. Storage and loading areas of Tier 2 industrial facilities identified in NR 216.21(2)(b), Wis. Adm. Code. [Note to Users: Runoff from Tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.]
   3. Fueling and vehicle maintenance areas.

4. Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of karst features.
5. Areas with less than three (3) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this paragraph does not prohibit infiltration of roof runoff.
6. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
7. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wis. Adm. Code, or within one hundred (100) feet a private well as specified in NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
8. Areas where contaminants of concern, as defined in NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
9. Any area where the soil does not exhibit one (1) of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: At least a three (3) foot soil layer with twenty percent (20%) fines or greater; or at least a five (5) foot soil layer with ten percent (10%) fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This paragraph does not prohibit infiltration of roof runoff. [Note to Users: The areas listed in Subsection (c)(3)e are prohibited from infiltrating runoff due to the potential for groundwater contamination.]

f. Exemptions. The following are not required to meet the requirements of this Subsection:
   1. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
   2. Parking areas and access roads less than five thousand (5,000) square feet for commercial and industrial development.
   3. Redevelopment of post-construction sites.
   4. In-fill development areas less than five (5) acres.
   5. Infiltration areas during periods when the soil on the site is frozen.
   6. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

g. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Subsection.

h. Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating

to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable. Not withstanding this Section, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(4) ***Protective Areas.***

a. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this Subsection, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location:

1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wis. Adm. Code: Seventy-five (75) feet.
2. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil map, or a county soil survey map, whichever is more current: Fifty (50) feet.
3. For lakes: Fifty (50) feet.
4. For highly susceptible wetlands: Fifty (50) feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with NR 103.08(1m), Wis. Adm. Code. This Subsection does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
5. For less susceptible wetlands, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
6. In Subsection (c)(4)a 1,4,5, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.

7. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres: Ten (10) feet.

b. This Subsection applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subsection (c)(3)f.

c. The following requirements shall be met:
   1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
   2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of seventy percent (70%) or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur. [Note to Users: It is recommended that seeding of non-aggressive cover be used in the protective areas. Vegetation that is flood and drought tolerant and which can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication #A3553, titled "Estimating Residue Using the Line Transect Method."]
   3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area. [Note to Users: Other regulations, such as Chapter 30, Wis. Stats., and NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval process may apply in the protective area.

d. This Subsection does not apply to:
   1. Redevelopment post-construction sites.
   2. In-fill development areas less than five (5) acres.
   3. Structures that cross or access surface waters such as boat landings, bridges and culverts.
   4. Structures constructed in accordance with Section 59.692(1v), Wis. Stats.
   5. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

      [Note to Users: A vegetated protective area to filter runoff pollutants from post-construction sites described in Subsection (c)(4)d5 is not necessary to

meet the requirements of this Section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the State of Wisconsin.]

(5) ***Fueling and Vehicle Maintenance Areas.*** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the State contains no visible petroleum sheen. [Note to Users: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.]

(6) ***Swale Treatment For Transportation Facilities.***

a. Applicability. Except as provided in Subsection (c)(6)b, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this Section, if the swales are designed to the maximum extent practicable to do all of the following:

1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. [Note to Users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.]
2. Carry runoff through a swale for two hundred (200) feet or more in length that is designed with a flow velocity no greater than one and one-half (1.5) feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200) feet in length cannot be designed with a flow velocity of one and one-half (1.5) feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable. [Note to Users: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this Subsection. However, a limited amount of structural measures such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this Subsection. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection].

b. Exemptions. The Village designee may, consistent with water quality standards, require other provisions of this Section be met on a transportation facility with an average daily travel of vehicles greater than two thousand five hundred (2500) and where the initial surface water of the State that the runoff directly enters in any of the following:

1. An outstanding resource water.
2. An exceptional recource water.
3. Waters listed in Sec. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed under NR 151.004, Wis. Adm. Code, to meet water quality standards. [Note to Users: The Wisconsin Department of Natural Resources' regional stormwater staff can determine in additional BMPs, beyond a water quality swale, are needed under this Subsection.

(d) ***General Considerations For On-Site And Off-Site Stormwater Management Measures.*** The following considerations shall be observed in managing runoff:

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

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

(e) ***Location and Regional Treatment Option.***

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

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

(3) Except as allowed under Subsection (e)(4) below, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

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

a. The BMP was constructed prior to the effective date of this Chapter and the BMP either received a permit issued under Chapter 30, Wis. Stats., or the BMP did not require a Chapter 30, Wis. Stats., permit; and

b. The BMP is designed to provide runoff treatment from future upland development.

(5) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this Subsection:

a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code and Chapter 30, Wis. Stats. [Note to Users: This allows the location of BMPs in navigable surface waters where necessary to augment management practices upstream of the navigable surface water to meet the performance standards].

(6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this Chapter. [Note to Users: This Section does not supersede any other applicable federal, state or local regulations such as NR 103, Wis. Adm. Code, and Chapter 30, Wis. Stats.

(7) The Village designee may approve off-site management measures provided that all of the following conditions are met:

a. The Village designee determines that the post-construction runoff is covered by a stormwater management plan that is approved by the Village and contains management requirements consistent with the purpose and intent of this Chapter.

b. The off-site facility meets all of the following conditions:

1. The facility is in place.
2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this Chapter.
3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(f) **Alternate Requirements.** The Village designee may establish stormwater management requirements more stringent than those set forth in this Section if the Village designee determines that an added level of protection is needed to protect sensitive resources.

Sec. 15-2-26 Permitting Requirements, Procedures and Fees.

(a) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village designee prior to commencing the proposed activity.

(b) **Permit Application and Fees.** Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Village designee a permit application made on a form provided by the Village designee for that purpose:

(1) Unless otherwise excepted by this Chapter, a permit application must be accompanied by a copy of the approved WisDNR Stormwater Discharge Permit and a non-refundable permit administration fee as established by the Village and set forth in Section 15-2-40.

(2) The stormwater management plan shall be prepared to meet the requirements of Sections 15-2-25 and 15-2-27, the maintenance agreement shall be prepared to meet

the requirements of Section 15-2-28, the financial guarantee shall meet the requirements of Section 15-2-29, and fees shall be those established by the Village in accordance with Section 15-2-40.

(c) **Review and Approval of Permit Application.** The Village designee shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, 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, including all items required by Subsection (b), the Village designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.

(2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Village designee shall issue the permit.

(3) If the stormwater permit application, plan or maintenance agreement is disapproved, the Village designee shall detail in writing the reasons for disapproval.

(4) The Village designee may request additional information from the applicant. If additional information is submitted, the Village designee shall have fifteen (15) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(5) Failure by the Village designee 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) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to have accepted these conditions. The Village designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village designee to suspend or revoke this permit may be appealed in accordance with Section 15-2-31:

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

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

(3) The responsible party shall notify the Village designee at least two (2) business days before commencing work in conjunction with the stormwater management plan, and within two (2) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (e), the responsible party shall make additional notification according to a schedule set forth by the Village designee so that practice installations can be inspected during construction.

(4) Practice installations required as part of this Chapter shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must

pass a final inspection by the Village designee or to determine if they are in accordance with the approved stormwater management plan and ordinance. The Village designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(5) The responsible party shall notify the Village designee of any significant modifications it intends to make to an approved stormwater management plan. The Village designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

(6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Elk Mound Village Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(7) The responsible party authorizes the Village designee to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against property as authorized under Subchapter VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-2-29.

(8) If so directed by the Village designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(9) The responsible party shall permit property access to the Village designee or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan.

(10) The responsible party shall permit property access to the Village designee or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

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

(12) The responsible party is subject to the enforcement actions and penalties detailed in Section 15-2-30, if the responsible party fails to comply with the terms of this permit.

(e) **Permit Conditions.** Permits issued under this Subsection may include conditions established by the Village designee or his/her designee in addition to the requirements needed to meet the performance standards in Section 15-2-25 or a financial guarantee as provided for in Section 15-2-29.

(f) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Village designee notifies the responsible party that all

stormwater management practices have passed the final inspection required under Subsection (d)(4).

Sec. 15-2-27 Stormwater Management Plan.

(a) **Plan Requirements.** The stormwater management plan required under Section 15-2-26 shall contain the following pertinent information:

(1) Name, address, and telephone number of the following or their designees:

a. Landowner.

b. Developer.

c. Project engineer for practice design and certification.

d. Person(s) responsible for installation of stormwater management practices.

e. Person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

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

(3) Pre-development site conditions, including:

a. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet. The site maps shall show the following:

1. Site location and legal property description.
2. Predominant soil types and hydrologic soil groups.
3. Existing cover type and condition.
4. Topographic contours of the site at a scale not to exceed [number] feet.
5. Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site.
6. Watercourses that may affect or be affected by runoff from the site.
7. Flow path and direction for all stormwater conveyance sections.
8. Watershed boundaries used in hydrology determinations to show compliance with performance standards.
9. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
10. Limits of the 100-year floodplain.
11. Location of wells and wellhead protection areas covering the project area and delineated pursuant to NR 811.16, Wis. Adm. Code.

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

(4) Post-development site conditions, including:

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

b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

c. One (1) or more site maps at a scale of not less than one (1) inch [number] feet showing the following:

1. Post-construction pervious areas including vegetative cover type and condition.
2. Impervious surfaces including all buildings, structures, and pavement.
3. Post-construction topographic contours of the site at a scale not to exceed [number] feet.
4. Post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site.
5. Locations and dimensions of drainage easements.
6. Location of maintenance easements specified in the maintenance agreement.
7. Flow path and direction for all stormwater conveyance sections.
8. Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area.
9. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way.
10. Watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

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

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

(5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 15-2-25.

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

(7) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(8) Other information requested in writing by the Village designee to determine compliance of the proposed stormwater management measures with the provisions of this Chapter.

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

(b) **Alternative Requirements.** The Village designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-2-25.

Sec. 15-2-28 Maintenance Agreement.

(a) **Maintenance Agreement Required.** The Village designee may require the submittal of a maintenance agreement. The maintenance agreement required under Section 15-2-26 for stormwater management practices shall be an agreement between the Village designee and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

(b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-2-27:

(1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under Section 15-2-26.

(3) Identification of the responsible party(s), organization, or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Section 15-2-26.

(4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Subsection (b)(2).

(5) Authorization for the Village designee to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(6) A requirement on the Village designee to maintain public records of the results of the site inspections, to inform the party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

(7) Agreement that the party designated under Subsection (b)(3) as responsible for long term maintenance of the stormwater management practices shall be notified by the Village designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Village designee.

(8) Authorization of the Village designee to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Village designee shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.

Sec. 15-2-29 Financial Guarantee.

(a) **Establishment of the Guarantee.** The Village designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village designee. The financial guarantee shall be in an amount determined by the Village designee to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village designee the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the Village designee that the requirements of this Chapter have not been met.

(b) **Conditions For Release.** Conditions for the release of the financial guarantee are as follows:

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

(2) The Village designee shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, less any costs incurred by the Village designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 15-2-30 Article Enforcement.

(a) **Violations.** Any land disturbing construction activity or post-construction runoff initiated after the effective date of this Chapter by any person, firm, association, or corporation

subject to the Chapter provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.

(b) **Notice of Violation.** The Village designee shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(c) **Correction Work.** Upon receipt of written notification from the Village designee under Subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village designee in the notice.

(d) **Emergency Corrective Work.** If the violations to a permit issued pursuant to this Chapter are likely to result in damage to properties, public facilities, or waters of the State, the Village designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village designee plus interest and legal costs shall be billed to the responsible party.

(e) **Stop Work Order.** The Village designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

(f) **Permit Revocation.** The Village designee may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.

(g) **Effective Dates of Stop Work Orders/Permit Revocations.** Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village designee or by a court with jurisdiction.

(h) **Forfeiture.** Any person, firm, association, or corporation which does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

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

(j) **Costs; Security.** When the Village designee determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Village designee or a party designated by the Village designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 15-2-29. Where such a security has not been established, or where such

a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-2-31 Article Appeals.

(a) **Board of Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village designee in administering this Article. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Article that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Article will result in unnecessary hardship.

(b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person affected by any decision of the Village designee.

(c) **Variances.** The Board of Appeals may authorize variances from the provisions of this Article which are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Article will result in unnecessary hardship.

Sec. 15-2-32 Article Severability.

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

Sec. 15-2-33 through Sec. 15-2-39 Reserved for Future Use