

**AN ORDINANCE AMENDING SECTION 20-304 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.**

(Utilities Committee – 7-6-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 20-304 of Chapter 20 of the Municipal Code of the City of Appleton, relating to definitions is hereby amended to read as follows by making the following changes:

**Sec. 20-304. 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:

***Stormwater management plan*** means a comprehensive plan provided by the land developer, land owner or permit holder that identifies what actions will be taken to meet the requirements of this ordinance.

***Major Stormwater Management Plan*** means a Stormwater Management Plan for a subdivision or a plan that proposes the use of one or more proprietary devices to meet standards or a non-one or two family site that is not considered a Minor Stormwater Management Plan.

***Minor Stormwater Management Plan*** means a Stormwater Management Plan for a site that has a regional stormwater facility in place that meets applicable standards, has a 100-year event conveyance system to the regional facility in place, and is free from unusual conditions, including but not limited to, contamination, critical site designation, change in land use, high impervious ratio, or floodplain.

**Section 2:** This ordinance shall become effective January 1, 2012.

Dated: July 21, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING ARTICLE VI, DIVISION 3 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMITTING AND FEES**

(Utilities Committee – 7-6-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article VI., Division 3. of Chapter 20 of the Municipal Code of the City of Appleton, relating to permitting and fees is hereby amended to read as follows:

**DIVISION 3. PERMITTING AND FEES**

**Sec. 20-321. Permitting requirements, procedures and fees.**

(a) **Permit required.** No one may undertake a land development or redevelopment activity with one (1) acre or more of land disturbing construction activities, except 1- and 2-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) **Permit application and fee.** Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

(1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, grading plan, and an operation and maintenance plan and agreement as set forth in Table 1. The initial submittal and the final approved version shall be in a hard copy format.

**TABLE 1**

<b>Land Development Activity</b>	<b>Permit</b>	<b>Stormwater Management Plan</b>	<b>Grading &amp; Drainage Plan</b>	<b>Maintenance Agreement</b>
Agricultural use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lots	Permit is administered by the WDNR		X	--
Multi-Family Residential	X	X	X	X
Subdivision Development	X	X	X	X

- (2) The stormwater management plan shall be prepared to meet the requirements of § 20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of §20-314 of this ordinance.
- (3) For 1- and 2-Family Residential on one (1) acre or greater lots, with greater than one (1) acre of disturbed area, post-construction stormwater permits are administered by the WDNR. A simple combined grading and drainage plan attached to the building permit that shows grading, drainage and measures to manage stormwater will meet the requirements of this ordinance.
- (4) Plan revising occurring after initial plan approval shall be submitted for review with an application, applicable changes to drawings, calculations, and the Operation and Maintenance Agreement. Fees shall be per (5) below.
- (5) Fees for the above-noted permits will include a non-refundable one hundred dollar (\$100) application fee and will be the actual costs incurred by the City. The application fee shall be credited toward the actual costs incurred by the City. Fees shall be payable within thirty (30) days of receipt of an invoice from the City. An invoice will be sent any time an applicant fails to resubmit a plan revision for ninety (90) days or more.

(Ord 66-10, §1, 4-13-10)

(c) ***Review and approval of permit application.*** The City of Appleton shall review any permit application that is submitted with a stormwater management plan, grading plan, maintenance agreement and the required fee. The following approval procedure shall be used:

- (1) For a Major Stormwater Management Plan, within thirty (30) business days of the receipt of a complete permit application, including all documents as required by §20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in §§20-312, 20-313 and 20-314 of this ordinance.
- (2) For a Minor Stormwater Management Plan, within fifteen (15) business days of receipt of a complete permit application, including all documents as required by §20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in §§20-312, 20-313 and 20-314 of this ordinance.
- (3) 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 are paid, the City of Appleton shall issue the permit.
- (4) If the stormwater permit application, plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or

agreement, or may appeal the decision of the City of Appleton as provided for in §20-327 of this ordinance.

- (5) If additional information is submitted, the City of Appleton shall have thirty (30) business days from the date the additional information is received for a Major Stormwater Management Plan and fifteen (15) days for a Minor Stormwater Management Plan to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (6) Failure by the City of Appleton to inform the permit applicant of a decision within the timelines listed above shall be deemed to mean approval of the submittal.

(d) ***Stormwater practice installation and maintenance performance security.*** The City of Appleton may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to ensure that the stormwater practices are installed and maintained by the responsible party as required by the stormwater management plan. 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 stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the City of Appleton, not to exceed ten- (10-) years of the maintenance costs estimated in the stormwater plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management 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 stormwater practice(s) were installed and function as intended 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 conditions.*** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City of Appleton may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City

of Appleton to suspend or revoke this permit may be appealed in accordance with §20-327 of this ordinance.

- (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, install and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement and this permit.
- (3) The responsible party shall notify the City of Appleton at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices.

If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the City of Appleton so that practice installations can be inspected during construction.

- (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the City of Appleton, or other competent professionals. The City of Appleton shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The responsible party is further required to submit an as-built plan and a certificate of completion, stating the completion of the permitted work is in accordance with the stormwater management plan, City of Appleton, state and federal requirements. The certificate must be signed by the design engineer.
- (5) The responsible party shall notify the City of any significant modifications it intends to make to an approved stormwater management plan. The City of Appleton may require that the proposed modifications be submitted 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 specified in the approved stormwater management plan until the practices either become the responsibility of the City of Appleton, or are transferred to a subsequent responsible party as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the City of Appleton to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which may be collected as special charges pursuant to §66.60(16), Wis. Stat. by the City of Appleton or to charging such costs against the letter of credit, or cash bond posted for the project.

- (8) If so directed by the City of Appleton, the responsible party shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater 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 City of Appleton for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where necessary, the responsible party must obtain from adjacent property owners any easements or other required property interests concerning flowage of water. Issuance of this permit does not create or affect any such rights.
- (11) The owner is subject to the enforceable actions detailed in §20-326 of this ordinance if the responsible party fails to comply with the terms of this permit.

(Ord 66-10, §1, 4-13-10)

(f) **Permit duration.** The responsible party must start the permit activities within one (1) year of the date the permit is issued. An extension of one (1) year may be granted by the Director, provided a written request is submitted to the Director prior to the expiration date for the initial permit. If permit activities are not started, then a new permit application and fee may be required.

(Ord 66-10, §1, 4-13-10)

(g) **Fee in lieu of on-site stormwater management practices.** Where the City of Appleton waives all or part of the minimum on-site stormwater management requirements under §20-313(c) of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Appleton downstream of the proposed development or redevelopment, as provided for under §20-312 of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the City of Appleton pursuant to §66.076, Wis. Stat. and any other applicable law.

(Ord 188-03, §1, 10-21-03)

**Secs. 20-322 – 20-325. Reserved.**

**Section 2:** This ordinance shall become effective January 1, 2012.

Dated: July 21, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-10 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICABILITY AND JURISDICTION.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-10 of Chapter 24 of the Municipal Code of the City of Appleton, relating to applicability and jurisdiction, is hereby amended to read as follows:

**Sec. 24-10. Applicability and jurisdiction.**

(a) *Applicability.*

- (1) This ordinance applies to all land disturbing activities 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.
  - 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 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 Ordinances.* This ordinance supercedes any county erosion and sediment control ordinance for lands annexed to the City after the effective date of the county's ordinance, except when the county's ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county 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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-15 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-15 of Chapter 24 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended by changing the following definition to read as follows:

**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:

***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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-20 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TECHNICAL STANDARDS.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-20 of Chapter 24 of the Municipal Code of the City of Appleton, relating to technical standards, is hereby amended to read as follows:

**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.

(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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE CREATING SECTION 24-24 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERFORMANCE STANDARDS FOR NON-PERMITTED SITES.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-24 of Chapter 24 of the Municipal Code of the City of Appleton, relating to performance standards for non-permitted sites, is hereby created to read as follows:

**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 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.

(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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-25 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERFORMANCE STANDARDS FOR PERMITTED SITES.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-25 of Chapter 24 of the Municipal Code of the City of Appleton, relating to performance standards for permitted sites, is hereby amended to read as follows:

**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 Section 24-35, that incorporates the requirements of this section.

(b) ***Plan.*** A written plan shall be developed in accordance with Section 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 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) 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) 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.
  - (4) Erosion and Sedimentation BMPs may be combined to meet the requirements of this paragraph. 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) 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.
  - (6) *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.

- (7) 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 Sec. 24-5.
- (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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-30(a) OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMITTING REQUIREMENTS, PROCEDURES AND FEES; PERMIT REQUIRED.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-30(a) of Chapter 24 of the Municipal Code of the City of Appleton, relating to permitting requirements, procedures and fees; permit required, is hereby amended to read as follows:

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

(a) ***Permit required.*** Land disturbing activity subject to this ordinance shall not commence without first receiving approval of an erosion and sediment control plan for the site when a permit from the City of Appleton is required.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-35(a)(6) OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS; EROSION AND SEDIMENT CONTROL PLAN.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-35(a)(6) of Chapter 24 of the Municipal Code of the City of Appleton, relating to erosion and sediment control plan, statement and amendments; erosion and sediment control plan, is hereby amended to read as follows:

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

(a) ***Erosion and sediment control plan.***

- (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:
- a. Description of interim and permanent stabilization practices, including an implementation schedule. Site 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, unless otherwise controlled by outfall controls.
  - d. Trapping of sediment in channelized flow.
  - e. Staging construction to limit bare areas subject to erosion.
  - f. Protection of downslope drainage inlets where they occur.
  - g. Minimization of tracking at all 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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk

**AN ORDINANCE AMENDING SECTION 24-45 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SITE INSPECTIONS.**

(Utilities Committee – 8-3-11)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 24-45 of Chapter 24 of the Municipal Code of the City of Appleton, relating to site inspections, is hereby amended to read as follows:

**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.

**Section 2:** This ordinance shall be effective January 1, 2012.

Dated: August 18, 2011

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk