

Dane County's Erosion Control and Stormwater Management Ordinance and Local Governments

Background

Under s. 33.455, Wis. Stats., ordinances recommended by the Dane County Lakes and Watershed Commission and adopted by the Dane County Board apply throughout the county, within all municipalities.

Thus, the amendments to Chapter 14 (the construction site erosion control ordinance) which add stormwater management standards, will create a county-wide set of standards that will be consistently applied and will help keep sediment, oil and grease, fertilizer, pesticides and other pollutants out of our lakes and streams. Better site planning, with stormwater management in mind, as well as the long-term site maintenance the ordinance requires, will also help reduce localized flooding. The ordinance provides the consistency and predictability sought by developers and landowners and provides site planners the flexibility to choose the best practices for a particular site and project.

The ordinance requirements go into effect on August 22, 2002. County staff administers the ordinance in unincorporated areas while cities and villages administer the ordinance with their own staff. County Land Conservation, Lakes and Watershed, County Planning and Extension staff are creating a Dane County Erosion Control and Stormwater Management Manual and developing training to help local governments, landowners, and developers effectively and efficiently implement common sense practices and plans to meet ordinance standards.

In Towns

How the Ordinance Works

- As with the construction site erosion control provisions already in place, Dane County will provide the staff and expertise necessary to administer the stormwater standards in unincorporated municipalities (i.e. towns).
- Permit applications and fees for projects that create 20,000 square feet of impervious surface (the threshold at which the ordinance applies in all areas of the County) will be submitted to the Zoning Division in the Dane County Planning and Development Department.
- Dane County Land Conservation staff will then review those plans to ensure they meet erosion and stormwater standards.

Enforcement

- Zoning inspectors from the County Planning and Development Department and erosion control engineers from the County Land Conservation Department will make inspections for compliance with plans.
- Enforcement actions such as penalties and stop work orders are provided for in the ordinance.

In Cities and Villages

How the Ordinance Works

- Incorporated areas (i.e. cities and villages) are expected to integrate the provisions of the erosion control and stormwater management ordinance (or more stringent provisions if they so desire) into their existing erosion control and stormwater management ordinances no later than August 22, 2002.
- In their ordinances, cities and villages will need to include the following components that meet or exceed county requirements: definitions, applicability of requirements, exemptions, permitting and plan requirements, technical standards, and variance and appeals standards.
- Cities and villages will be able to:
 - make changes to certain sections of the ordinance to tailor it for local administration;
 - indicate whether the municipality will offer the preliminary review letter to applicants; and
 - establish their own fees.
- Incorporated municipalities need to designate for the purposes of the ordinance:
 - the approval authority to receive applications and provide enforcement;
 - the plan review agency to review and approve submitted plans against technical standards described in the ordinance; and
 - the appeal process to allow for review of decisions made by the approval authority.
- Some incorporated municipalities currently contract with Dane County Land Conservation Department for erosion control plan review and inspection, and this arrangement will also be possible for the stormwater management provisions.

Enforcement

- If by August 22, 2002 the community has not adopted an ordinance that meets county requirements, and after notice, hearing, and a finding by the Dane County Lakes and Watershed Commission, Dane County staff will enforce the stormwater and erosion control provisions within that municipality. Dane County will continue to administer and enforce the ordinance until the municipality adopts and enforces an ordinance at least as restrictive as the county ordinance.
- If the Dane County Lakes and Watershed Commission, after notice and hearing, determines that a municipality is not providing effective administration and enforcement of its erosion control and stormwater management ordinance, it may find the municipality in noncompliance. If that happens, Dane County will administer and enforce the ordinance until the municipality demonstrates that it will again provide effective administration and enforcement and the Commission rescinds its finding of noncompliance.

Effect on Municipalities That Must Apply for NR 216 Permit

- The Department of Natural Resources, under NR 216 of the Wisconsin Administrative Code, requires Dane County and 18 other communities to obtain a permit for their stormwater discharges. These 19 entities are cooperating in preparation of their stormwater permit application, which is due January 7, 2003.
- Those entities are the Cities of Madison (including the University of Wisconsin-Madison) Fitchburg, Middleton, Monona, Sun Prairie, Verona; the Villages of DeForest, Maple Bluff, McFarland, Shorewood Hills, Waunakee; the Towns of Blooming Grove, Burke, Madison, Middleton, Westport and Windsor; and Dane County.
- Dane County staff has worked closely with the Department of Natural Resources in the development of the stormwater ordinance. The DNR has stated that compliance with county erosion control and stormwater standards will help municipalities meet some of the state stormwater permit requirements, and should reduce some of the costs of permit compliance.

For More Information

[www.co.dane.wi.us/commissions/
lakes/activities.htm](http://www.co.dane.wi.us/commissions/lakes/activities.htm)

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