

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

PUBLIC WORKS UTILITIES COMMITTEE

Monday, February 9th, 2026 * 5:30 PM * Park View Room

AGENDA

1. Call meeting to order

Documents:

Meeting Memo February 2026.pdf

2. Review and act on minutes from January 12th, 2026 Meeting.

Documents:

PW11225md.pdf

3. Update and review of 60% plans for Highland Dr Pathway Project 2026

Documents:

Elm Grove 2026 Pathways_60 Plans_02.05.26 SITE REVIEW NOTES.pdf
2026 Pathways_60 Design Memo.pdf
Elm Grove 2026 Pathways_60 Estimate REVISED 02.04.26.pdf

4. Review and possible action on Underwood Creek Daylighting Bids.

Documents:

Purpero_Bid tab comparison between May2025 and Jan2026.pdf
00 41 00 List of Subcontractors.pdf
Bid Form Signature and Sworn Statement.pdf
Stantec reccomendation for Approval - Purpero.pdf

5. Update on Village Hall Bridge inspection

Documents:

P-67-781.pdf

6. Review of 2025 Paving totals and update on 2026-2030 Paving CIP

Documents:

2025 Wolf Final Invoice.pdf
2026-2030 Paving CIP with map.pdf

7. Review and possible action on ordinance revisions as the relate to CH 325 Water Control

Documents:

*[Chapter 325- CP Tracked Changes.pdf](#)
[Chapter 325- Changes Accepted.pdf](#)*

8. Update on Public Works Projects

9. Other Business

10. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

Memo

To: Public Works Utilities Committee
From: Richard Paul Jr., Director of Public Works
Thomas Harrigan, Village Manager
Date: February 6, 2026
Re: Public Works Agenda February Meeting

Item 3: Update and review of 60% plans for Highland Dr Pathway Project 2026

Included in the packet are the 60% plans and estimate. The committee shall share any comments relative to the design. A couple weeks back, after a discussion with MMSD regarding Chapter 13 stormwater rules, the district is classifying this pathway as a sidewalk which requires stormwater controls to be built into the projects to handle any additional impervious surface runoff. Past interpretation of Chapter 13 did not fit the criteria to do so, but with the new staff at MMSD, this differing view surfaced. Staff, along with Mr. Brush and Mr. Petersen are further working with MMSD to discuss definitions and impact. DNR review of past projects has always been approved.

Item 4: Review and possible action on Underwood Creek Daylighting Bids.

Included in your packet is a bid tab comparing the May 2025 and January 2026 bid numbers from the apparent low bidder CW Purpero. Also included in the packet are supporting documentation of bid items and a recommendation from Rich Klein of Stantec. The committee shall review the information and consider a recommendation to the Board of Trustees.

Item 5: Update on Village Hall Bridge inspection

Included in your packet is the most recent annual inspection of the bridge at Village Hall that traverses Underwood Creek and connects the Village Hall campus to Legion Dr. Bridge inspections occur every 2 years unless there are any structural concerns that become present. This bridge in particular has been on the annual inspection list for the last couple of years due to superstructure degradation of the girders, similar to that of the former Watertown Plank Rd bridge in the downtown area.

DPW has made noted post inspection repairs in the past but after conversing with Matt Roesch of Collins Engineering, the bridge inspector, maintenance efforts although helpful, will not increase the lifespan of this structure.

The inspection data is sent to Waukesha County and will be reviewed and follow up will be expected. Staff will research options of replacement., etc.

We have restricted use internally for all Fire Dept and DPW equipment, but there may be a need to post weight limits after further review.

Item 6: Review of 2025 Paving totals and update on 2026-2030 Paving CIP

Included in your packet is a copy of the final invoice from Wolf Paving for the 2025 Paving Project. The details of the overages include undercutting/poor soils, soil along the road edge as well as extended asphalt quantities as shown.

Also included in your packet is a copy of the 2026-2030 Paving CIP. There will be another evaluation of the streets in 2027 which may cause for further minor adjustments, but we are approved for LRIP funds in the amount of \$34,887.58 for 2027.

Item 7: Review and possible action on ordinance revisions as they relate to Ch 325 Water Control

Included in your packet are copies of an ordinance revision draft that were reviewed and suggested after the DNR audit from this last summer. This will be required as part of the new 5-year MS4 permit that is under way.

The committee can take action to remand this to the Legislative Committee for review.

PUBLIC WORKS/UTILITIES (PWUC) COMMITTEE
REGULAR MEETING MINUTES
Monday, January 12th, 2025 5:30 pm, Parkview Room

1. Roll call.

Meeting was called to order at 5:39 pm by Mr. Schindler

Present: Mr. Schindler (via Zoom), Mr. Koleski, Mr. Eull, Ms. Schneider, Mr. Zwirlein, Mr. Harley and Mr. Olson

Absent: None

Also Present: Mr. Harrigan & Mr. Paul and Nicci Sternitzky of the Beautification Committee.

2: Review and act on minutes from December 8th 2025 Meeting

Mr. Olson moved and Mr. Zwirlein seconded to approve the December 8th, 2025 minutes with minor edits. Motion carried 7-0.

3: Review and possible action on potential meter installation for reporting sewer usage. (Request to take up this item upon arrival of Village Clerk.)

Village Clerk Crystal Turner requested support to move forward with an automated meter program that was originally ready to implement back in 2021, but was delayed with the transition of the clerk at that time. This program would provide staff with the ability to gain actual usage data remotely that would be consistently accurate for billing purposes. Currently, the self-reporting has caused issues with improper meter readings and when trying to reconcile accounts properly due to improper readings or non-reporting, estimation and improper readings have lent to disputes with billing.

Mr. Olson moved to recommend to the Board moving forward with the remote meter reading installation project. Mr. Eull seconded. Motion carried 7-0.

4: Review and possible recommendation to proclaim January 26th, through January 30th as "Winter Salt Week" in the Village of Elm Grove

Ms. Nicci Sternitzky provided a presentation on her efforts to educate the community, as well as contractors that work in the community, on the impacts of chlorides in our waterways. Ms. Sternitzky has requested a proclamation to make January 26th to the 30th, 2026 as Winter Salt Week that coincides with an educational presentation by Milwaukee Riverkeepers, Fresh Coast Guardians, Sweetwater, SEWRPC and MMSD at the Elm Grove Public Library on Saturday, January 31st, 2026.

The committee was in full support. Mr. Eull moved and Mr. Zwirlein seconded. Motion carried. 7-0

5. Update on Underwood Creek Daylighting Project

Mr. Harrigan informed the committee that the project is out for bid as of January 6th, 2026 and is live on the Quest platform. As of this date, there are 6 plan holders, 4 of which are prime bidders. Bidders from the last round whom are currently on the list include CW Purpero, Edgerton and Walbec Group. There will be a pre bid meeting on Thursday, January 15th, with a bid opening on Tuesday, January 27th, 2026.

Mr. Harrigan also added that the Sendiks property owner and Sendik's operator are all in on working together and continue to be supportive of the project. There is still litigation with the railroad, but at this time, the Village is the owner of the parcel that was procured via eminent domain.

6: 2025 Public Works Projects close out review

Mr. Paul provided the committee with a summary of the totals and overages for the 2025 Paving Project. During the discussion, members requested a breakout of the line items which will be available at the next PWUC Meeting in February.

7. Update on Wauwatosa Water extension along Watertown Plank Rd

Mr. Harrigan informed the committee that staff met with Wauwatosa representatives to discuss steps forward with the water main extension along Watertown Plank Rd from where it ended near St. Mary's Visitation Cemetery down towards the Elm Grove Terrace Condominiums just east of the railroad tracks. Process for amending the service agreement and timelines as noted in the attached meeting notes were discussed. Wauwatosa will handle design, bidding and construction oversight. The project is tentatively scheduled for spring of 2027.

8: Update on 2026 Highland Dr Pathway

Mr. Harrigan and Mr. Paul shared the progress update from Travis Brush of KL Engineering. Included in the packet were sign in sheets and notes from residents whom attended the Public Information as well as a drawing of a potential modification to the existing pathway plan at 1255 that relocates the pathway to the backside of some very large trees. This modification would place the pathway on private property, but the resident who requested the modification is willing to provide an easement in order to save the trees that would otherwise be impacted. Mr. Brush and Mr. Paul have been in communication and have met with some of the property owners along the current pathway.

Mr. Koleski shared that he felt Mr. Brush did a great job with the visuals and the presentation at the Public Information Meeting and that there was a positive tone for the pathway, as well as constructive discussion on the goal to save as many mature trees as possible.

The committee further discussed other items to provide direction for Mr. Brush to deliver the 60% plans for the February Public Works Utilities Committee Meeting. After reviewing the slope of a handful of concrete driveways that had been requested to stay in place, only two are likely to meet that criteria. The committee decided that if an existing concrete driveway approach was less than 2 years old, met the slope requirements, was in good condition, then the Village can choose to allow for that portion of the driveway to stay in place, but the Village should retain the rights to make that decision.

The committee was ok moving forward to pursue the easement at 1255 Highland to preserve the larger trees as noted. Relative to 14800 Juneau Blvd, the committee preferred to avoid adding a retaining wall unless it was required and to try and make it work without it.

In regards to private drain discharges in the ROW that may impact the construction of the pathway, the committee agreed that it must be removed from the ROW by the owner to meet the requirements of the most current ordinance, which is to discharge 10' back from the property line.

The last discussion dealt with the traffic control options and whether to do a soft closure or offer a one-way option. Pros and cons were discussed but the committee wanted to know how it would impact the price of the overall project. Once they can be given some direction, they can better make a decision. The committee asked that Mr. Travis provide some projections or perhaps bid them as alternatives.

9. Update on Public Works Projects

Mr. Paul also informed the committee that the main focus right now for the DPW continues to be snow removal, tree removal/pruning and x-mas tree pick up.

Procurement of the 2026 DPW equipment is underway and have so far been in line with the projected budgets.

10. Other Business

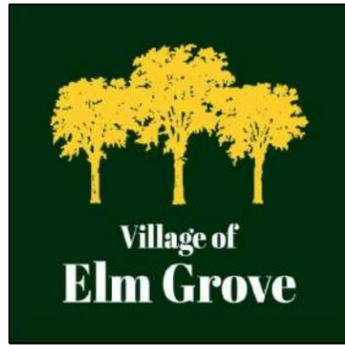
Mr. Koleski inquired if there were any more update son the procurement of the Fire Truck from Butler. Mr. Harrigan stated that Butler is still working through the details of the FEMA grant concerns that they used to assist in the purchase of the truck.

11: Adjourn

**MR. ZWIRLEIN MOTIONED AND MR. HARLEY SECONDED TO ADJORN. MOTION CARRIED 7-0.
7:44 P.M.**

Respectfully Submitted
Richard Paul, Jr.
Public Works Director

DRAFT

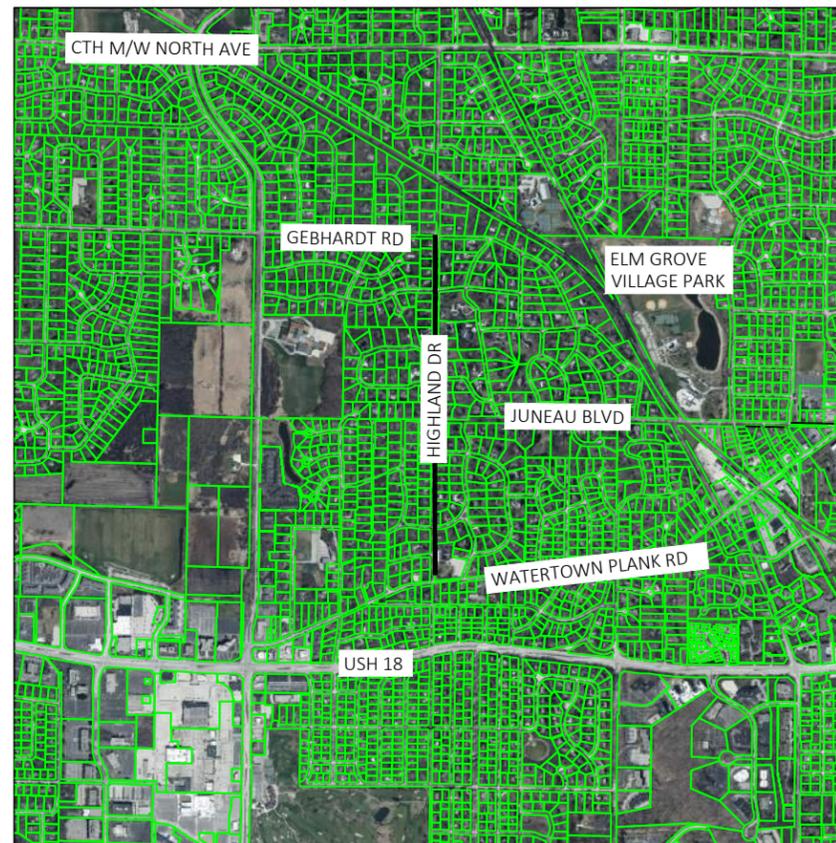


ELM GROVE PATHWAYS

WATERTOWN PLANK ROAD - GEBHARDT ROAD

HIGHLAND DRIVE WAUKESHA

| |
|------------------|
| PROJECT NUMBER |
| 25040-000 |



SCALE, MILES 0 0.25 0.5

| INDEX OF SHEETS | |
|-----------------|--|
| TS-01 | TITLE SHEET |
| GN-01 - GN-02 | GENERAL NOTES |
| PO-01 | PROJECT OVERVIEW |
| TS-01 | TYPICAL SECTIONS |
| CD-01 - CD-XX | CONSTRUCTION DETAILS |
| PD-01 - PD-XX | PLAN DETAILS |
| CR-01 - CR-XX | CURB RAMP DETAILS |
| EC-01 - EC-XX | EROSION CONTROL |
| SS-01 - SS-XX | STORM SEWER |
| PM-01 - PM-XX | PERMANENT SIGNING AND PAVEMENT MARKING |
| TC-01 - TC-XX | TRAFFIC CONTROL |
| AL-01 - AL-XX | ALIGNMENT DIAGRAM |
| PP-01 - PP -10 | PLAN & PROFILE |
| CS-01 - CS-43 | CROSS SECTIONS |
| EW-01 - EW-XX | EARTHWORK DATA TABLES |



CONVENTIONAL SYMBOLS

PLAN

- CORPORATE LIMITS
- PROPERTY LINE
- LOT LINE
- LIMITED HIGHWAY EASEMENT
- EXISTING RIGHT OF WAY
- PROPOSED OR NEW R/W LINE
- SLOPE INTERCEPT
- REFERENCE LINE
- EXISTING CULVERT
- PROPOSED CULVERT (Box or Pipe)
- COMBUSTIBLE FLUIDS
- WETLAND BOUNDARY
- WOODED OR SHRUB AREA

PROFILE

- GRADE LINE
- ORIGINAL GROUND
- MARSH OR ROCK PROFILE (To be noted as such)
- SPECIAL DITCH
- GRADE ELEVATION
- CULVERT (Profile View)
- UTILITIES
- ELECTRIC
- FIBER OPTIC
- GAS
- SANITARY SEWER
- STORM SEWER
- TELEPHONE
- WATER
- UTILITY PEDESTAL
- POWER POLE
- TELEPHONE POLE

PLOT DATE: 2026-01-30 PLOT BY: ARIELLE LEWIEN
FILE: G:\Elm Grove\25040-000 2026 Future Pathways\Civil 3D\Sheets\Plan\010101-1.dwg

ORIGINAL PLANS PREPARED BY
KL Engineering
[A] Better Experience

Draft Print
FOR REVIEW ONLY

02/02/2026

2/5/2026 Site Review Notes Added to
Removal Section - TRB

(Date)

(Signature)

Draft Print
FOR REVIEW ONLY

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\020101.GN.DWG PLOT BY : ARIELLE LEWIS PLOT DATE : 1/30/2026 5:08 PM

ABBREVIATIONS

| | |
|------------|--------------------------------------|
| AEW | APRON ENDWALL |
| ASPH | ASPHALT |
| AVG | AVERAGE |
| BAD | BASE AGGREGATE DENSE |
| BG | BEAMGUARD |
| BM | BENCH MARK |
| C&G | CONCRETE CURB AND GUTTER |
| CE | COMMERCIAL ENTRANCE |
| CONC | CONCRETE |
| CP | CULVERT PIPE |
| CSCP | CULVERT PIPE CORRUGATED STEEL |
| D | DEGREE OF CURVE |
| DESC | DESCRIPTION |
| DISCH | DISCHARGE |
| EB | EASTBOUND |
| EP | EDGE OF PAVEMENT |
| EXIST | EXISTING |
| HMA | HOT MIX ASPHALT |
| INV | INVERT |
| LT | LEFT |
| MAX | MAXIMUM |
| MIN | MINIMUM |
| NB | NORTHBOUND |
| NC | NORMAL CROWN |
| NOR | NORMAL |
| PAVT | PAVEMENT |
| PC | POINT OF CURVE |
| PE | PRIVATE ENTRANCE |
| PI | POINT OF INTERSECTION |
| PNT | POINT |
| PT | POINT OF TANGENT |
| R | RADIUS OF CURVE |
| R/L | REFERENCE LINE |
| R/W | RIGHT OF WAY |
| REQD | REQUIRED |
| RO | RUN OFF LENGTH |
| RT | RIGHT |
| SALV | SALVAGED |
| SAN | SANITARY |
| SB | SOUTHBOUND |
| SDD | STANDARD DETAIL DRAWINGS |
| SHLD/SHLDR | SHOULDER |
| SSPRC | STORM SEWER PIPE REINFORCED CONCRETE |
| STA | STATION |
| T | TANGENT LENGTH |
| TLE | TEMPORARY LIMITED EASEMENT |
| TYP | TYPICAL |
| VCL | VERTICAL CURVE LENGTH |
| VPC | POINT OF VERTICAL CURVE |
| VPI | POINT OF VERTICAL INTERSECTION |
| VPT | POINT OF VERTICAL TANGENT |
| WAT | WATER |
| WB | WESTBOUND |
| Δ | DELTA |

UTILITY CONTACTS

FIBER

AT&T
TYLER FLECK
220 WISCONSIN AVE
WAUKESHA, WI 53186
(414) 248-6803
TF8394@ATT.COM

FIBER

VERIZON
RANDY CICALTELLO
15725 W. RYERSON RD
NEW BERLIN, WI 53151
(262) 782-9836
RANDY.CICALTELLO@VERIZON.COM

COMMUNICATION

TIME WARNER CABLE

FIBER

EVERSTREAM
NICK MERCHANT
(614) 357-1038
NMENTHANT@EVERSTREAM.COM

ELECTRIC

WE ENERGIES
WICHAI XIONG
500 S. 116TH STREET
WEST ALLIS, WI 53214
(262) 758-6018
WICHAI.XIONG@WECENERGYGROUP.COM

GAS

WE ENERGIES
JACOB HULBERT
500 S 116TH STREET
WEST ALLIS, WI 53214
(414) 944-5575
JACOB.HULBERT@WE-ENERGIES.COM

FIBER

MIDWEST FIBER NETWORK
(414) 672-5612

FIBER

MCI



Dial **811** or (800)242-8511

www.DiggersHotline.com

DESIGN CONTACT

TRAVIS BRUSH, P.E.
KL ENGINEERING, INC.
N17W24222 RIVERWOOD DRIVE
SUITE 190
PEWAUKEE, WI 53188
(262) 735-4856
TRAVIS.BRUSH@KLENGINEERING.COM

VILLAGE OF ELM GROVE

THOMAS HARRIGAN
VILLAGE MANAGER
VILLAGE OF ELM GROVE
13600 JUNEAU BLVD
ELM GROVE, WI 53122
(262) 782-6700
THARRIGAN@ELMGROVEWI.ORG

VILLAGE OF ELM GROVE

RICHARD PAUL, JR
PUBLIC WORKS DIRECTOR
VILLAGE OF ELM GROVE
13600 JUNEAU BLVD
ELM GROVE, WI 53122
(262) 782-6700
RPAULJR@ELMGROVEWI.ORG

HORIZONTAL POSITIONS SHOWN ON THIS PLAN ARE WISCONSIN COUNTY COORDINATES, WAUKESHA COUNTY, NAD83 (2011), WISCRS WAUKESHA CO. NAVD88(2012) IN U.S. SURVEY FEET. VALUES ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.



Engineering

[A] Better Experience
5400 King James Way
Suite 200
Madison, WI. 53719
Phone: (608) 663-1218
Phone: (800)-810-4012
http://klengineering.com
email@klengineering.com

VILLAGE OF ELM GROVE

GENERAL NOTES

Project No: 25040-000
Date: 01-30-2026
Designed By: JRM
Drafted By: JRM
Checked By: XXX

Revisions: XX-XX-XXXX

SHEET NO.

GN-01

EROSION CONTROL NOTES:

1. INSPECTIONS OF ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE DONE ONCE PER WEEK PRIOR TO ANY FORECAST PRECIPITATION EVENTS AND AFTER EVERY PRECIPITATION EVENT OF 1/2-INCH OR GREATER.
2. CONTRACTOR SHALL REPAIR DEFICIENT EROSION AND SEDIMENT CONTROL MEASURES WITHIN 24-HOURS AFTER INSPECTION. ADDITIONAL EROSION AND SEDIMENT CONTROL DEVICES NOT SHOWN ON DRAWINGS MAY BE NECESSARY AS DIRECTED BY OWNER AND/OR ENGINEER.
3. ADDITIONAL EROSION AND/OR SEDIMENT CONTROL MEASURES MAY BE NECESSARY AS A RESULT OF CONTRACTORS METHODS.
4. CONTRACTOR SHALL NOTIFY AND OBTAIN WRITTEN ACCEPTANCE FROM ENGINEER OF PROPOSED CHANGES TO THE EROSION CONTROL PLAN AND/OR SEQUENCE PRIOR TO IMPLEMENTING THE CHANGE. MAY REQUIRE DNR APPROVAL
5. ENGINEER IS UNDER NO OBLIGATION TO ALTER EROSION CONTROL PLAN AND/OR SEQUENCE.
6. CONTRACTOR SHALL SWEEP ADJACENT ROADWAYS DAILY TO REMOVE TRACKED SEDIMENT AND DEBRIS.
7. CONSTRUCT AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LATEST WISCONSIN DNR TECHNICAL STANDARDS AND EROSION CONTROL SPECIFICATIONS SECTION 01 57 13 OF THE PROJECT MANUAL.
8. CONTRACTOR IS RESPONSIBLE FOR FOLLOWING THE CONSTRUCTION SEQUENCE, AND FOR MAINTAINING AND REPAIRING EROSION AND SEDIMENT CONTROL DEVICES.
9. EXCESS MATERIAL THAT IS HAULED OFF SITE SHALL BE CONTRACTOR'S RESPONSIBILITY. CONTRACTOR SHALL NOTIFY OWNER OF ALL FILL AND BORROW SITES. CONTRACTOR IS SOLELY RESPONSIBLE FOR OBTAINING AND COMPLYING WITH NECESSARY EROSION CONTROL PERMITS AND FOR MAINTAINING PROPER EROSION CONTROL MEASURES ON THOSE DISPOSAL LOCATION(S) WILL NEED DNR APPROVAL PRIOR TO COMMENCING WORK.
10. EXCESS FILL/BORROW MATERIAL OR SOILS KEPT ON SITE SHOULD BE STOCKED IN UPLAND AREAS AN ADEQUATE DISTANCE AWAY FROM WETLANDS AND THE WATERWAYS. PILES OF STOCKPILED SOIL SHALL BE PROTECTED AGAINST EROSION AND SHALL NOT CREATE NUISANCE DUST EMISSIONS.
11. CONTRACTOR SHALL HAVE WATER TRUCK READILY AVAILABLE ON-SITE TO PREVENT DUST EROSION ON THE SITE.
12. EROSION CONTROL FEATURES AS SHOWN IN THE PLANS ARE AT SUGGESTED LOCATIONS. THE ENGINEER MAY MODIFY LOCATIONS AS NEEDED. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL SUCH TIME AS THE ENGINEER DETERMINES THE MEASURE IS NO LONGER NECESSARY.
13. CONTRACTOR IS RESPONSIBLE FOR RESHAPING AND FINISHING ANY PREVIOUSLY GRASSED AREAS WHICH ARE DISTURBED BY THEIR OPERATION OUTSIDE THE NORMAL CONSTRUCTION LIMITS AT THE EXPENSE OF THE CONTRACTOR.
14. THE CONTRACTOR SHALL NOT OPERATE MACHINERY OUTSIDE THE SLOPE INTERCEPTS IN AREAS NEAR WETLANDS.

TRENCH DEWATERING NOTES:

1. IF TRENCH DEWATERING IS NECESSARY, CONTRACTOR SHALL PROVIDE PROPER DEWATERING SEDIMENT CONTROL DEVICE. DISCHARGE OF SEDIMENT LADEN TRENCH WATER TO DITCHES, STORM SEWER, OR SURFACE WATER IS PROHIBITED
2. IF TRENCH DEWATERING IS NECESSARY, CONTRACTOR SHALL SUBMIT A DEWATERING PLAN TO OWNER, ENGINEER, AND DNR PRIOR TO CONSTRUCTION FOLLOWING REQUIREMENTS WITHIN SECTION 01 57 13 AND 01 57 23 OF THE PROJECT MANUAL AND DNR TECHNICAL STANDARD 1061.
3. CONTRACTOR WILL BE REQUIRED TO OBTAIN AND FOLLOW REQUIREMENTS OF DNR WATER SUPPLY SECTION FOR WELLS AND DEWATERING IN EXCESS OF 70 GPM.
4. CONTRACTOR SHALL UTILIZE SILT BAGS OR BOXES OF APPROPRIATE SIZE AND PROVIDE ADDITIONAL MEASURES AS NECESSARY TO DISCHARGE CLEAN WATER BASED UPON CONDITIONS AND CONTRACTOR'S OPERATIONS. MEASURES EMPLOYED FOR DEWATERING SHALL NOT BE PLACE IN LOCATIONS THAT BLOCK SITE DRAINAGE, OR VEHICLE/PEDESTRIAN TRAFFIC. DEWATERING DISCHARGE SHALL BE DIRECTED ONTO GRASS AREAS WHERE POSSIBLE AND NOT IMPACT ADJACENT STRUCTURES, PRIVATE PROPERTY, WETLANDS, WATERWAYS, OR BE DIRECTED TO SANITARY SEWERS.
5. THE DEWATERING PLAN AND NOTES SHALL SHALL SERVE AS A GUIDELINE FOR CONTRACTOR'S DEWATERING OPERATIONS.
6. IF MODIFICATIONS TO THE DEWATERING PLAN ARE NEEDED, CONTRACTOR SHALL PREPARE A WRITTEN REQUEST THAT DETAILS NECESSARY MODIFICATIONS AND OBTAIN APPROVAL FROM THE OWNER AND DNR PRIOR TO IMPLEMENTING THE MODIFICATION IN THE FIELD.
7. THE USE OF SILT BAGS OR BOXES SHALL BE CONSIDERED THE MINIMUM MEASURE NECESSARY, OTHER MEASURES NEEDED TO MAINTAIN CLEAR DISCHARGE SHALL BE IMPLEMENTED AS NECESSARY AND IMPLEMENTED IMMEDIATELY UPON OWNER APPROVAL. DEWATERING ACTIVITIES MAY NEED TO BE REDUCED OR ELIMINATED UNTIL APPROVALS HAVE BEEN OBTAINED. DEWATERING EFFLUENT SHALL REMAIN CLEAR AT ALL TIMES.
8. IT IS ANTICIPATED THAT THE LINEAR CONSTRUCTION ACTIVITIES WILL CREATE DISTURBED SOIL WITHIN EXISTING DRAINAGE SWALES AND DITCHES. CONTRACTOR SHALL CONTINUOUSLY MONITOR DEWATERING EFFLUENT QUALITY DOWNSTREAM OF THE SEDIMENTATION BASIN TO ENSURE THAT THE FLOW OF WATER IS NOT PRODUCING EROSION. CONTRACTOR SHALL WORK TO ELIMINATE EROSION FORCES OF DEWATERING EFFLUENT TO ENSURE CLEAR DISCHARGE.
9. DEWATERING OPERATIONS, IF NEEDED, SHALL PROGRESS WITH CONSTRUCTION OPERATIONS. IT IS ANTICIPATED THAT MULTIPLE DEWATERING MEASURES WILL BE SPREAD THROUGHOUT THE PROJECT IF DEWATERING IS NEEDED.
10. CONTRACTOR SHALL MONITOR THE PERFORMANCE AND EFFECTIVENESS OF THE DEWATERING SEDIMENTATION DEVICE. PERIODIC REPLACEMENT OF SILT BAGS WILL BE NECESSARY. SEDIMENT WITHIN SILT BAGS MAY BE SPREAD-OUT WITHIN SPOIL BACKFILL TRENCHES OR SHALL OTHERWISE BE DISPOSED OF PROPERLY OFFSITE. USE OF DEWATERED SEDIMENT WITHIN SPOIL BACKFILL TRENCHES MUST NOT COMPROMISE TRENCH COMPACTION. PERIODIC REPLACEMENT OF BALES AND FILTER FABRIC MAY ALSO BE REQUIRED.
11. USE OF OTHER DEWATERING SEDIMENTATION DEVICES SUCH AS STONE FILLED TRENCH BOXES OR STONE TRAPS MAY BE ACCEPTABLE, HOWEVER, OWNER APPROVAL IS REQUIRED PRIOR TO USE. USE OF OTHER DEWATERING SEDIMENTATION DEVICES SHALL COMPLY WITH THE REQUIREMENTS SET FORTH ABOVE.

TREE REMOVAL AND CLEARING

1. NO TREES AND/OR SHRUBS ARE TO BE REMOVED UNLESS SUCH TREES AND/OR SHRUBS HAVE FIRST BEEN INDICATED FOR REMOVAL BY THE ENGINEER.
2. WHEN ROOTS ARE ENCOUNTERED DURING PATH CONSTRUCTION, CLEANLY CUT ROOTS AND DO NOT RIP AND PULL FOR REMOVAL. LIMIT HEAVY EQUIPMENT USAGE OUTSIDE PATH AREA WITHIN TREE DRIP LINES.

GENERAL NOTES

1. PROVIDE POSITIVE DRAINAGE IN ALL SWALES AND DITCHES.
2. MAINTAIN SITE DRAINAGE AT ALL TIMES DURING CONSTRUCTION
3. ALL GRADES PROVIDED ALONG RADII ARE ALONG EDGE OF PAVEMENT.
4. THE LOCATION OF EXISTING AND PROPOSED UTILITIES INSTALLATIONS AS SHOWN IN THE PLANS, ARE APPROXIMATE. THERE MAY BE OTHER UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
5. UTILITY REFERENCE LINES ON THE CROSS SECTIONS ARE FOR APPROXIMATE HORIZONTAL REFERENCE ONLY.
6. ASPHALTIC SURFACE WEIGHT CALCULATIONS BASED ON 112LBS/SY/IN.
7. STATIONING AND OFFSETS TO APRON ENDWALLS FOR CULVERT PIPES ARE SHOWN TO THE END OF THE PIPE.
8. HAUL ROUTES SHALL BE DETERMINED BEFORE CONSTRUCTION BEGINS AND SHALL BE APPROVED BY THE MAINTAINING AUTHORITY. HAUL ROADS DAMAGED DURING HAULING ACTIVITIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR TO THEIR ORIGINAL CONDITION AND TO THE MAINTAINING AUTHORITY'S APPROVAL AT THE CONTRACTOR'S EXPENSE.
9. ALL RADII ARE MEASURED TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
10. ANY ALTERNATIVE ACCESS UTILIZED BY THE CONTRACTOR, NOT SHOWN IN THE PLANS, SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN RIGHTS TO USE, MAINTAIN, RESTORE, AND COVER ALL ASSOCIATED COSTS.
11. CURVE DATA IS BASED ON THE ARC DEFINITION.
12. A VERTICAL SAW CUT SHALL BE MADE THROUGH EXISTING DRIVEWAYS AND PAVEMENTS AT REMOVAL LIMITS. ALL SAW CUTS TO BE LOCATED A MINIMUM 6" OFFSET FROM PROPERTY LINE. THE LOCATION OF SAW CUTS AND THE AMOUNT REMOVED WILL BE DETERMINED IN THE FIELD BY THE ENGINEER

STORM SEWER PLAN NOTES

1. PIPE ELEVATIONS, LENGTHS, AND LOCATIONS AS SHOWN ON THE PLANS, MAY BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.
2. COORDINATE ALL UTILITY RELOCATION WORK WITH THE PROPER UTILITY COMPANY.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL ELEVATIONS WHEN CONNECTING TO EXISTING PRIOR TO ORDERING DRAINAGE STRUCTURES AND PIPES. NOTIFY THE ENGINEER OF ANY DEVIATIONS FROM PLAN INFORMATION.
4. STORM SEWER PIPE LENGTHS ARE SHOWN MEASURED FROM INSIDE OF STRUCTURE TO INSIDE OF STRUCTURE.
5. STATION AND OFFSET SHOWN TO CENTER OF STRUCTURE
6. MANHOLES AND INLETS SHALL BE INSTALLED ¼" LOWER THAN FINAL ASPHALT GRADES.
7. MINIMUM SEPARATION/CLEARANCES PER LOCAL CODES, SHALL BE FOLLOWED.



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VILLAGE OF ELM GROVE

GENERAL NOTES

Project No: 25040-000

Date: 01-30-2026

Designed By: JRM

Drafted By: JRM

Checked By: XXXX

Revisions: XX-XX-XXXX

SHEET NO.

GN-02

PLOT DATE: 1/30/2026 5:10 PM

FILE NAME: G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\020301-TS.DWG



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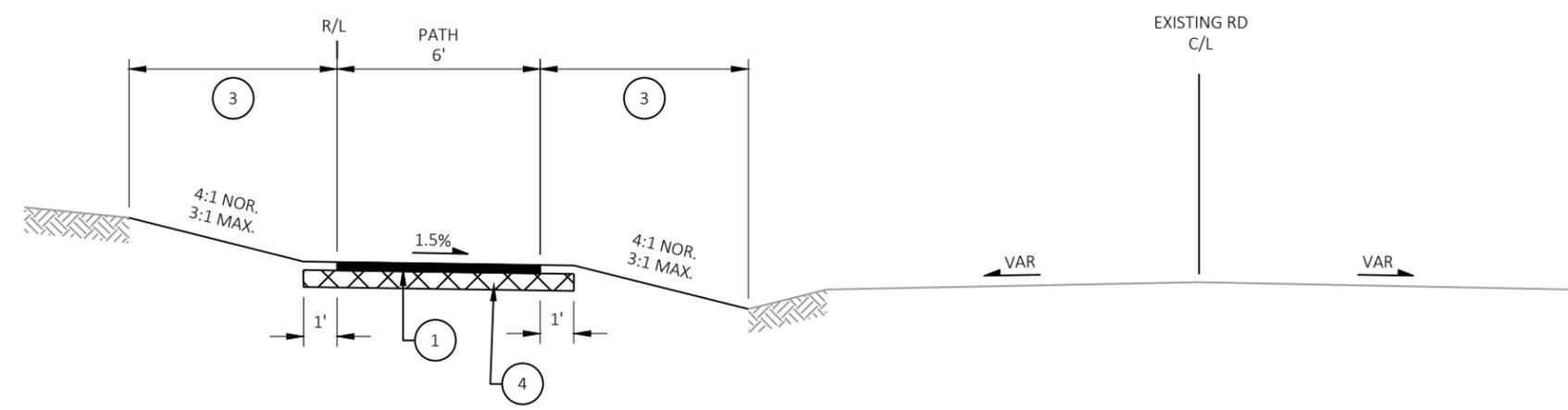
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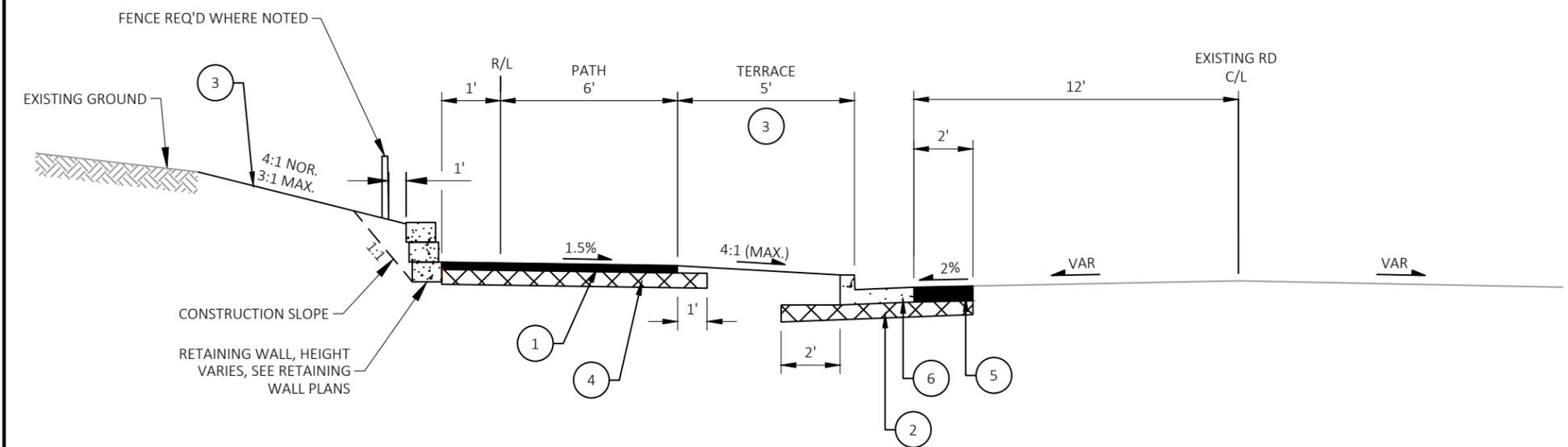
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VILLAGE OF ELM GROVE

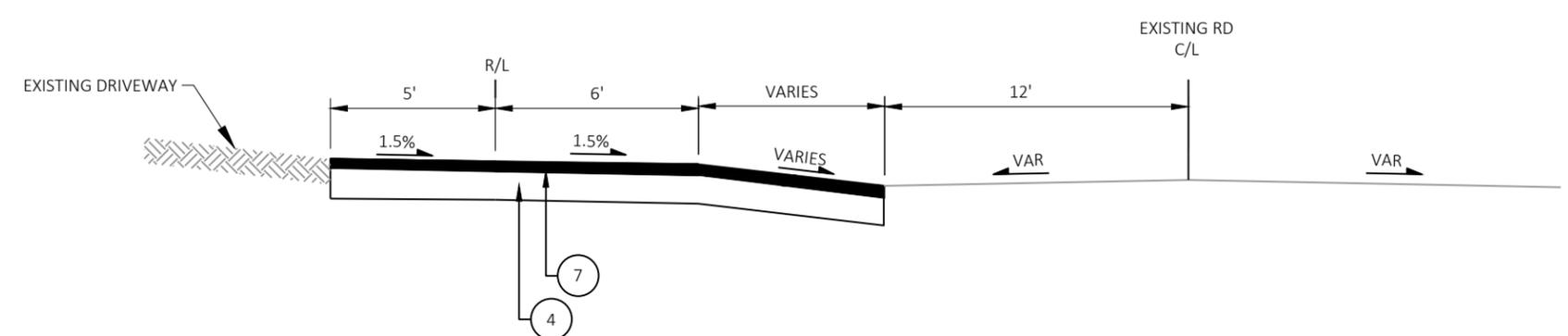
TYPICAL SECTIONS



FINISHED TYPICAL SECTION - CUT
STA XX - XX



FINISHED TYPICAL SECTION - WALL SECTION
STA XX - XX



FINISHED TYPICAL SECTION - DRIVEWAYS
STA XX - XX

LEGEND

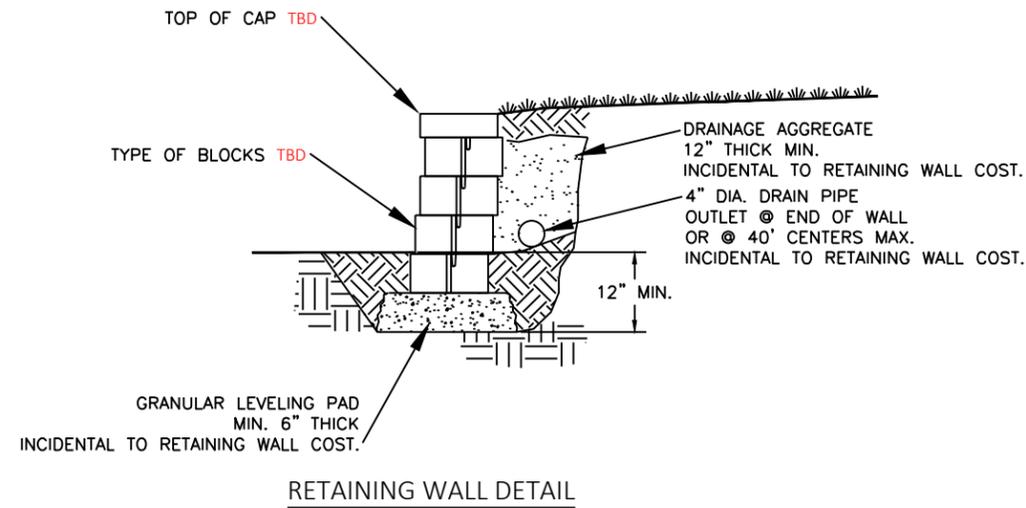
| | |
|---|---|
| 1 | ASPHALTIC SURFACE 3-INCH |
| 2 | BASE AGGREGATE DENSE 1 1/4-INCH, 6-INCH |
| 3 | LANDSCAPING / RESTORATION |
| 4 | BASE AGGREGATE DENSE 1 1/4-INCH, 9-INCH |
| 5 | ASPHALTIC SURFACE 6-INCH |
| 6 | CONCRETE CURB & GUTTER 30-INCH TYPE D |
| 7 | ASPHALTIC SURFACE 4-INCH |

Project No: 25040-000
 Date: 01-30-2026
 Designed By: JRM
 Drafted By: JRM
 Checked By: XXXX

Revisions: XX-XX-XXXX

SHEET NO.

TS-01



GENERAL NOTES

THE CONTRACTOR SHALL PROVIDE COMPLETE DESIGN, PLANS, DETAILS, SPECIFICATIONS AND SHOP DRAWINGS FOR THE RETAINING WALL IN ACCORDANCE WITH THE SPECIAL PROVISION "RETAINING WALLS"

PLANS, ELEVATIONS, AND DETAILS SHOWN ON THE RETAINING WALL PLANS IN THE FOLLOWING SHEETS ARE INTENDED TO INDICATE WALL LOCATIONS, LENGTHS, HEIGHTS, AND DETAILS COMMON TO THE WALL SYSTEM SELECTED. THE CONTRACTOR SHALL VERIFY THAT THE WALL SYSTEM SELECTED WILL CONFORM TO THE REQUIRED ALIGNMENTS AND DETAILS.

THE RETAINING WALL IS TO BE DESIGNED USING THE GRADES PROVIDED ON THIS DETAIL.

DESIGN FOR THE RETAINING WALL TO PROVIDE FOR THE FINISHED SLOPE BEHIND THE WALL AS SHOWN ON THE CROSS SECTIONS.

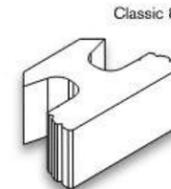
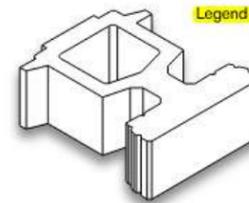
WALL MANUFACTURER TBD. BLOCKS TO BE USED ARE TBD. BLOCK COLOR TBD. FEATURES TO BE APPROVED BY THE ENGINEER.

Note: Rockwood "Legend" retaining wall (gray) to be specified to match Genhardt Rd retaining wall. Color samples to be provided to ensure color match to existing wall

WISC DOT approved retaining wall system



- Legend**
- 18" W x 22" D x 8" H
 - 1.0 sq. ft., 16/pallet
 - 131 lbs., 1.0" setback
 - Matching base block



- Classic 8**
- 18" W x 12" D x 8" H
 - 1.0 sq. ft., 24/pallet
 - 85 lbs., 1.0" setback
 - Matching base block



| TEST | METHOD | REQUIREMENT | |
|--|---------------------------|--|------------|
| | | Dry-cast | Wet-cast |
| Compressive Strength (psi) | ASTM C140 | 5000 min. | 4000 min. |
| Air Content (%) | AASHTO T152 | N/A | 6.0 +/-1.5 |
| Water Absorption (%) | ASTM C140 | 6 max. ⁽²⁾ | N/A |
| Freeze-Thaw Loss (%) 40 cycles, 5 of 5 samples 50 cycles, 4 of 5 samples | ASTM C1262 ⁽¹⁾ | 1.0 max. ⁽²⁾⁽³⁾ 1.5 max. ⁽²⁾⁽⁴⁾ | N/A |

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VILLAGE OF ELM GROVE

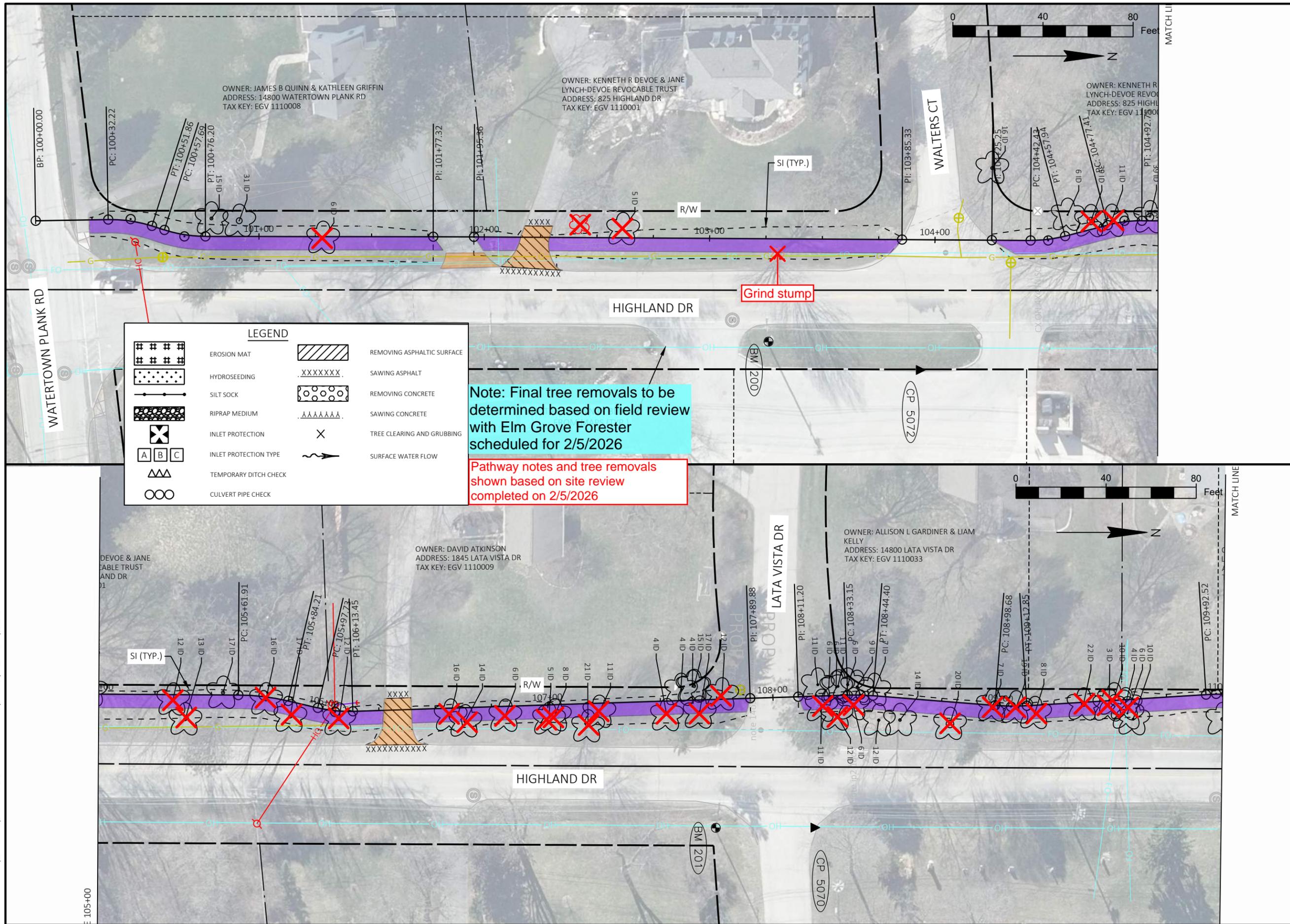
CONSTRUCTION DETAILS

Project No: 25040-000
Date: 01-30-2026
Designed By: JRM
Drafted By: JRM
Checked By: XXXX

Revisions: XX-XX-XXXX

SHEET NO.

CD-XX



| LEGEND | | | |
|--------|-----------------------|--|----------------------------|
| | EROSION MAT | | REMOVING ASPHALTIC SURFACE |
| | HYDROSEEDING | | SAWING ASPHALT |
| | SILT SOCK | | REMOVING CONCRETE |
| | RIPRAP MEDIUM | | SAWING CONCRETE |
| | INLET PROTECTION | | TREE CLEARING AND GRUBBING |
| | INLET PROTECTION TYPE | | SURFACE WATER FLOW |
| | TEMPORARY DITCH CHECK | | |
| | CULVERT PIPE CHECK | | |

Note: Final tree removals to be determined based on field review with Elm Grove Forester scheduled for 2/5/2026

Pathway notes and tree removals shown based on site review completed on 2/5/2026

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VILLAGE OF ELM GROVE
REMOVAL PLAN
 2026 PATHWAY

Project No: 25040-000
 Date: 01-30-2026
 Designed By: AGL
 Drafted By: TB
 Checked By: SDH

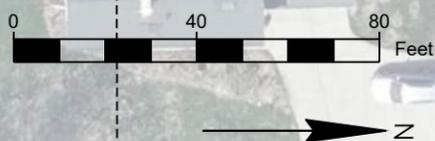
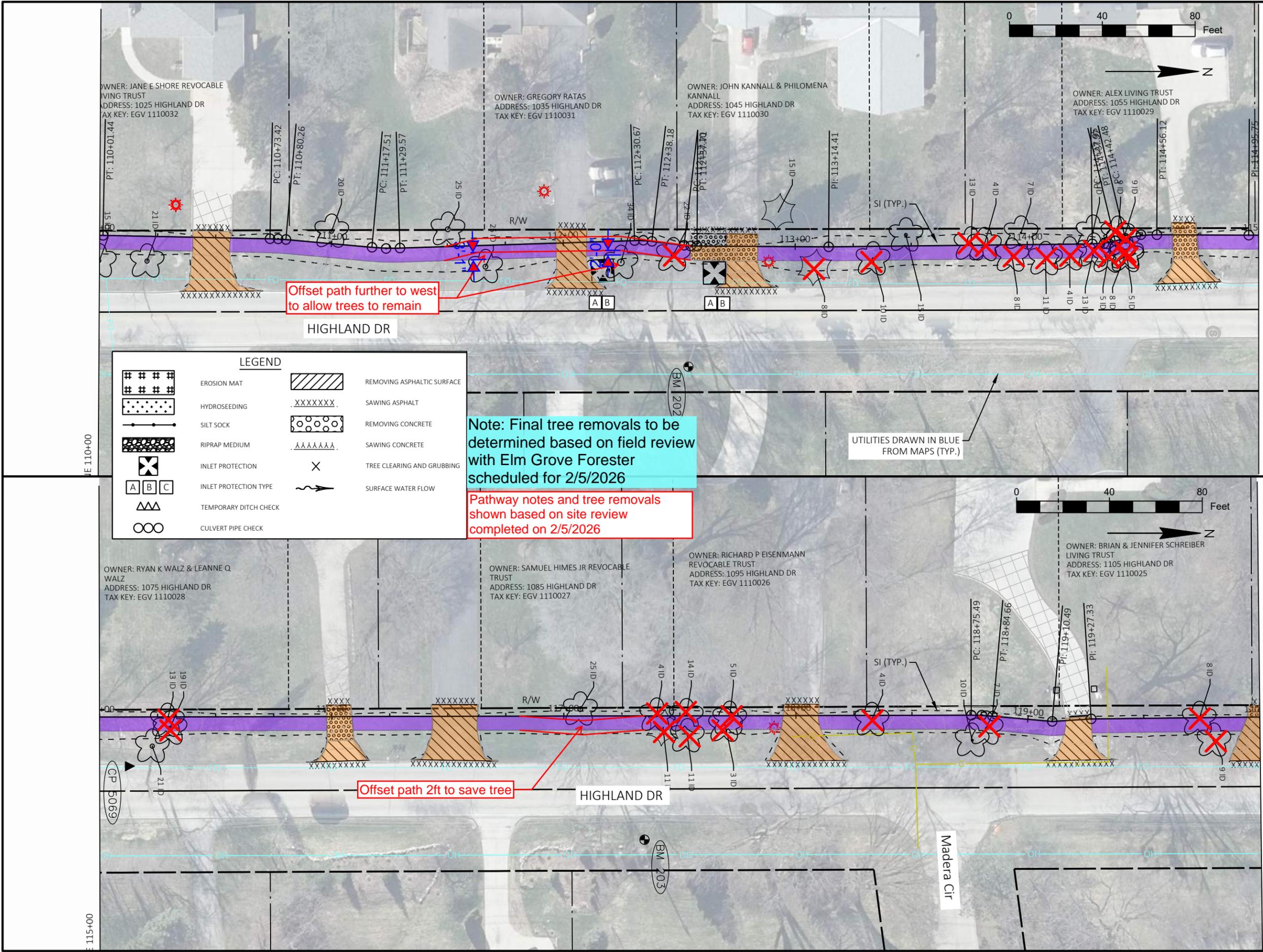
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SHEET NO.
RM-01

PLOT DATE: 2/2/2026 8:29 AM

PLOT BY: TRAVIS BRUSH

FILE NAME: G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\021101-RM.DWG



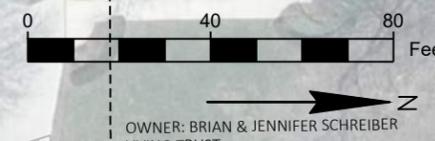
Offset path further to west to allow trees to remain

Note: Final tree removals to be determined based on field review with Elm Grove Forester scheduled for 2/5/2026

Pathway notes and tree removals shown based on site review completed on 2/5/2026

UTILITIES DRAWN IN BLUE FROM MAPS (TYP.)

Offset path 2ft to save tree



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VILLAGE OF ELM GROVE
REMOVAL PLAN
2026 PATHWAY

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 Checked By: SDH

Revisions: XX-XX-XXXX

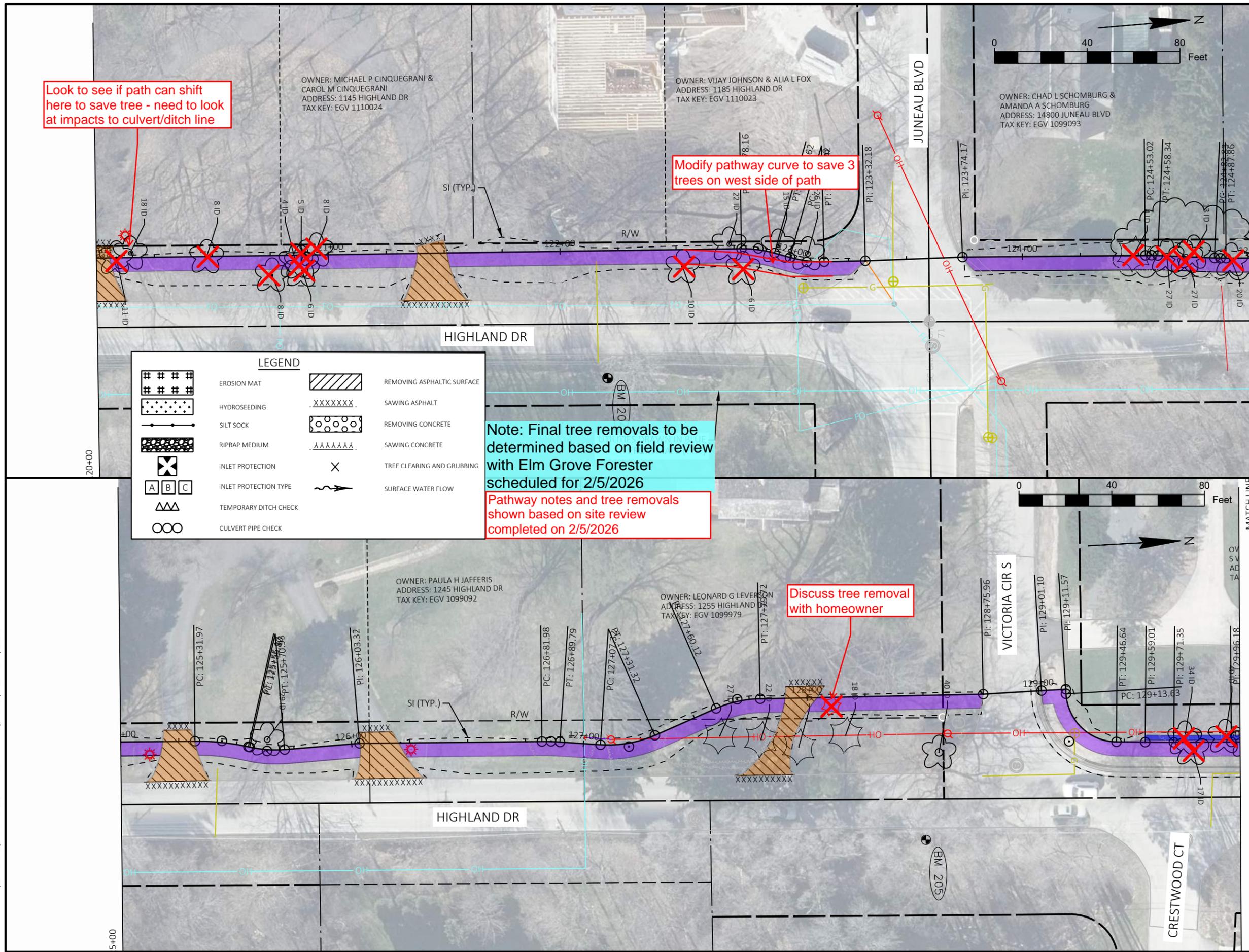
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PLOT DATE: 2/2/2026 8:30 AM

PLOT BY: TRAVIS BRUSH

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VILLAGE OF ELM GROVE
REMOVAL PLAN
2026 PATHWAY

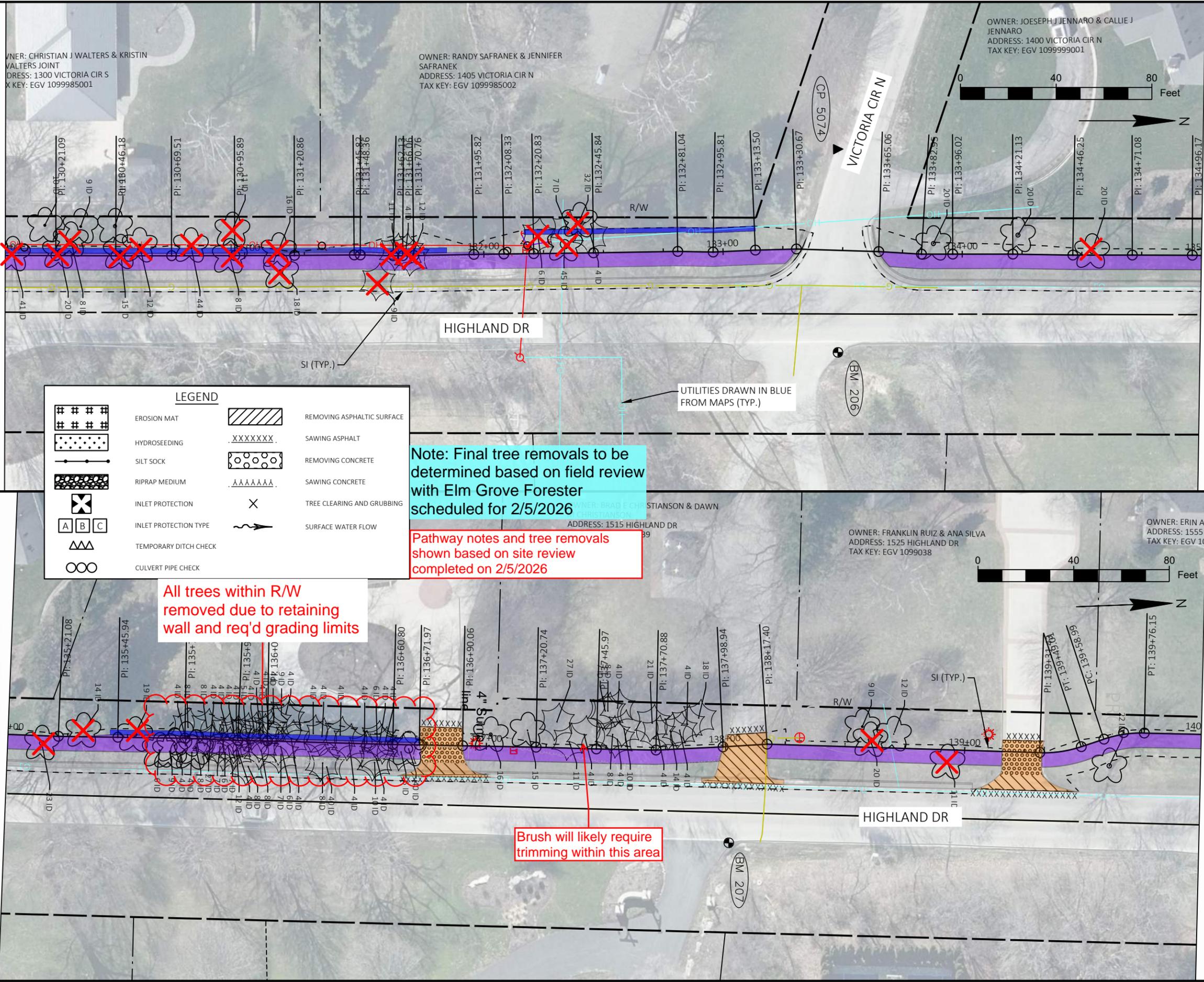
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Revisions: XX-XX-XXXX

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RM-03

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OWNER: CHRISTIAN J WALTERS & KRISTIN WALTERS JOINT
 ADDRESS: 1300 VICTORIA CIR S
 TAX KEY: EGV 1099985001

OWNER: RANDY SAFRANEK & JENNIFER SAFRANEK
 ADDRESS: 1405 VICTORIA CIR N
 TAX KEY: EGV 1099985002

OWNER: JOSEPH J JENARO & CALLIE J JENARO
 ADDRESS: 1400 VICTORIA CIR N
 TAX KEY: EGV 1099999001

OWNER: BRAD L CHRISTIANSON & DAWN
 ADDRESS: 1515 HIGHLAND DR
 TAX KEY: EGV 10999038

OWNER: FRANKLIN RUIZ & ANA SILVA
 ADDRESS: 1525 HIGHLAND DR
 TAX KEY: EGV 10999038

OWNER: ERIN A
 ADDRESS: 1555
 TAX KEY: EGV 10999038

| LEGEND | |
|--------|----------------------------|
| | EROSION MAT |
| | HYDROSEEDING |
| | SILT SOCK |
| | RIPRAP MEDIUM |
| | INLET PROTECTION |
| | INLET PROTECTION TYPE |
| | TEMPORARY DITCH CHECK |
| | CULVERT PIPE CHECK |
| | REMOVING ASPHALTIC SURFACE |
| | SAWING ASPHALT |
| | REMOVING CONCRETE |
| | SAWING CONCRETE |
| | TREE CLEARING AND GRUBBING |
| | SURFACE WATER FLOW |

Note: Final tree removals to be determined based on field review with Elm Grove Forester scheduled for 2/5/2026

Pathway notes and tree removals shown based on site review completed on 2/5/2026

All trees within R/W removed due to retaining wall and req'd grading limits

Brush will likely require trimming within this area

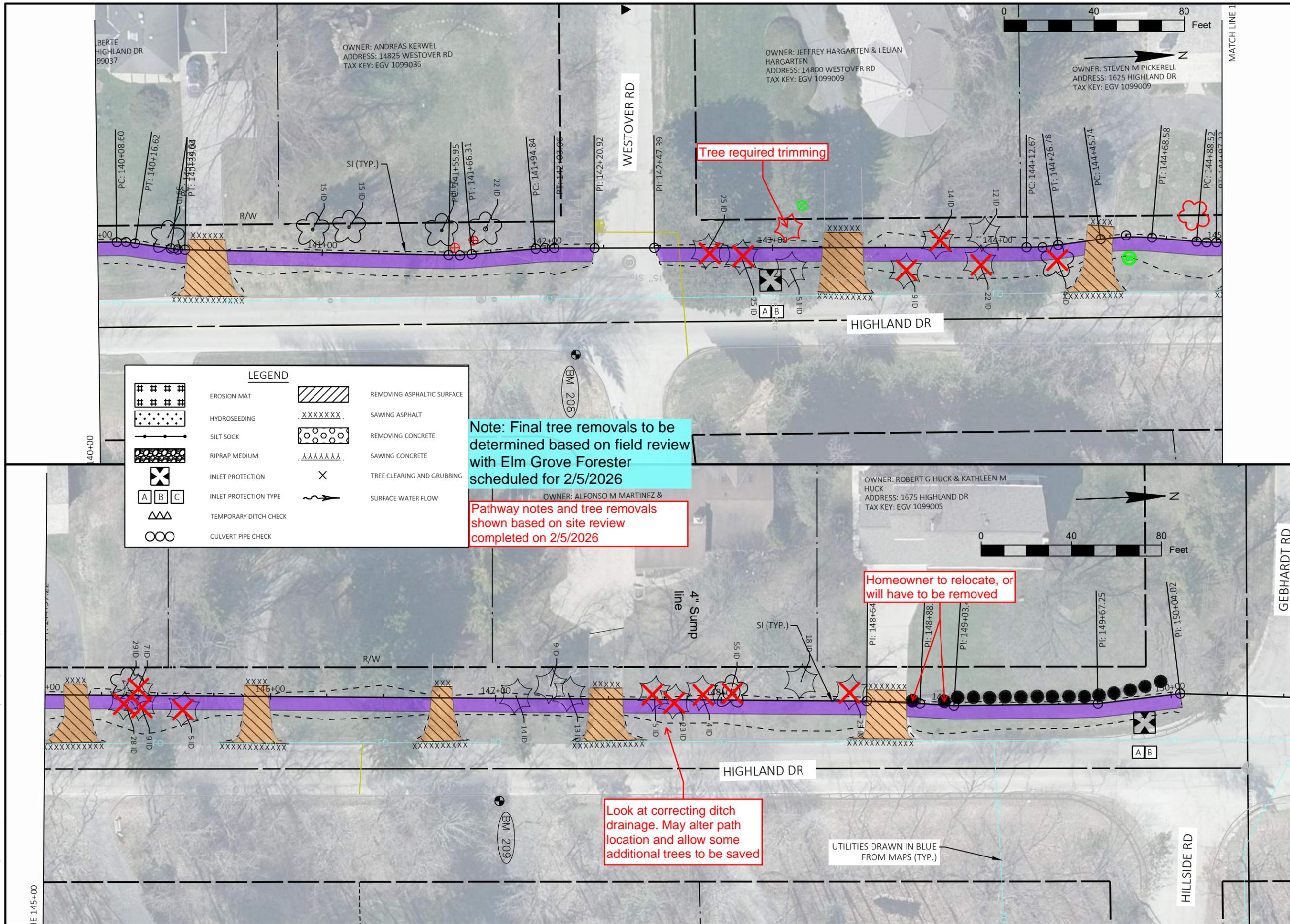
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VILLAGE OF ELM GROVE
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VILLAGE OF ELM GROVE
PLAN & PROFILE
2026 PATHWAY

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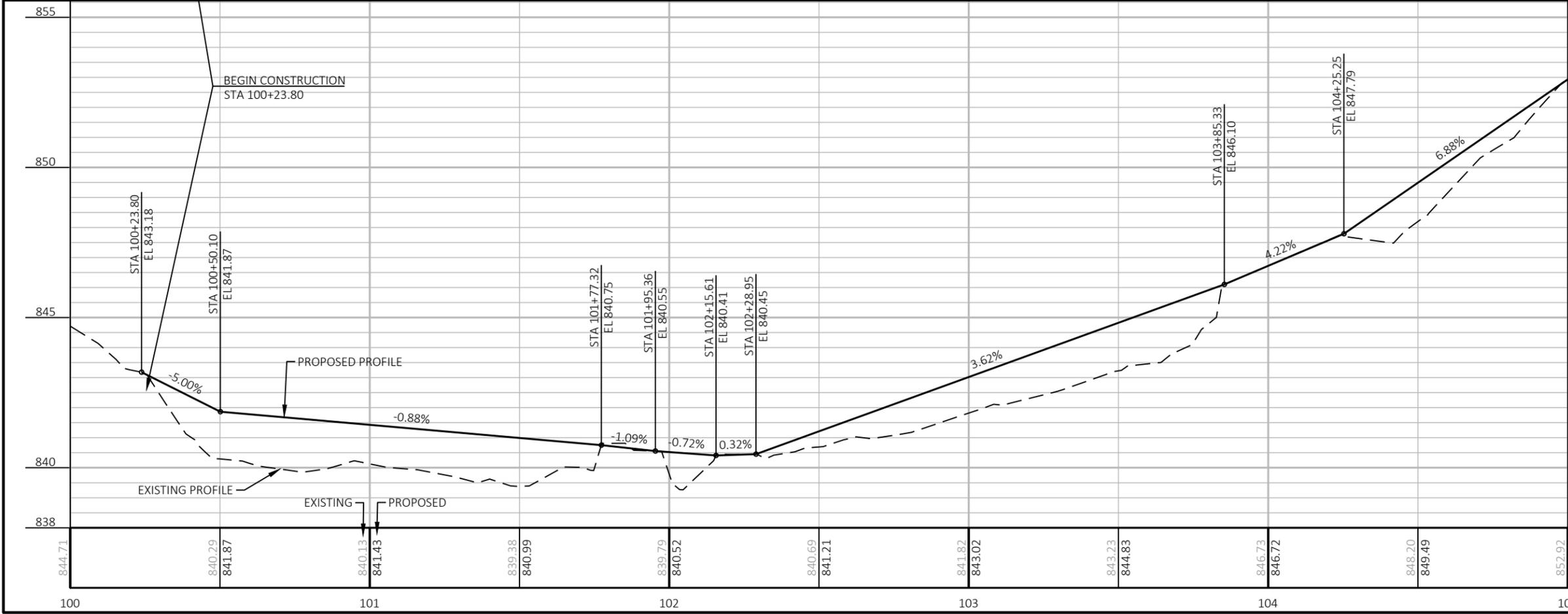
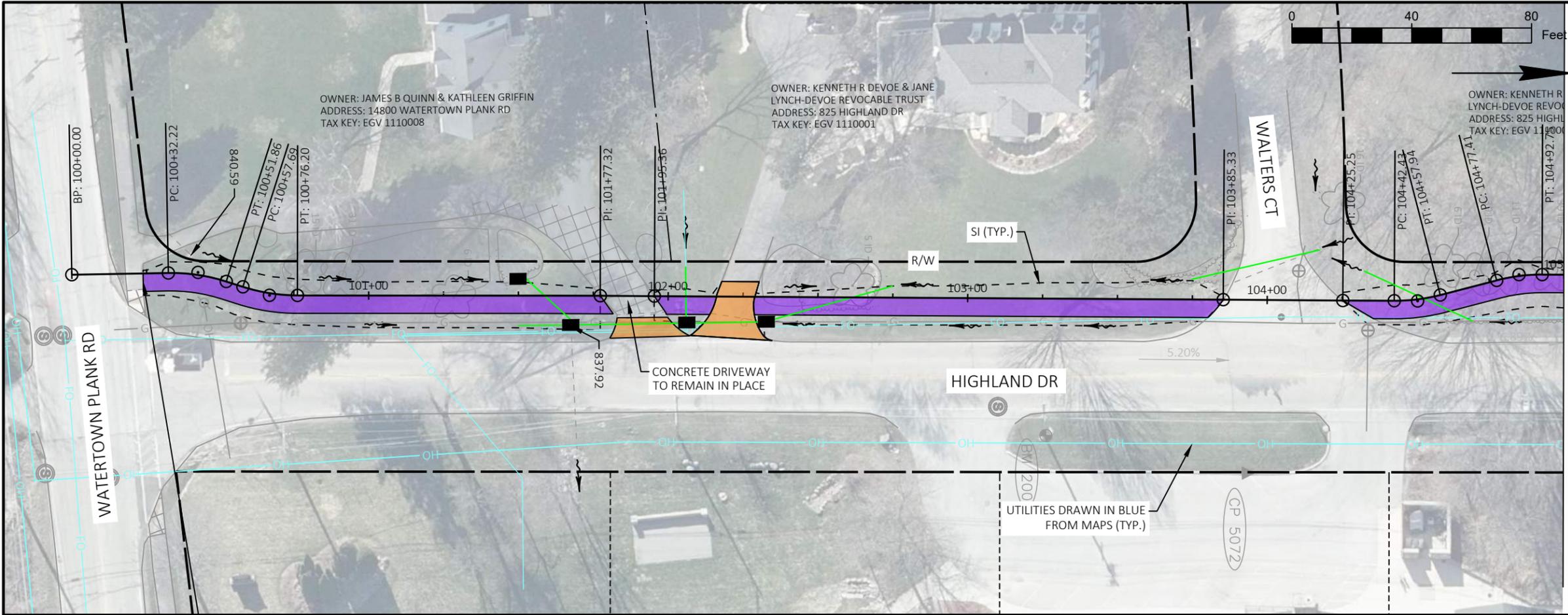
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SHEET NO.

PP-05

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PLOT BY : ARIELLE LEWEN PLOT DATE : 1/30/2026 5:01 PM



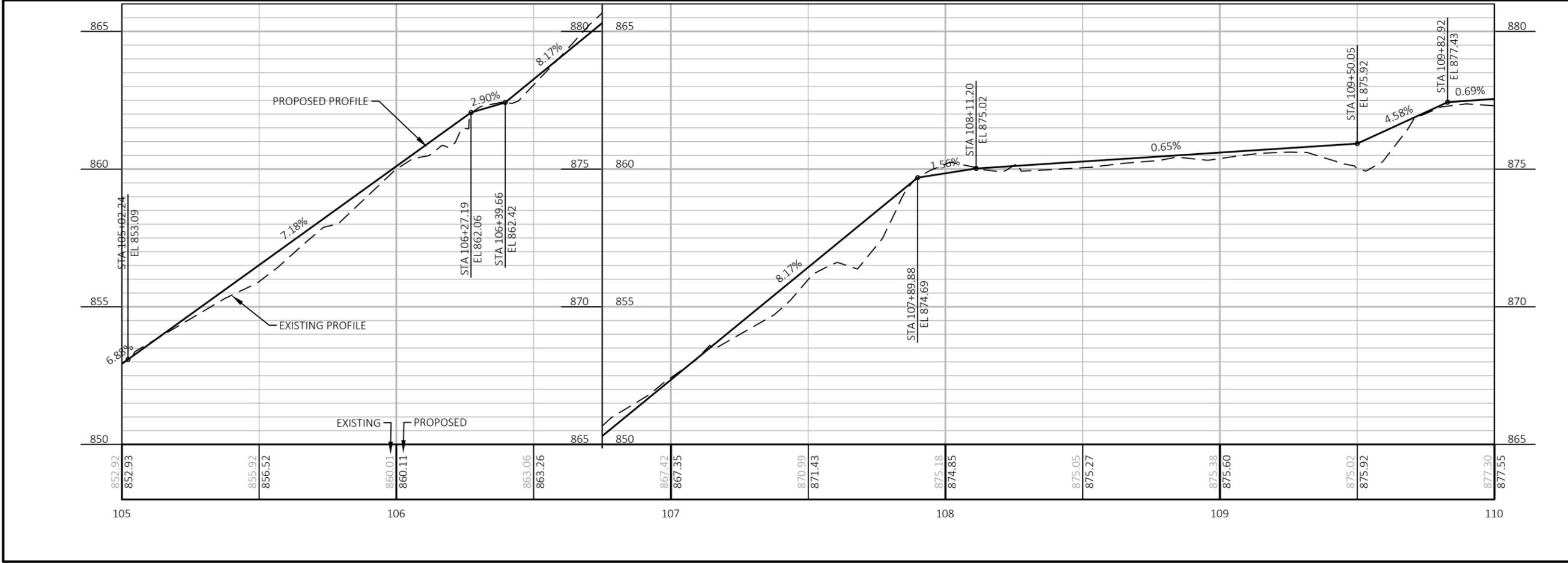
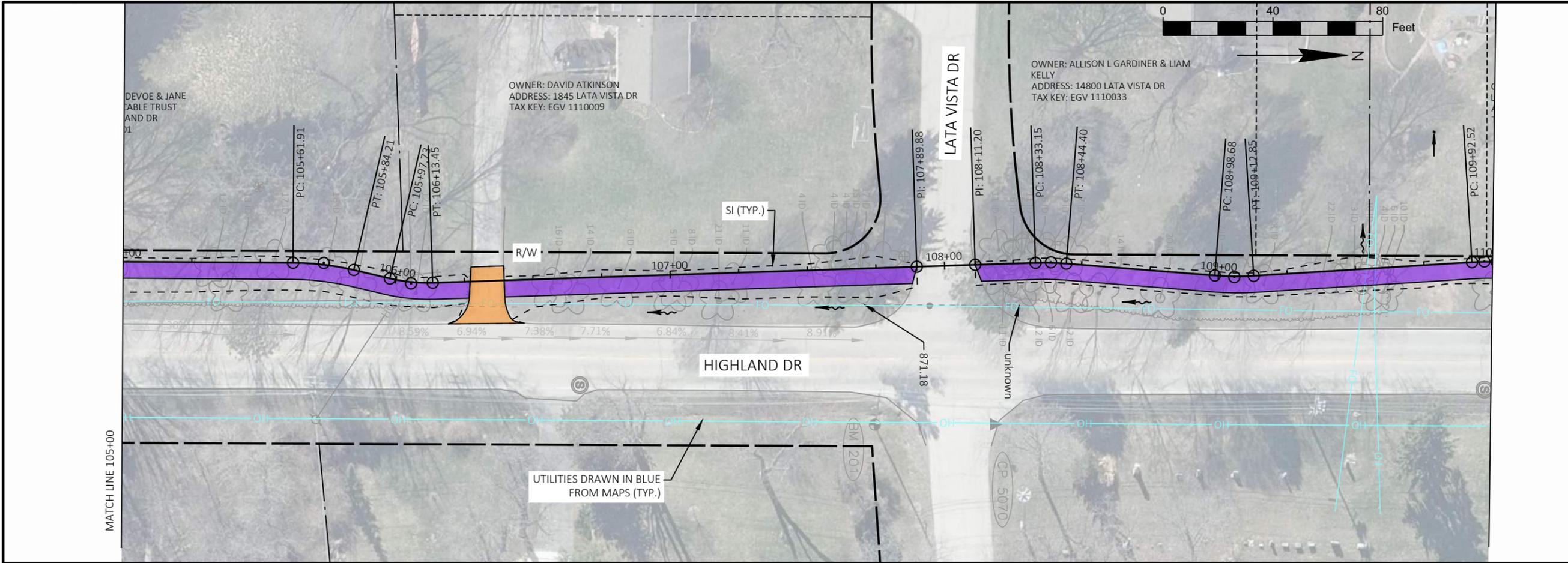
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2026 PATHWAY

Project No: 25040-000
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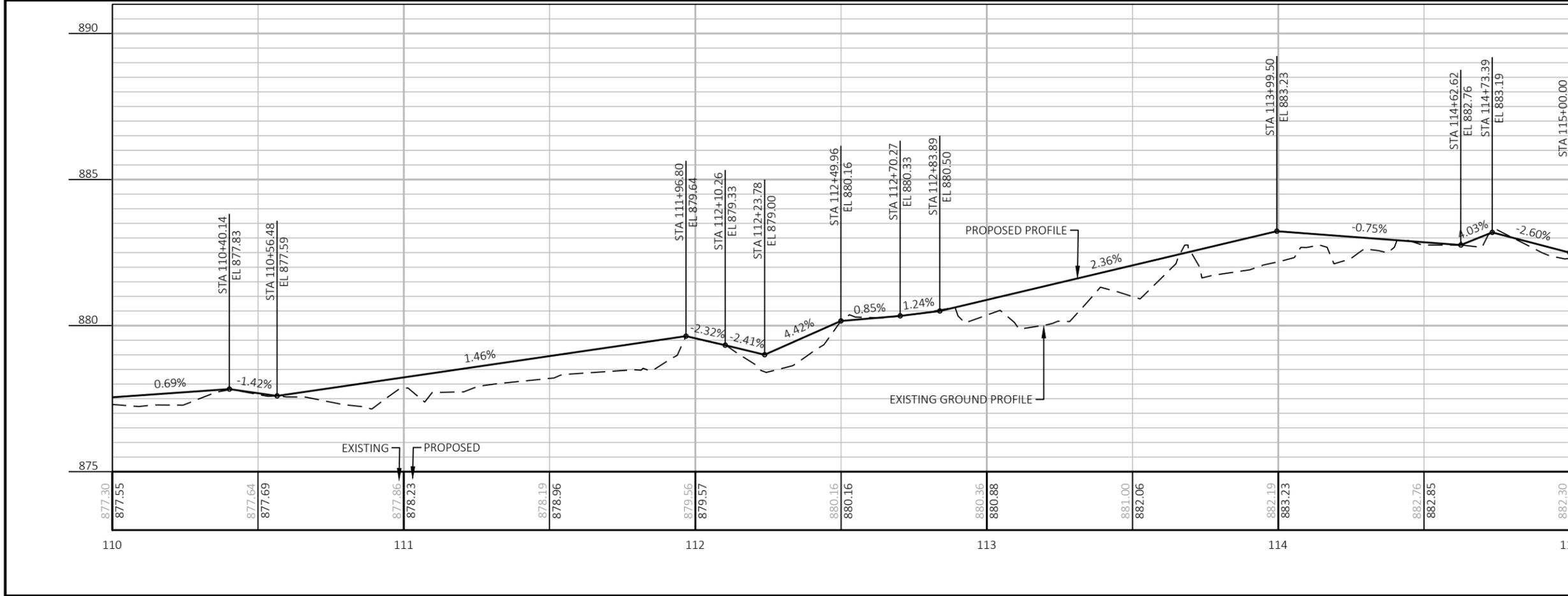
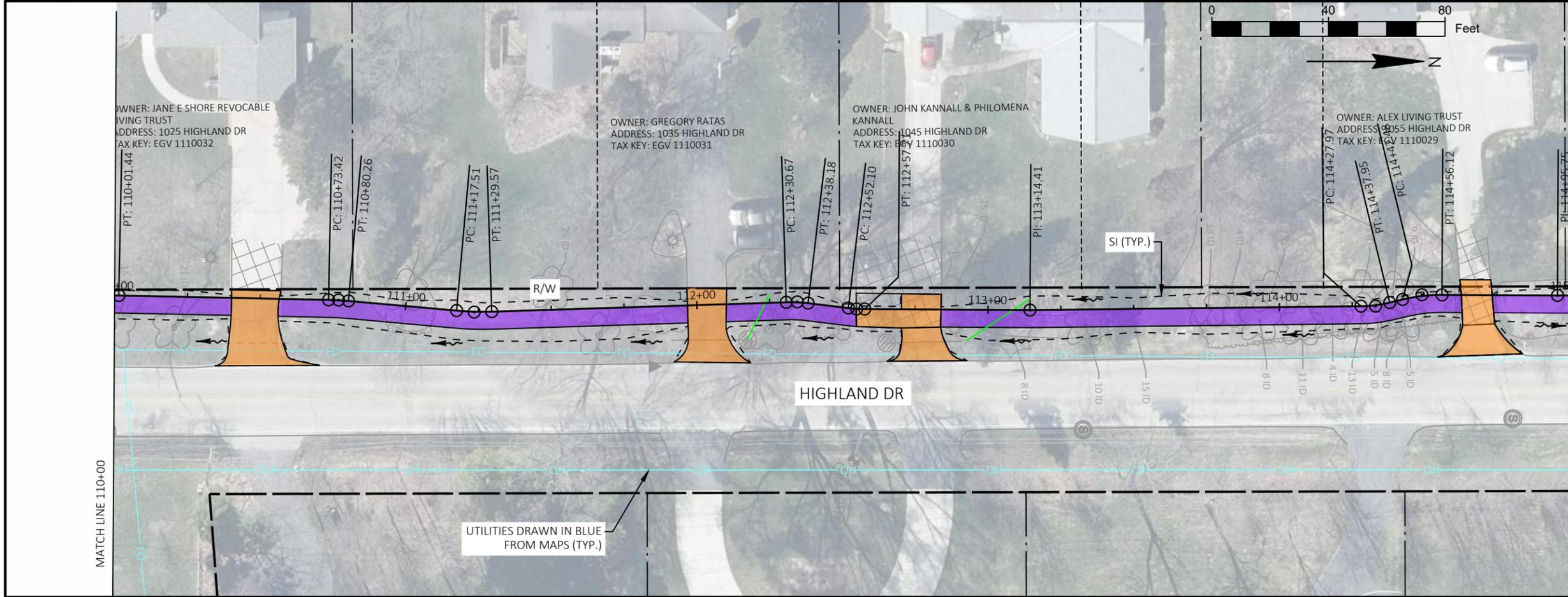
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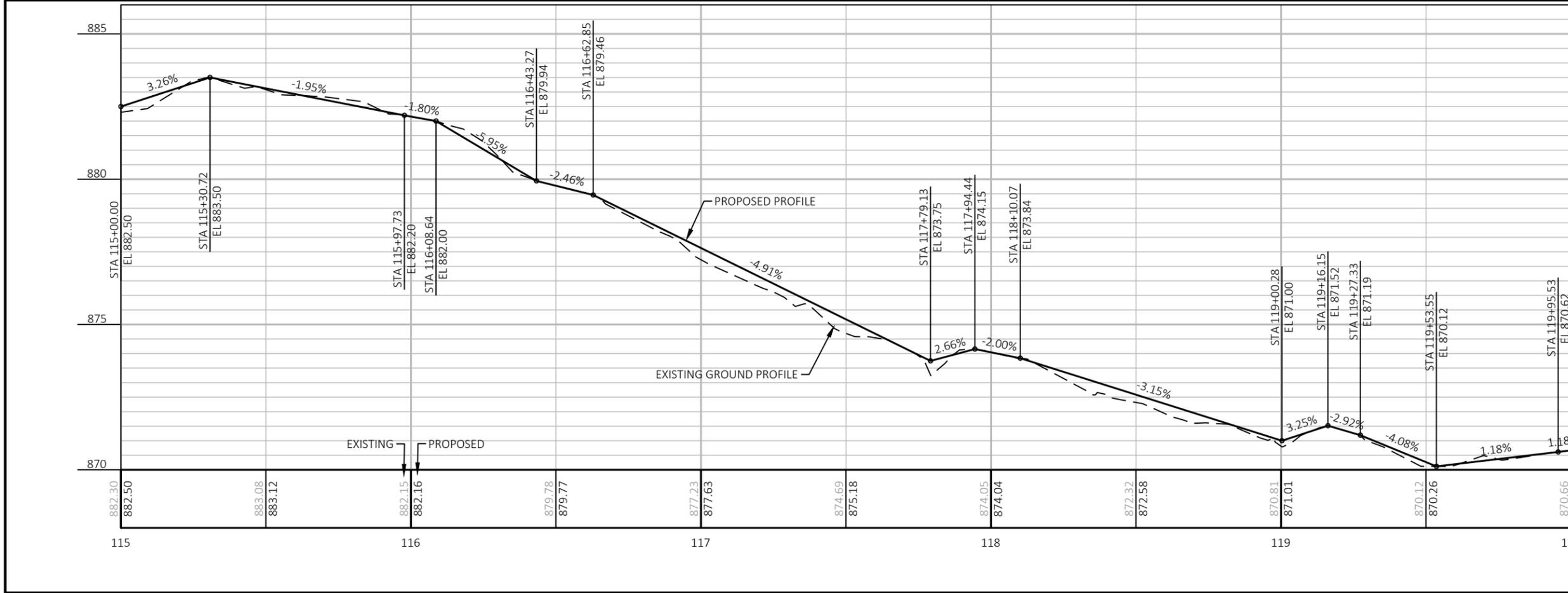
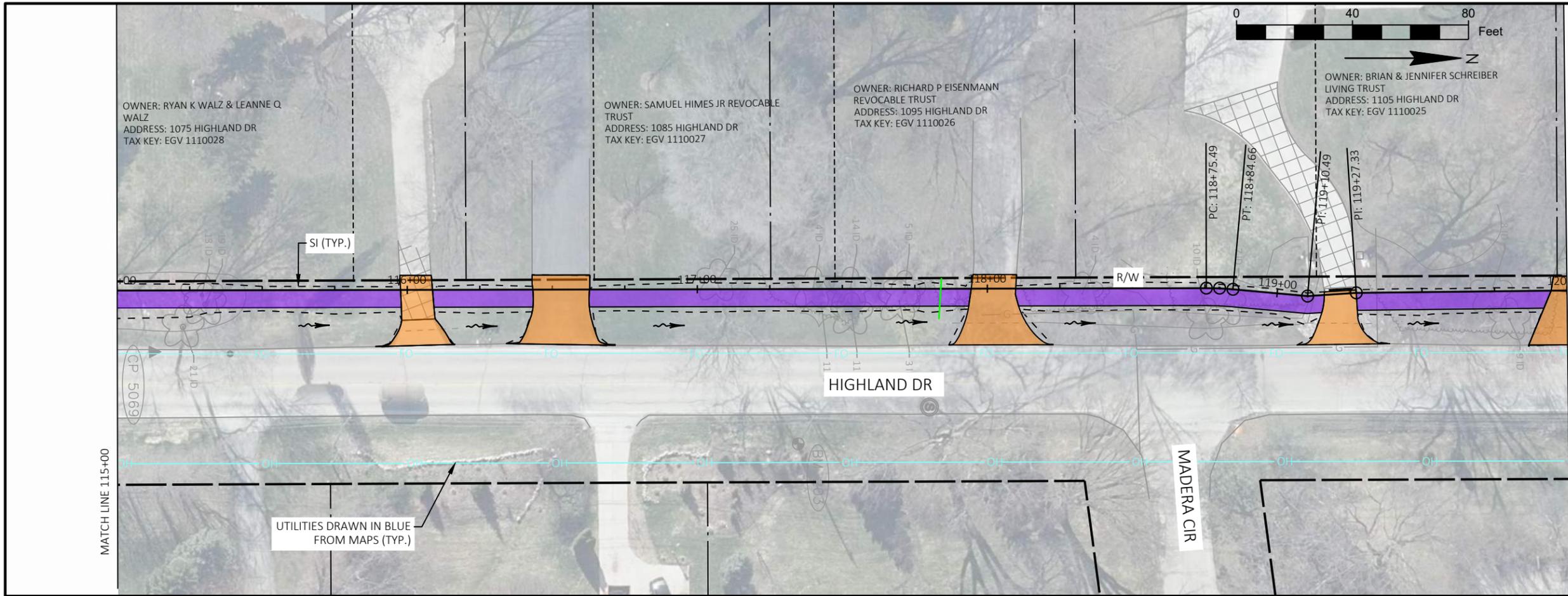
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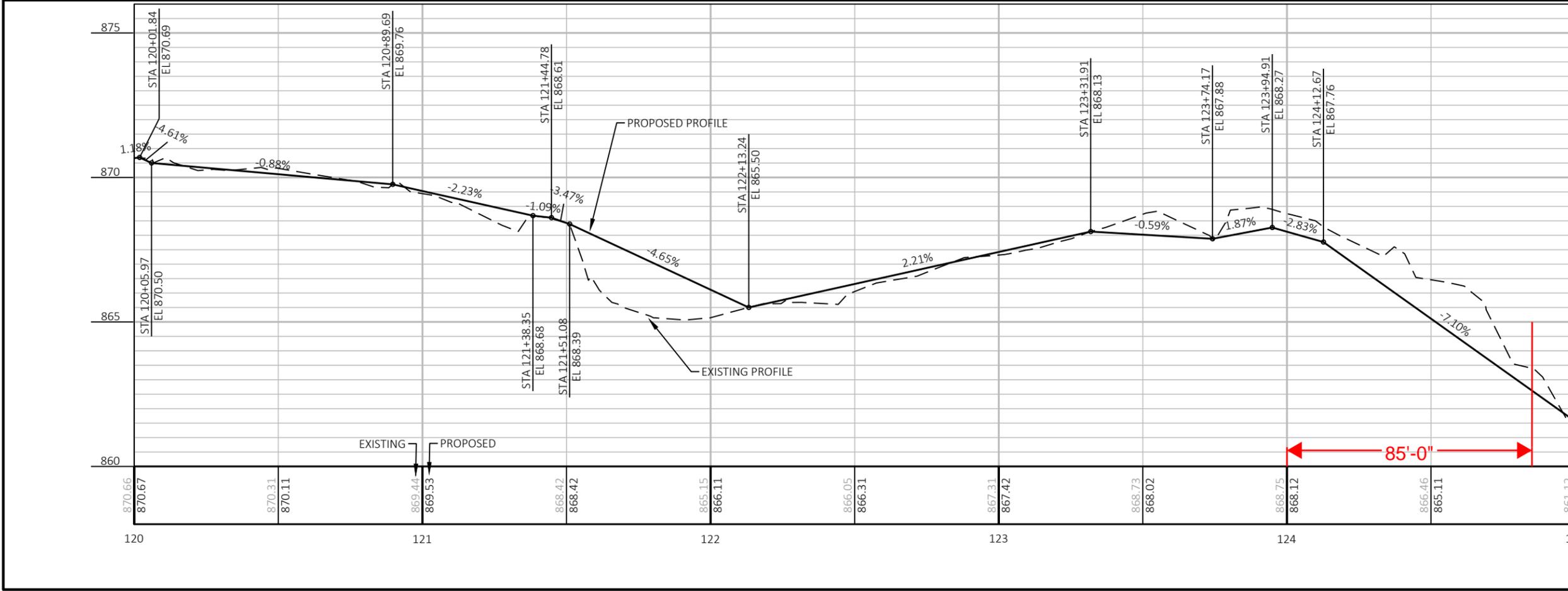
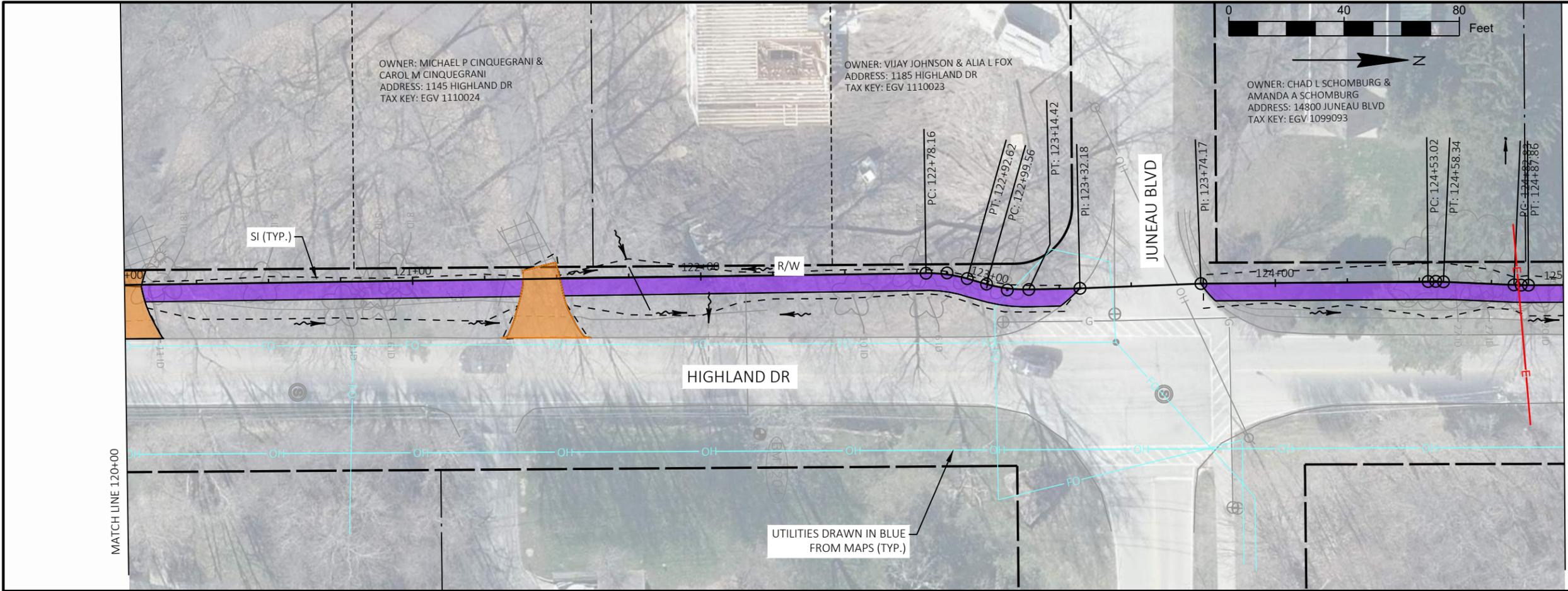
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 2026 PATHWAY

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PP-04

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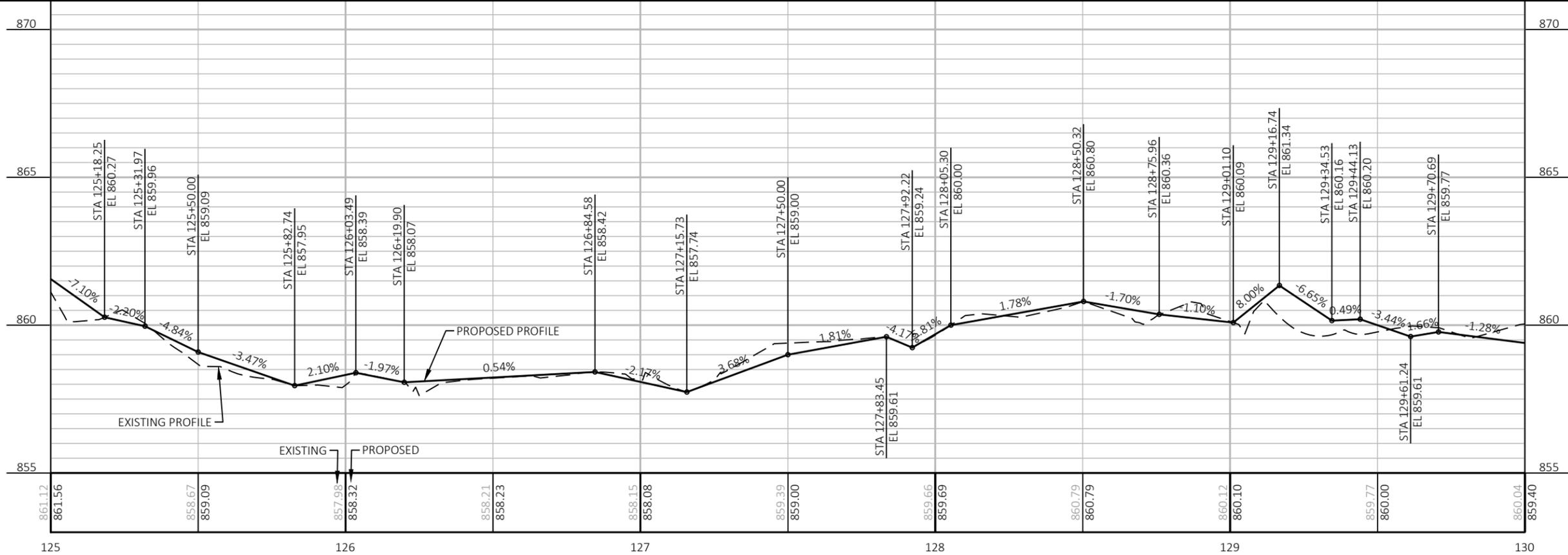
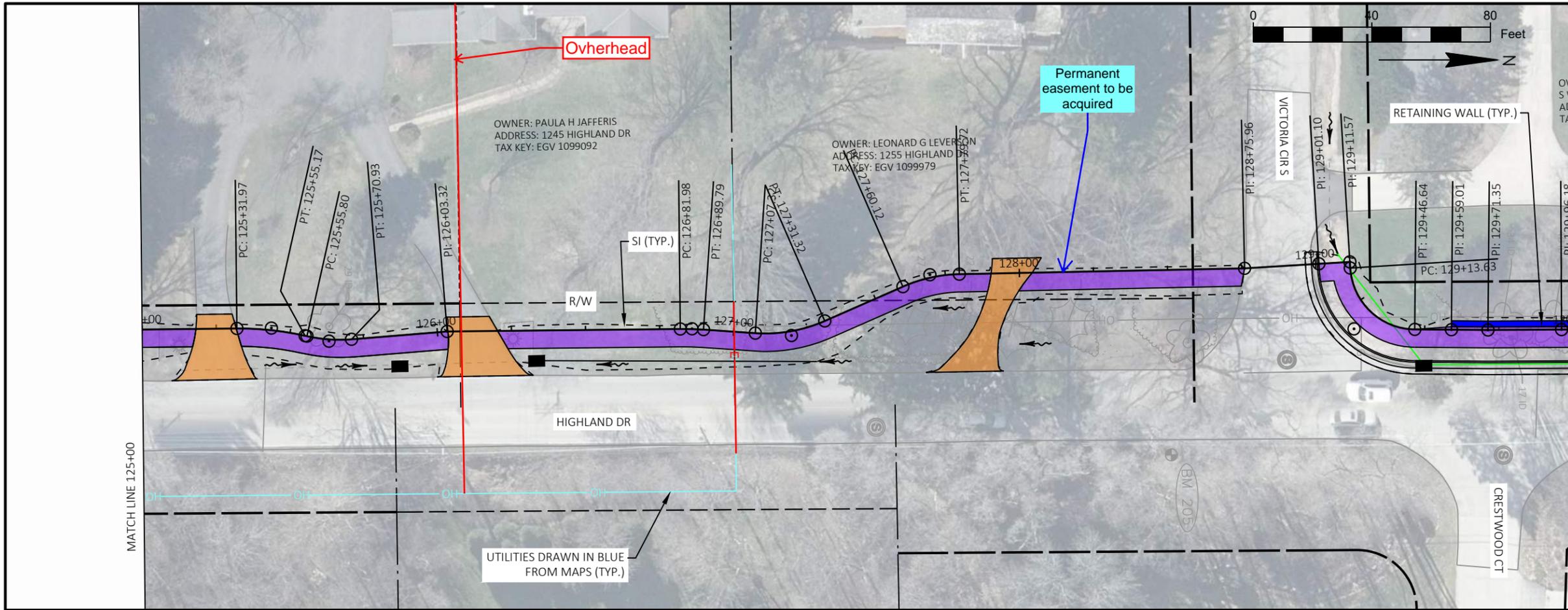
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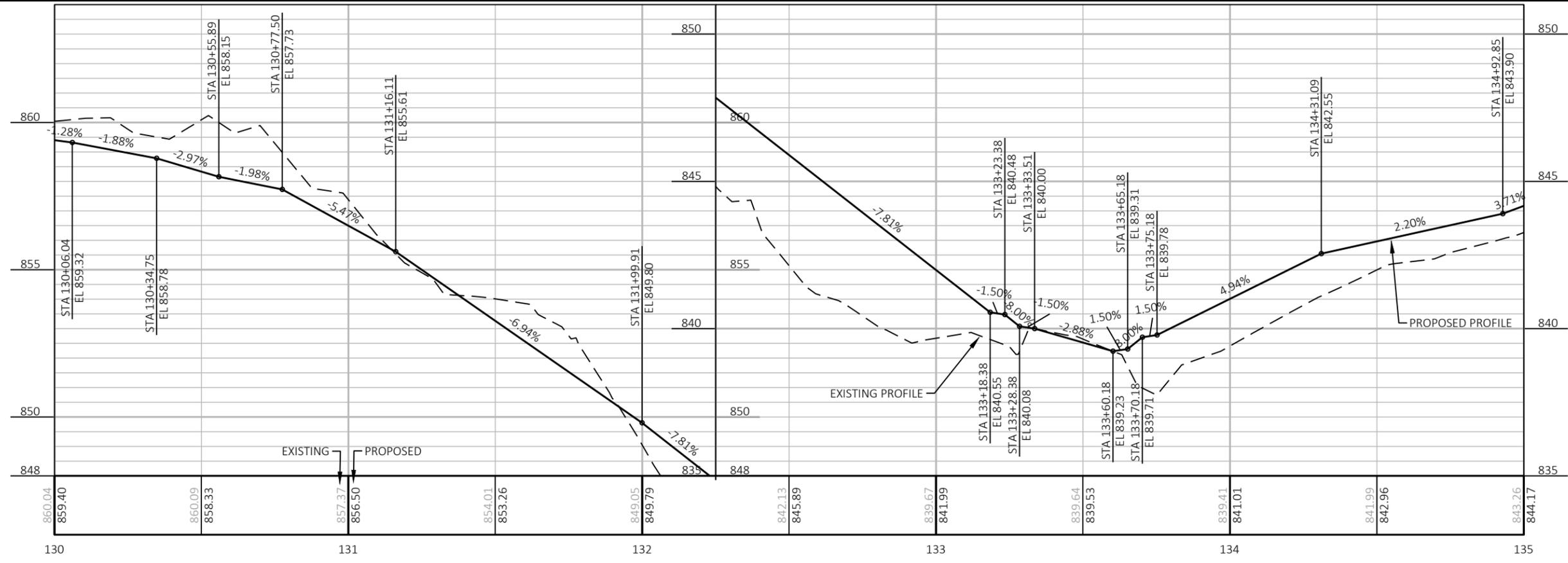
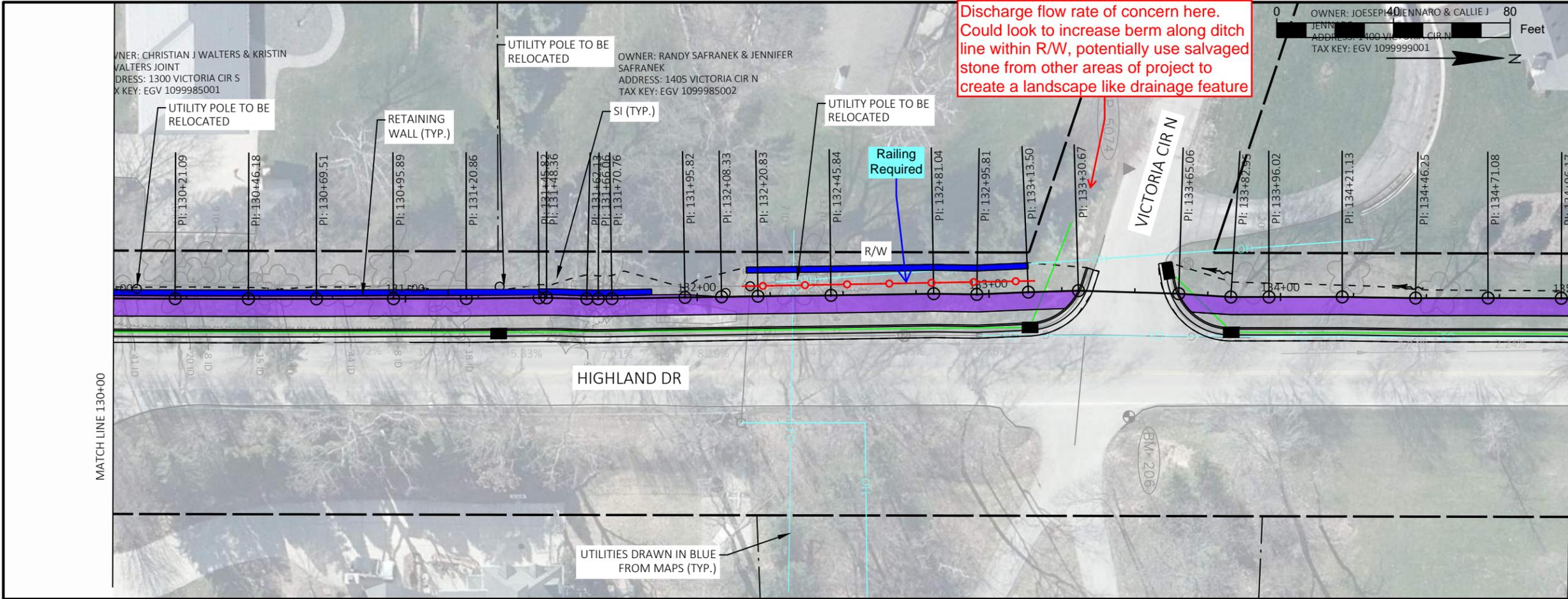
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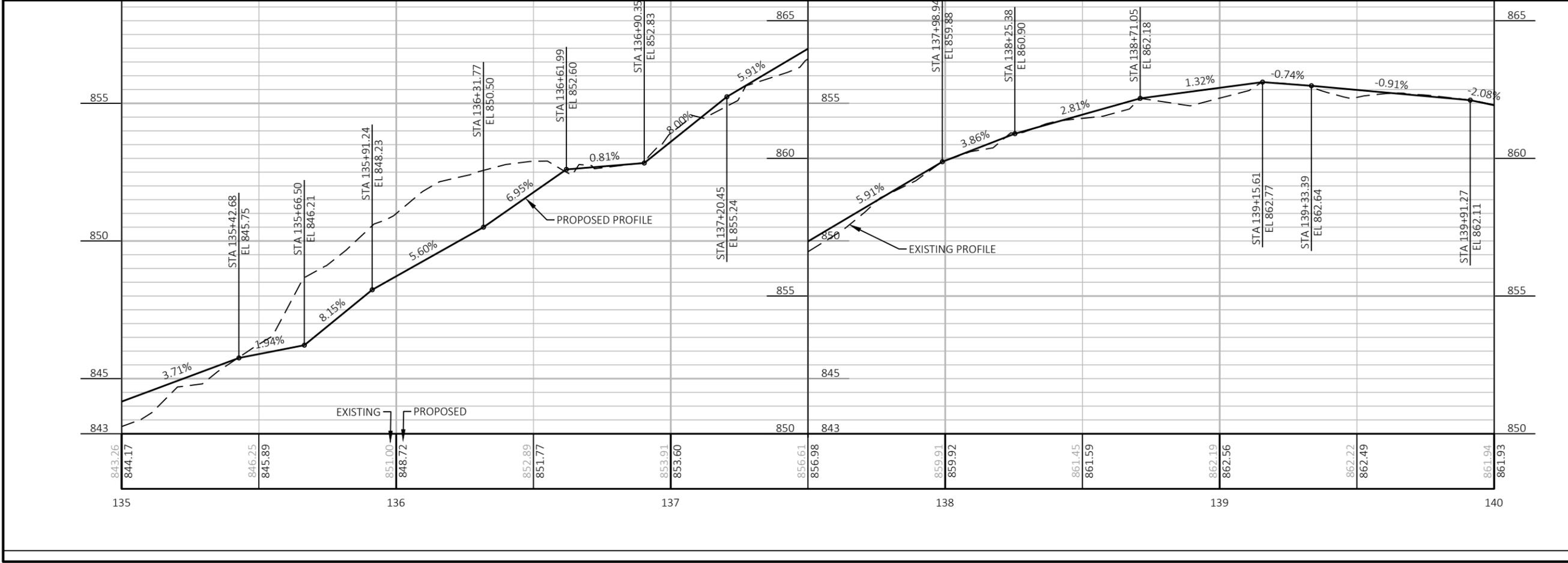
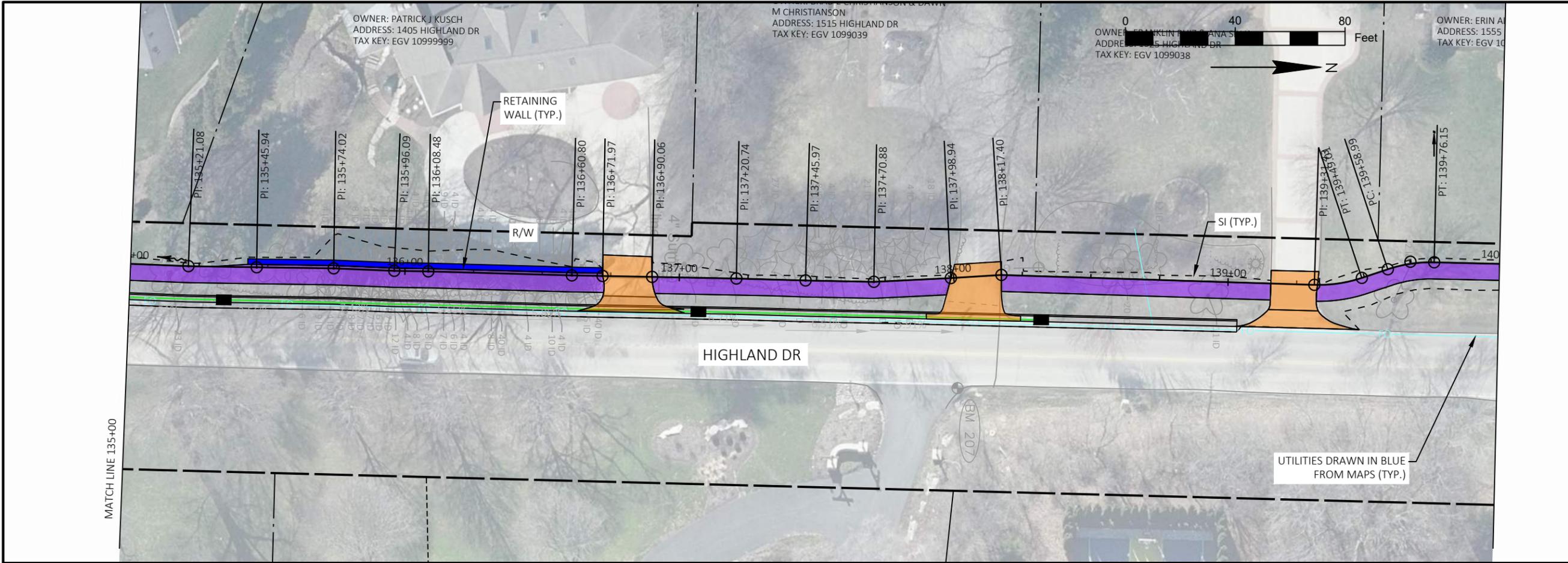
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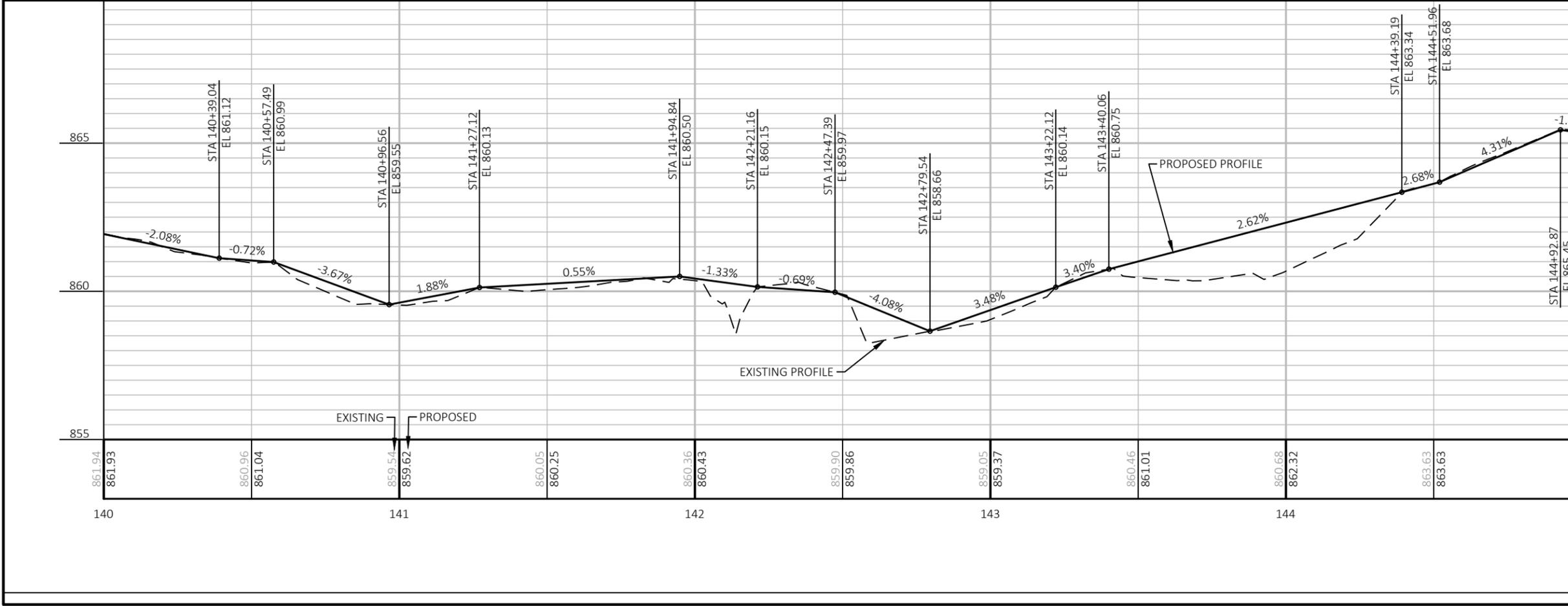
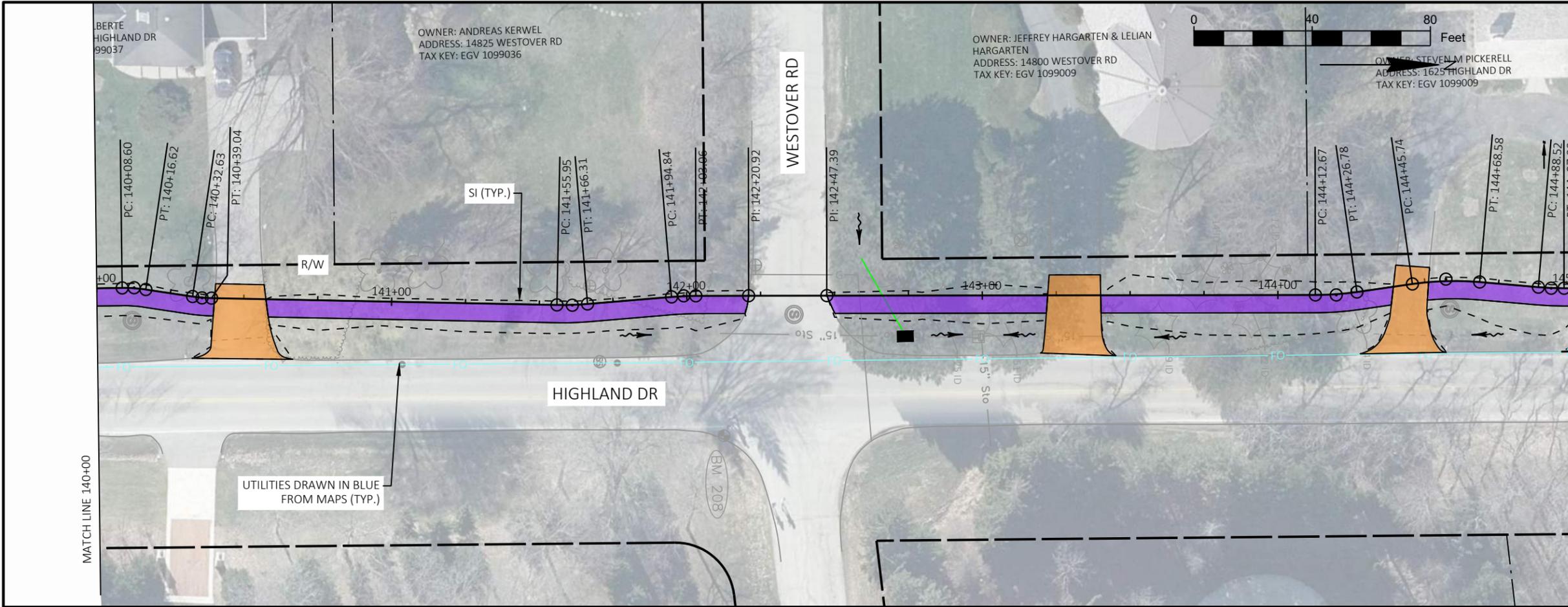
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PP-08

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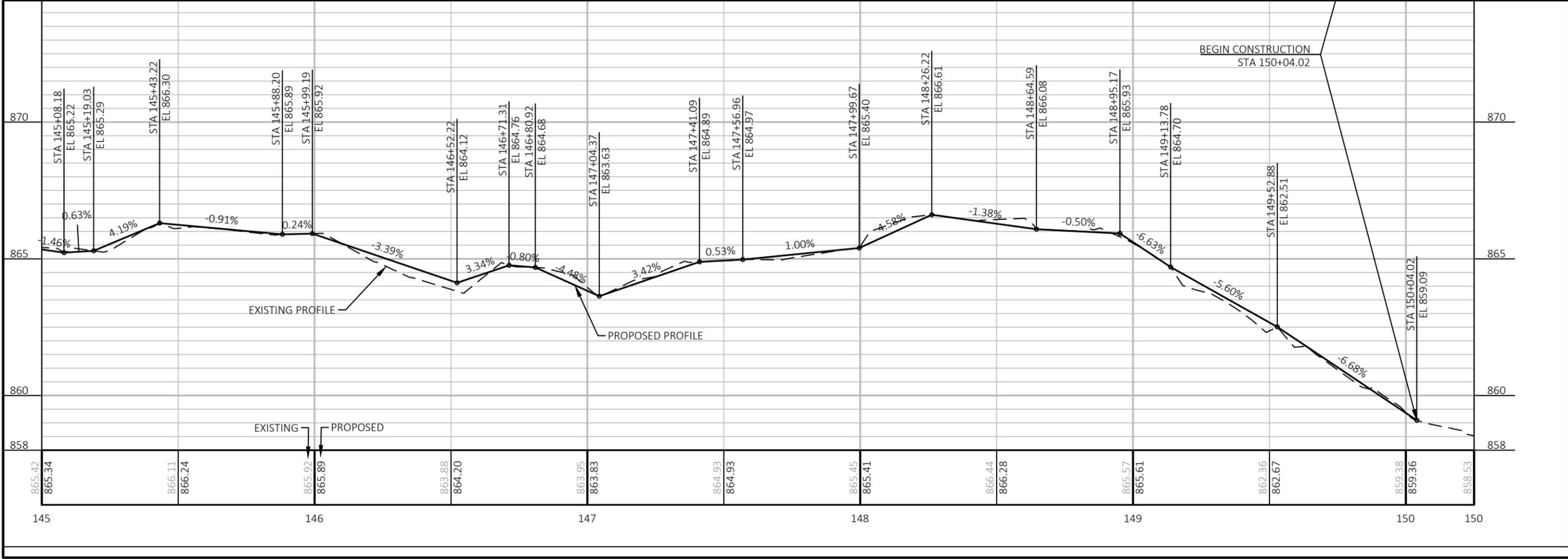
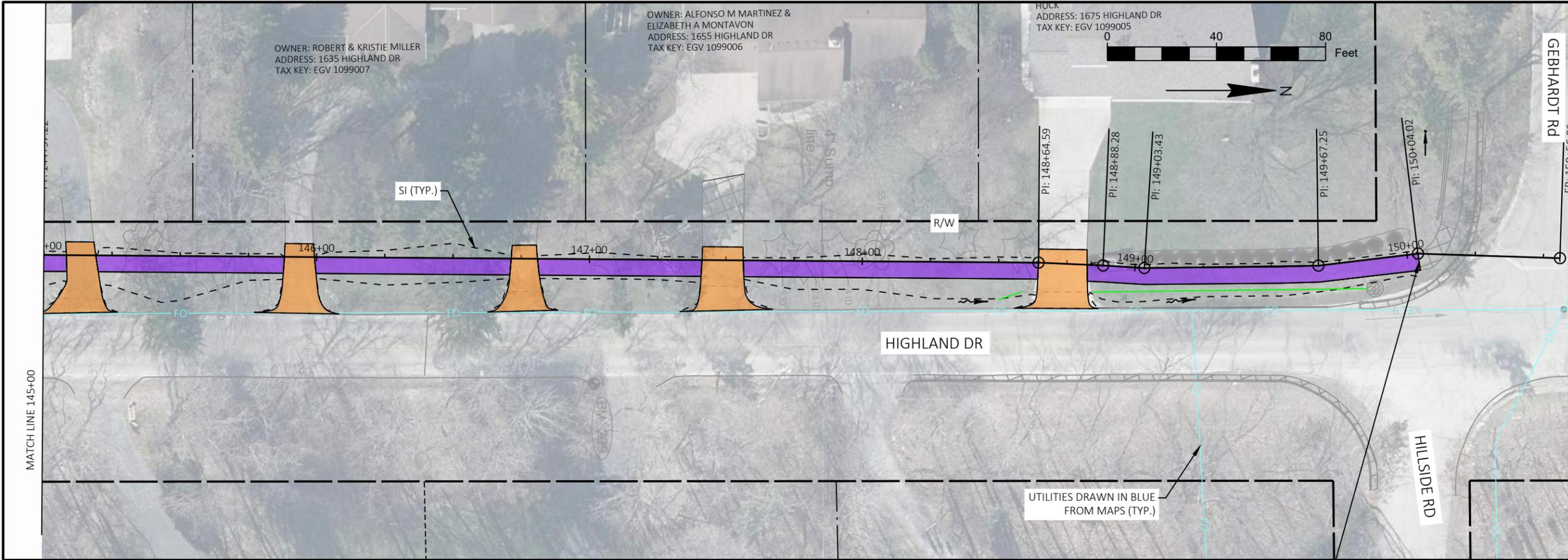
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<http://klengineering.com>
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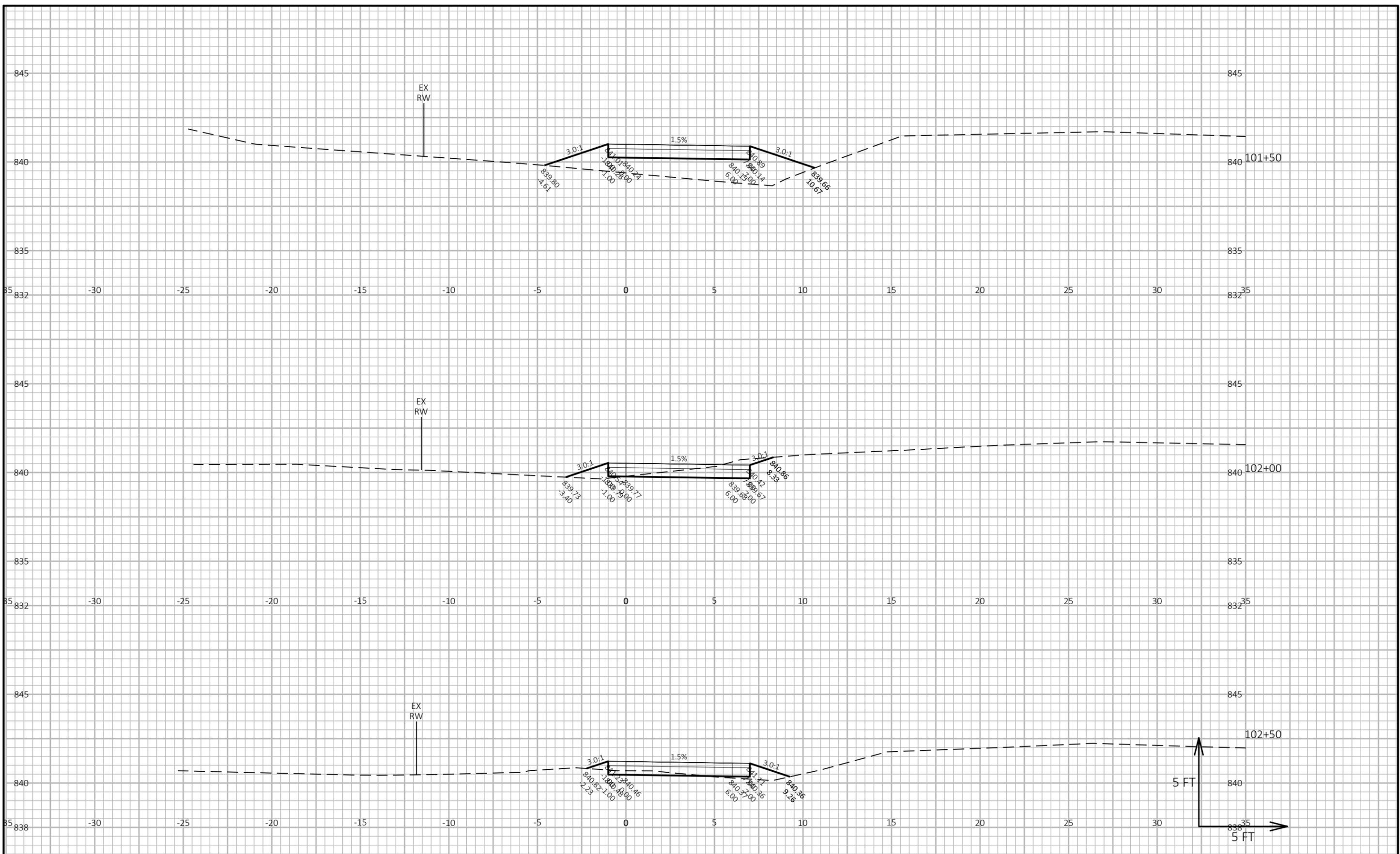
VILLAGE OF ELM GROVE
PLAN & PROFILE
 2026 PATHWAY

Project No: 25040-000
 Date: 01-30-2026
 Designed By: AGL
 Drafted By: TB
 Checked By: SDH

Revisions: XX-XX-XXXX

SHEET NO.
PP-10
 Draft Print
 FOR REVIEW ONLY

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG PLOT DATE : 1/30/2026 5:06 PM PLOT BY : ARIELLE LEWEN



CROSS SECTIONS - 2026 PATHWAY

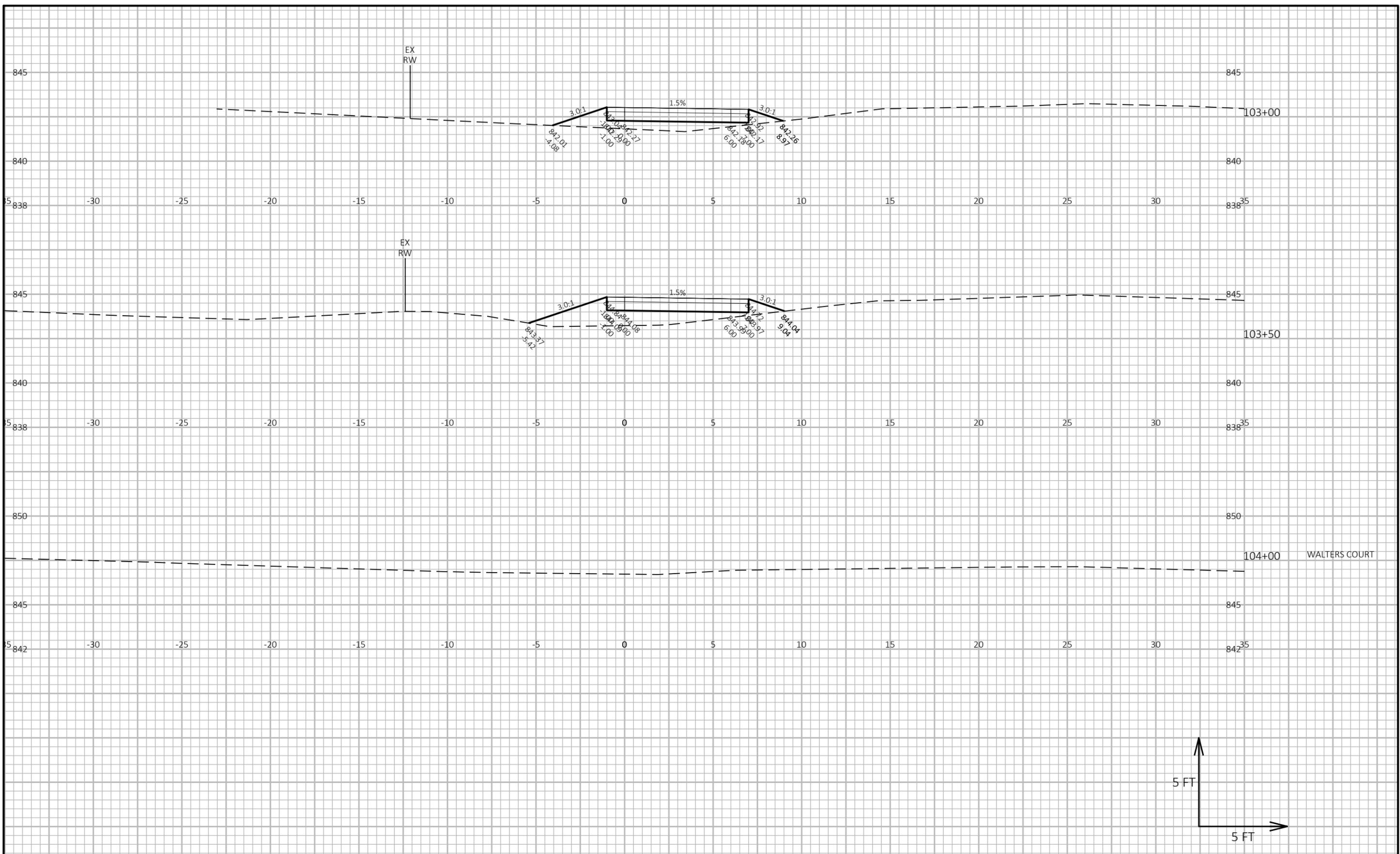
Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-02

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PLOT BY: ARIELLE LEWIS
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-03

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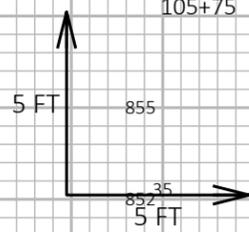
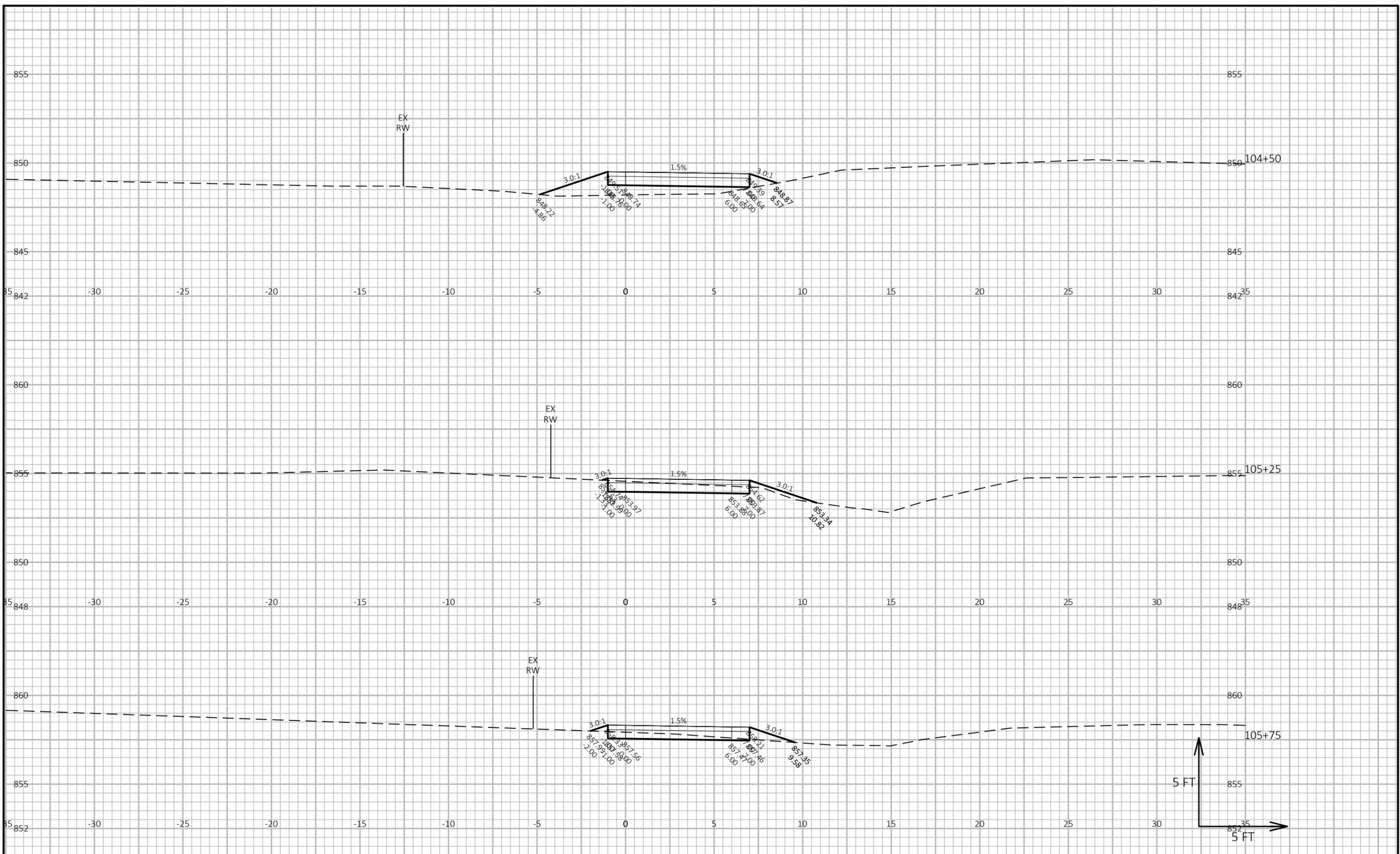
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FOR REVIEW ONLY

PLOT DATE : 1/30/2026 5:06 PM

PLOT BY : ARIELLE LEWEN

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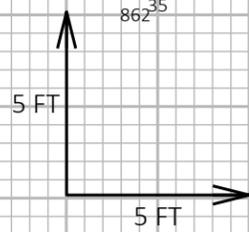
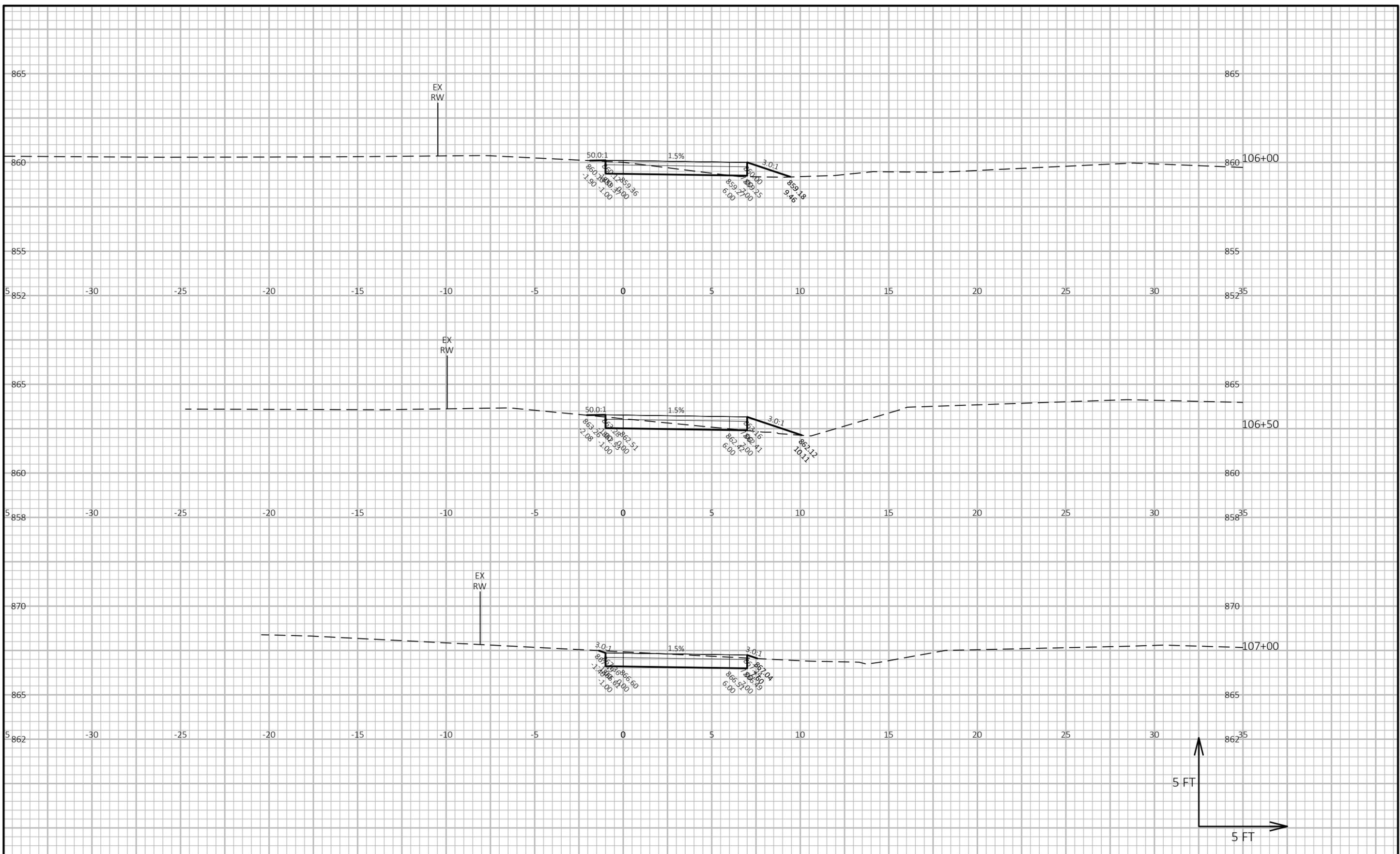
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 Date: 01-30-2026 Checked By: SH

CS-04

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PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

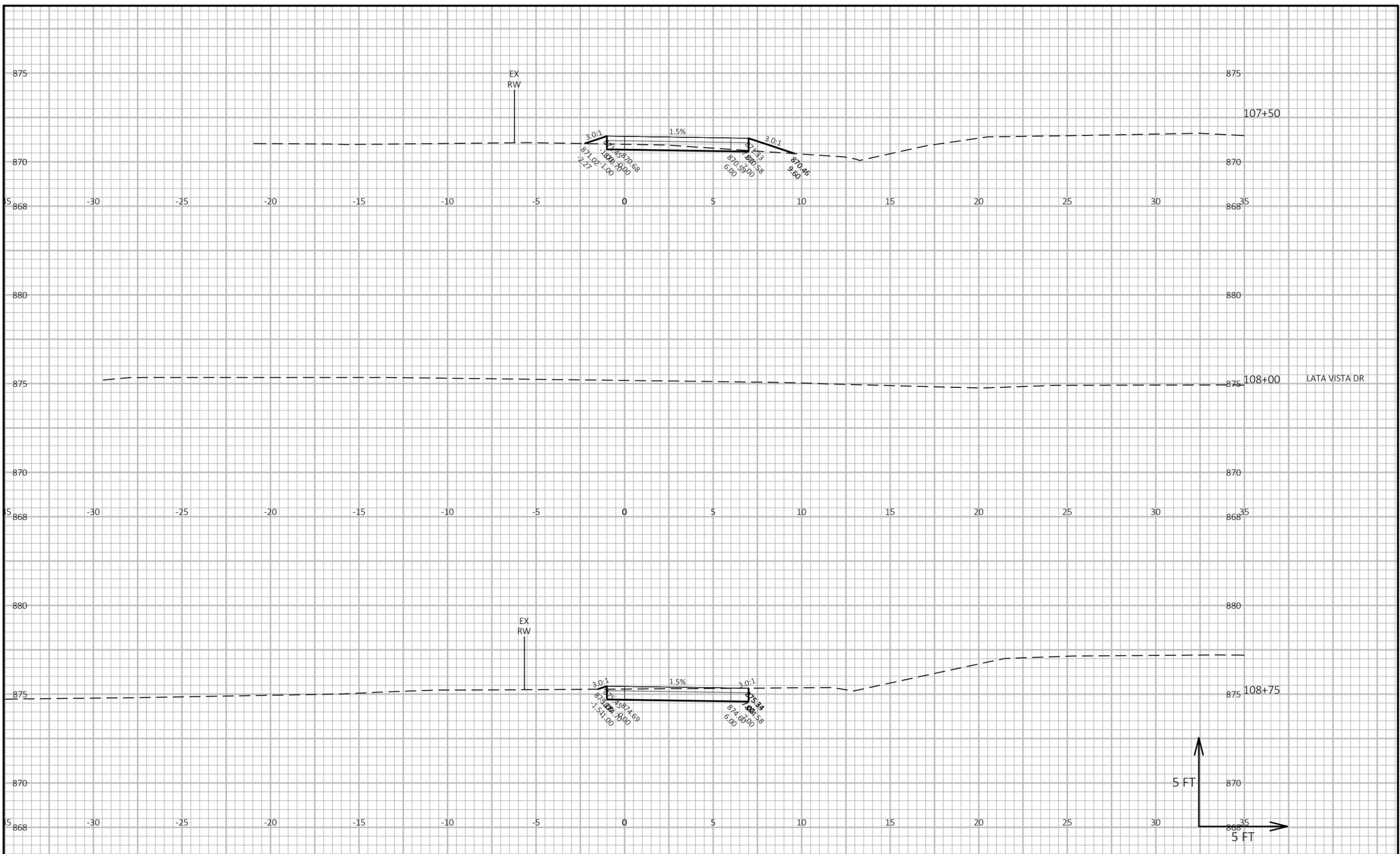
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CS-05

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PLOT BY : ARIELLE LEWEN
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-06

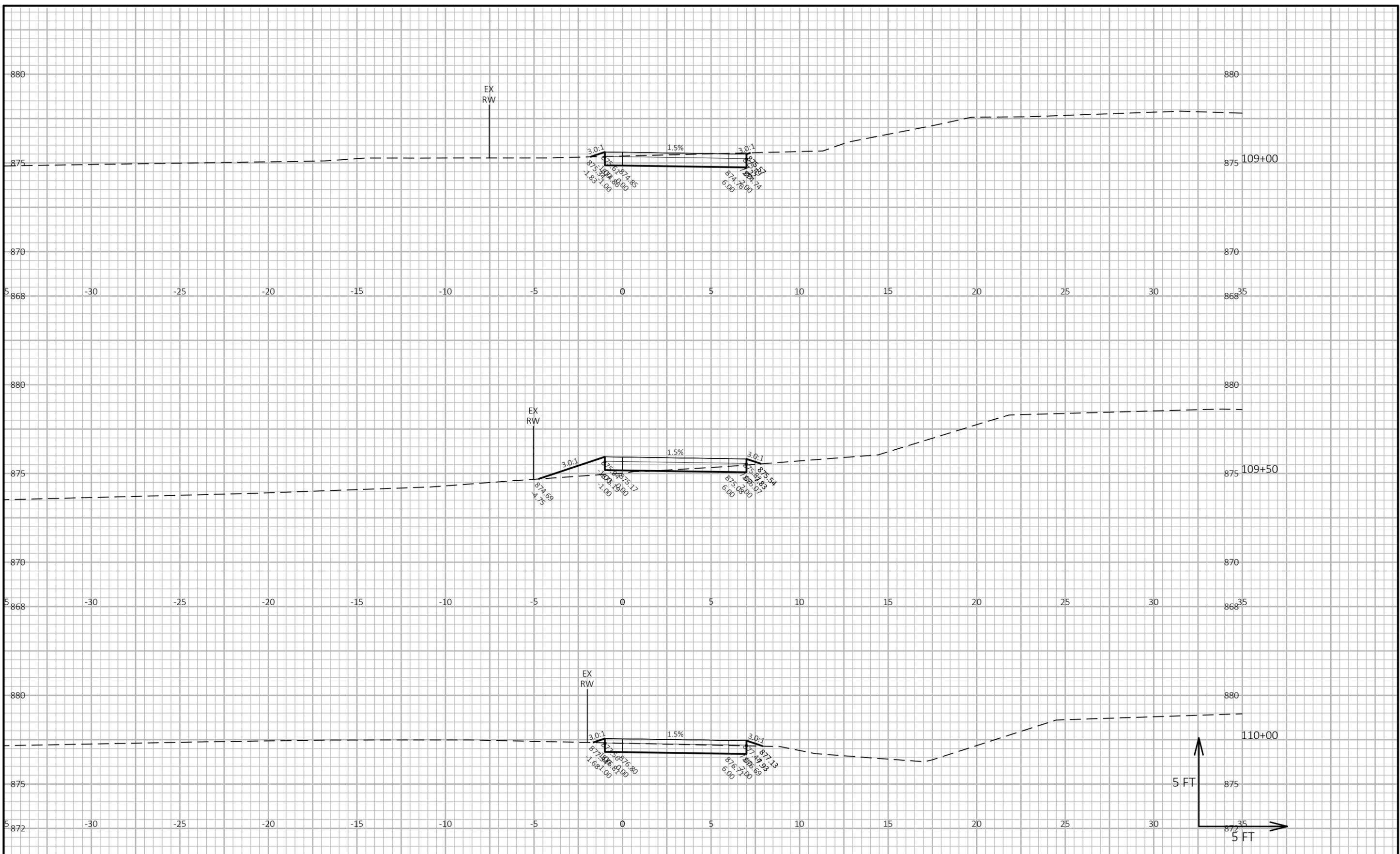
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PLOT BY : ARIELLE LEWEN

PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

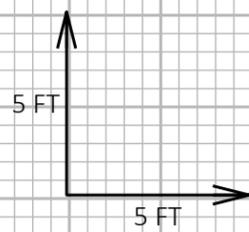
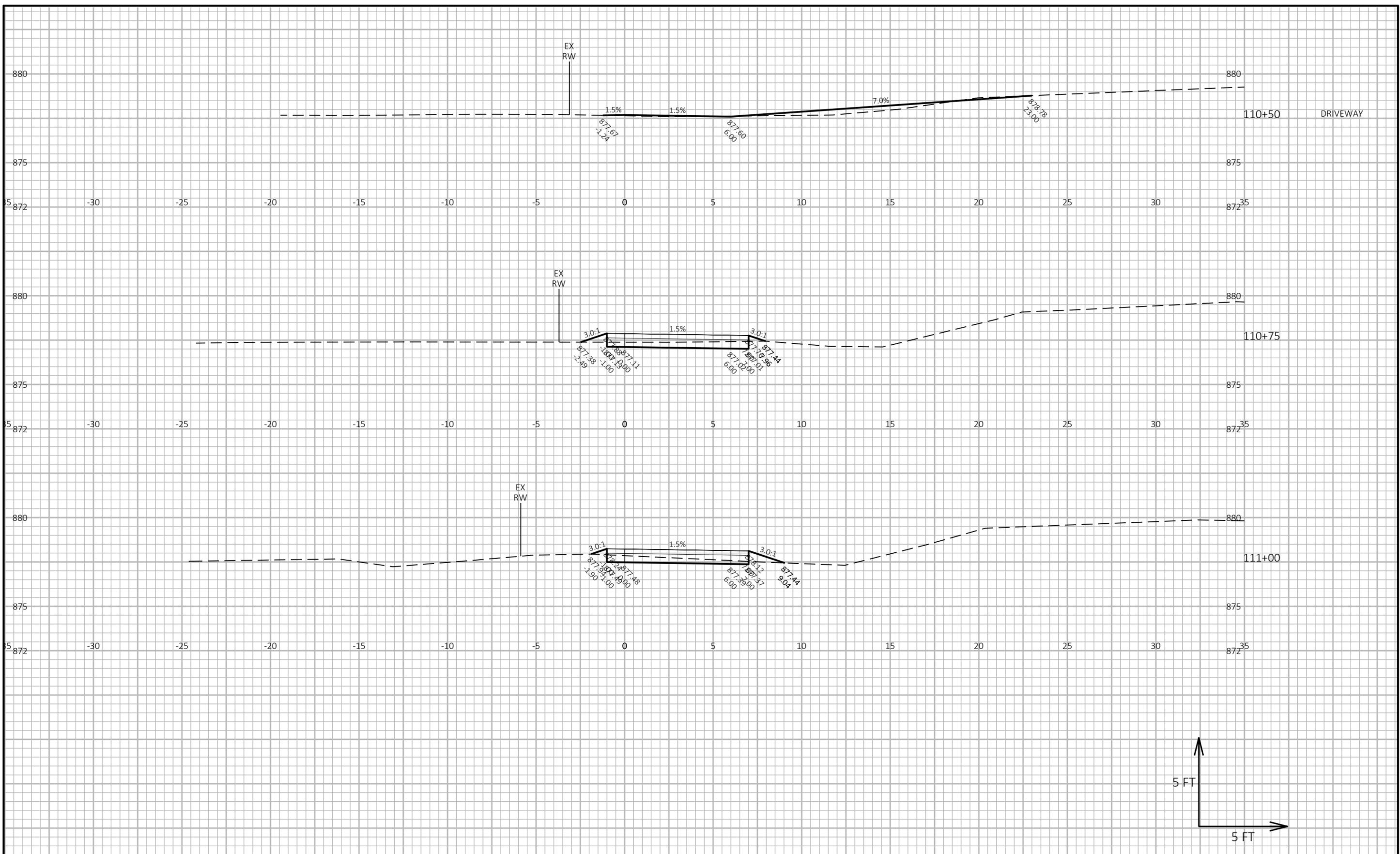
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CS-07

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PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

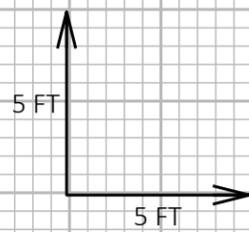
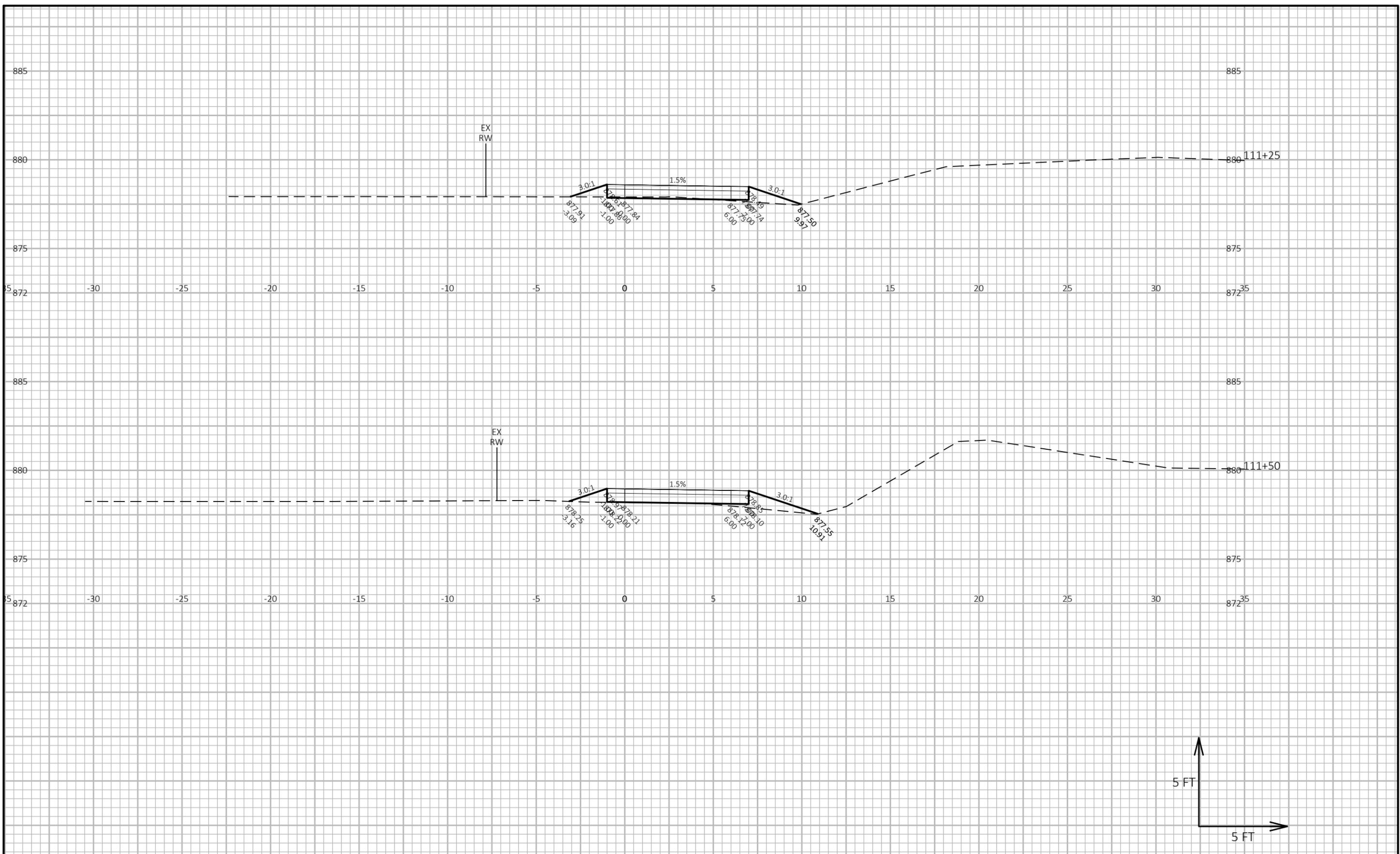
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CS-08

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CROSS SECTIONS - 2026 PATHWAY

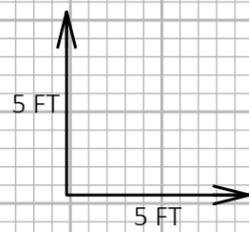
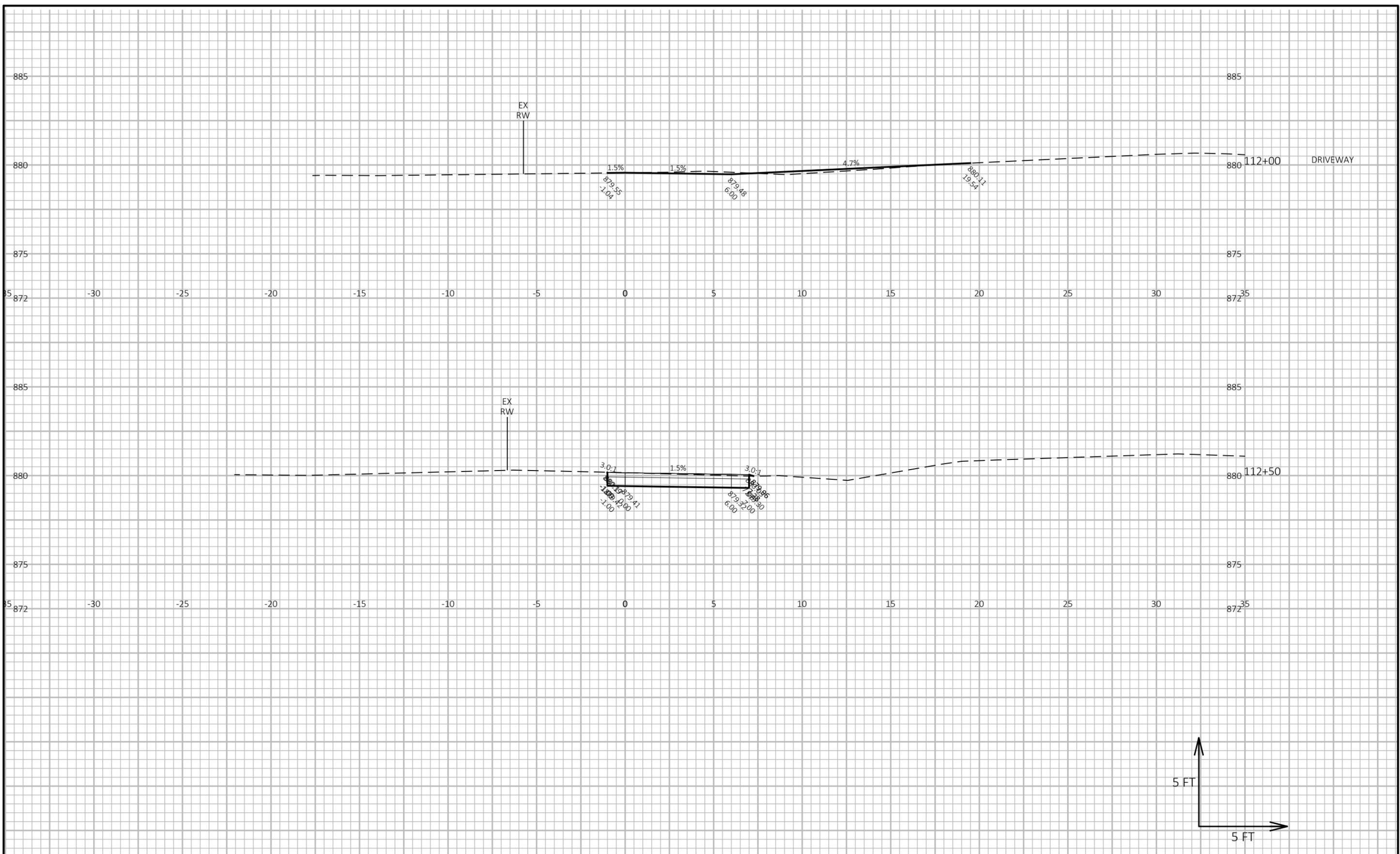
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Date: 01-30-2026 Checked By: SH

CS-09

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PLOT BY : ARIELLE LEWIS
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CROSS SECTIONS - 2026 PATHWAY

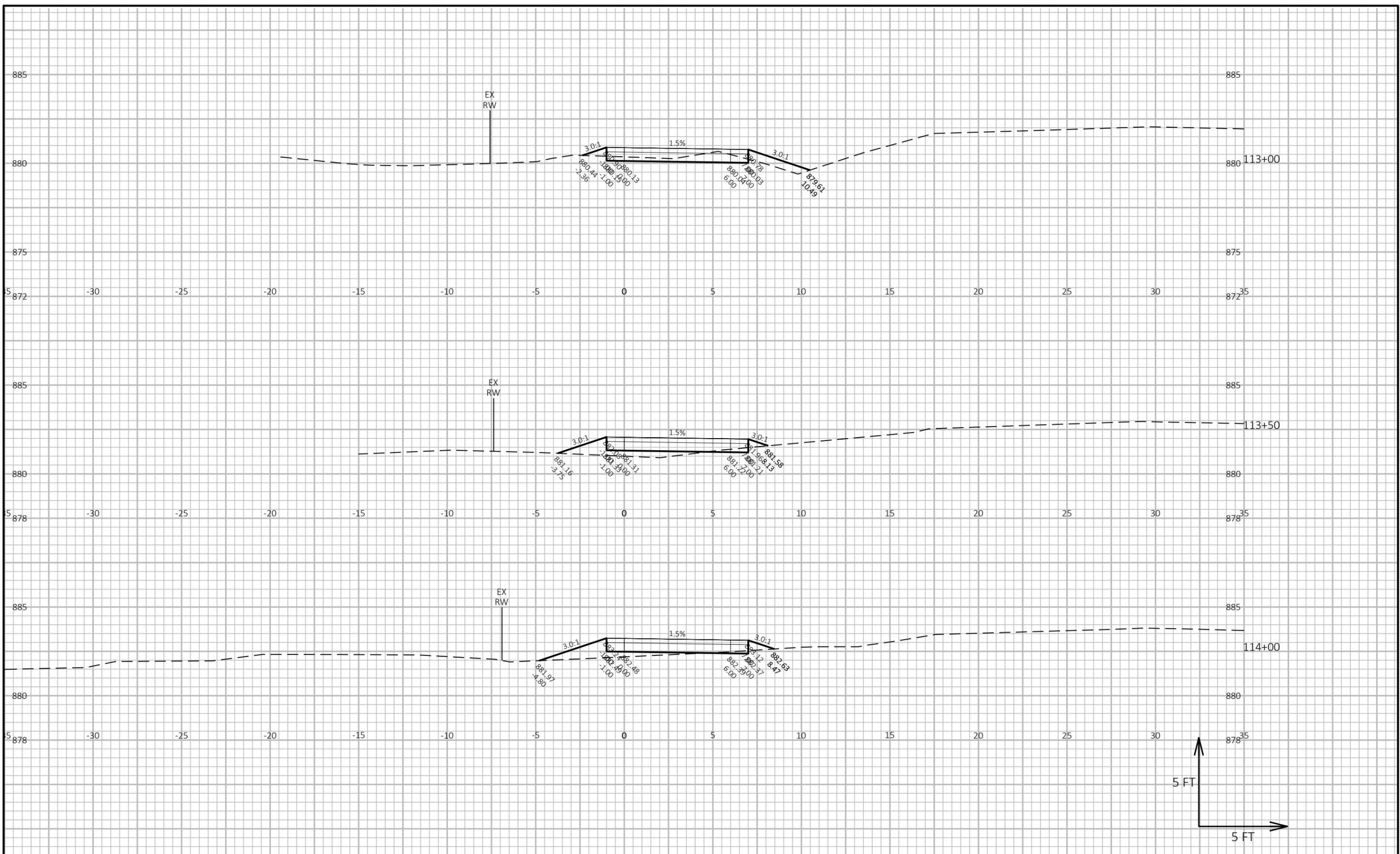
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CROSS SECTIONS - 2026 PATHWAY

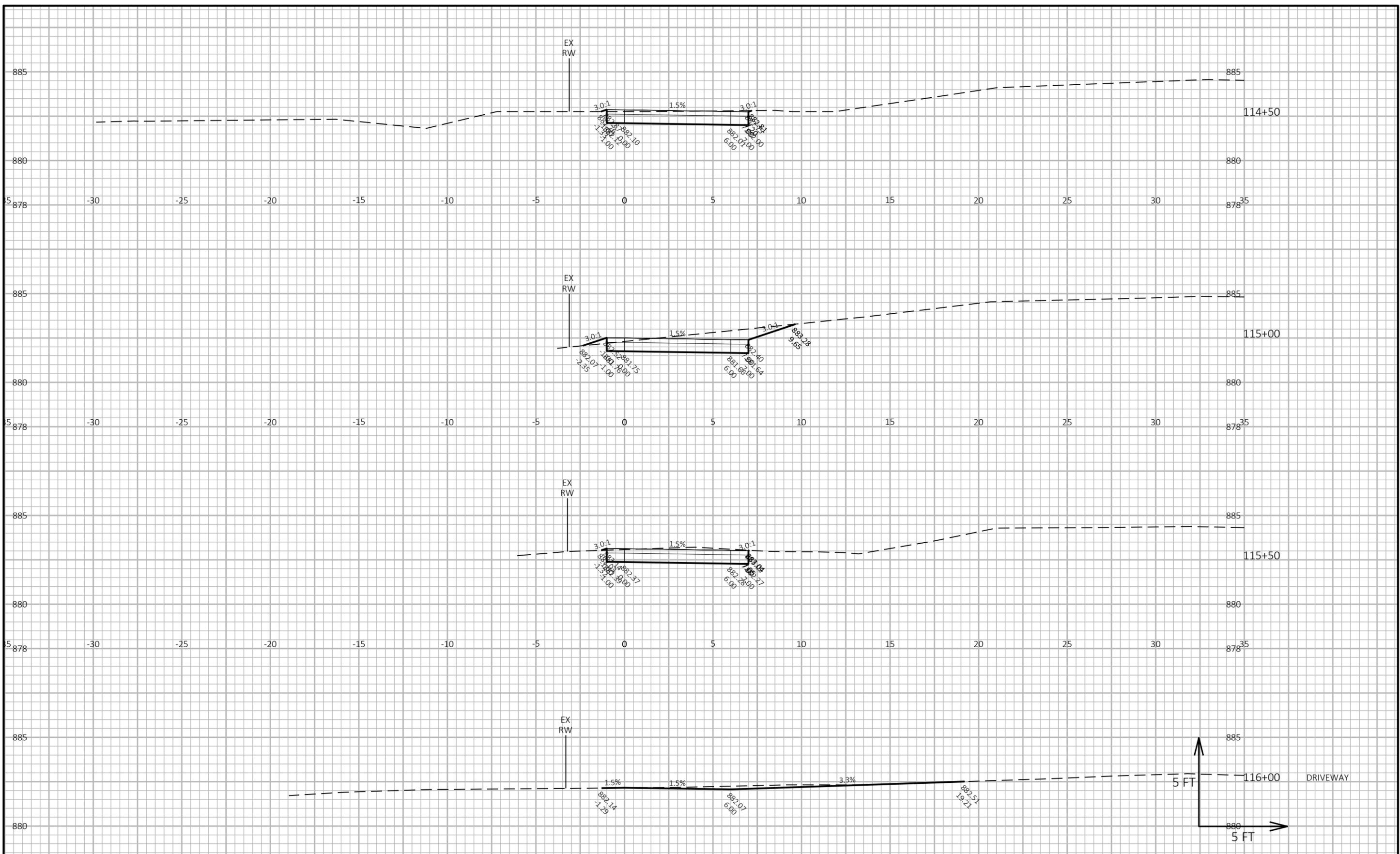
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Checked By: SH

CS-11

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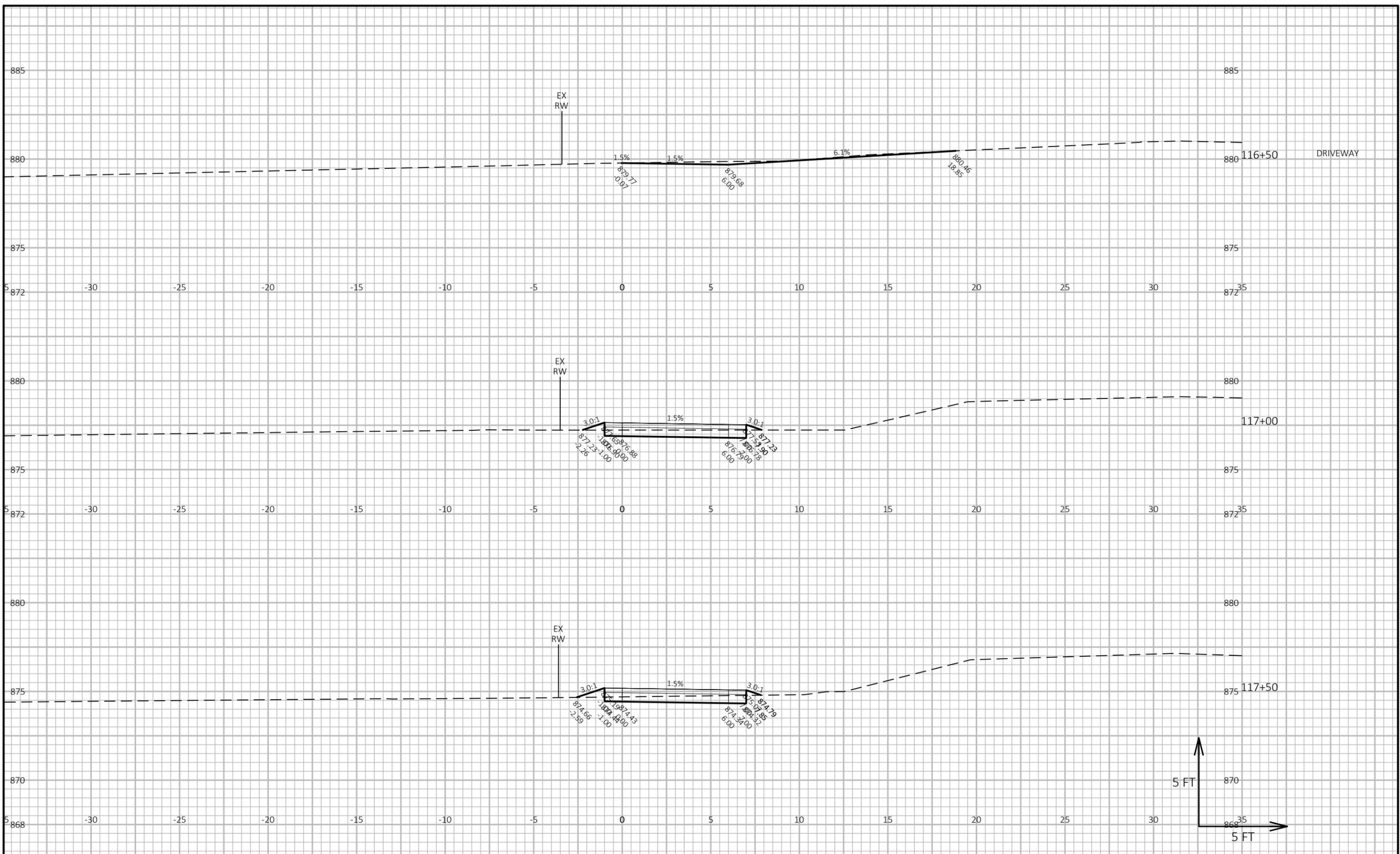
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CS-12

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PLOT DATE : 1/30/2026 5:06 PM



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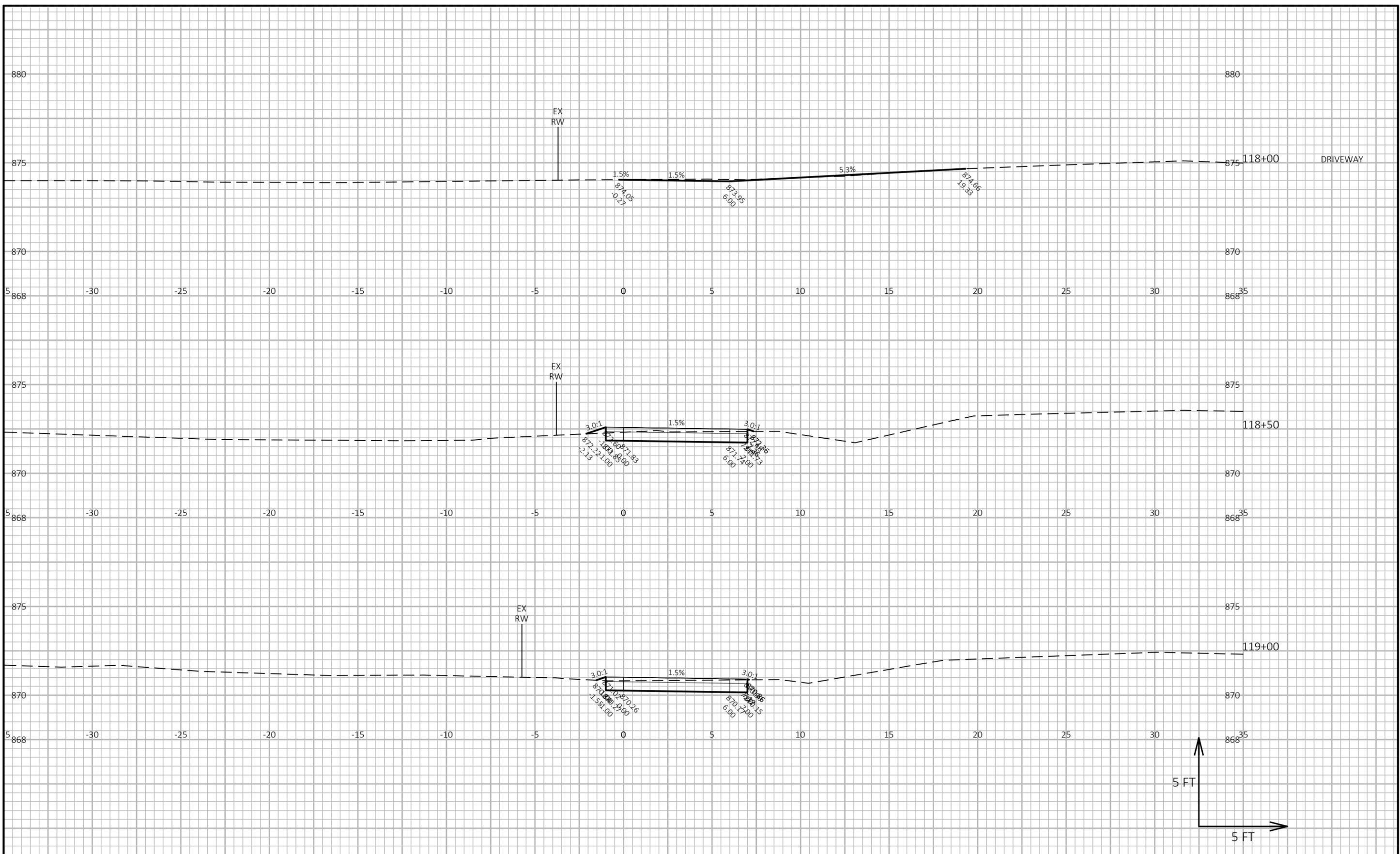
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CROSS SECTIONS - 2026 PATHWAY

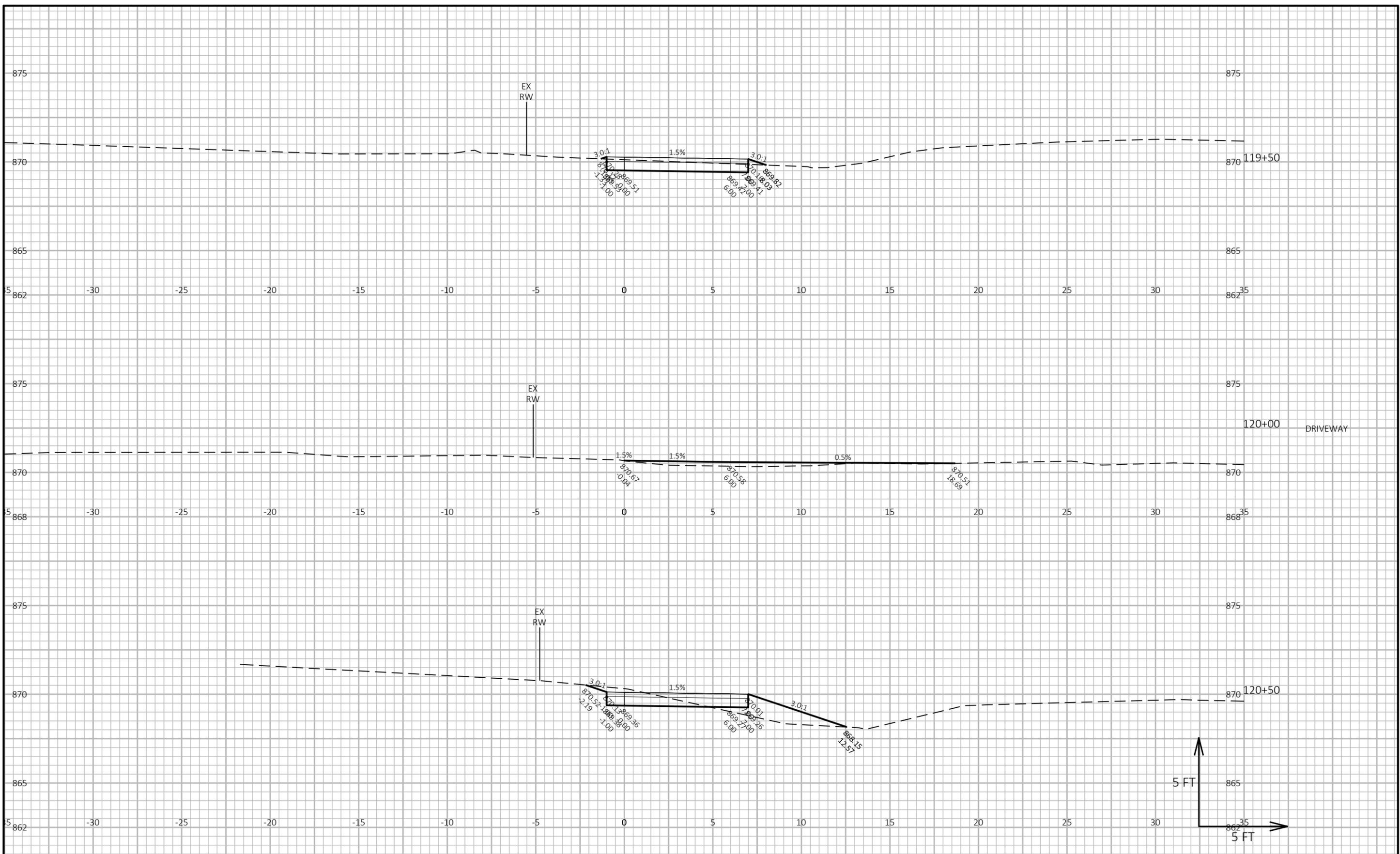
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CROSS SECTIONS - 2026 PATHWAY

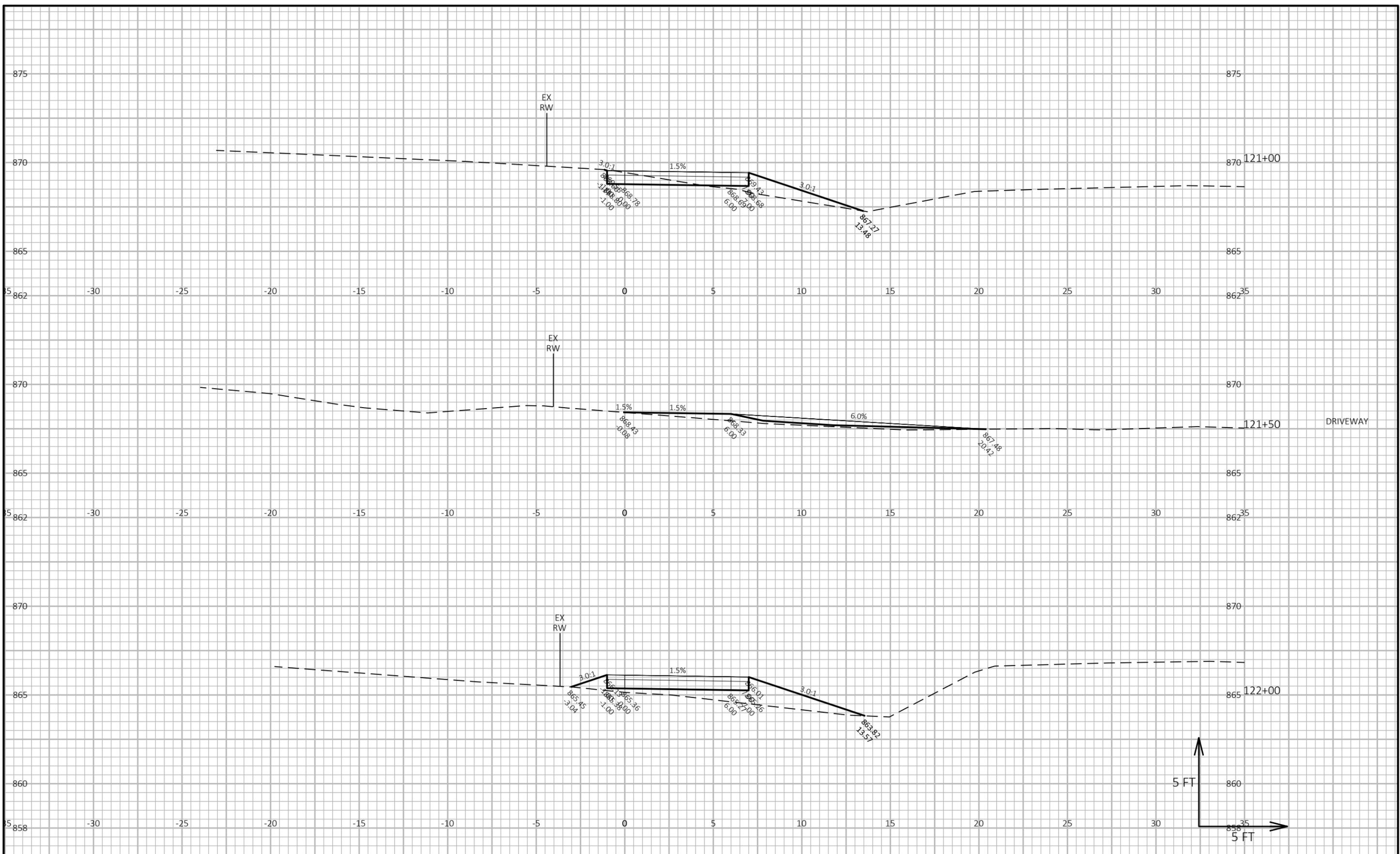
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Date: 01-30-2026 Checked By: SH

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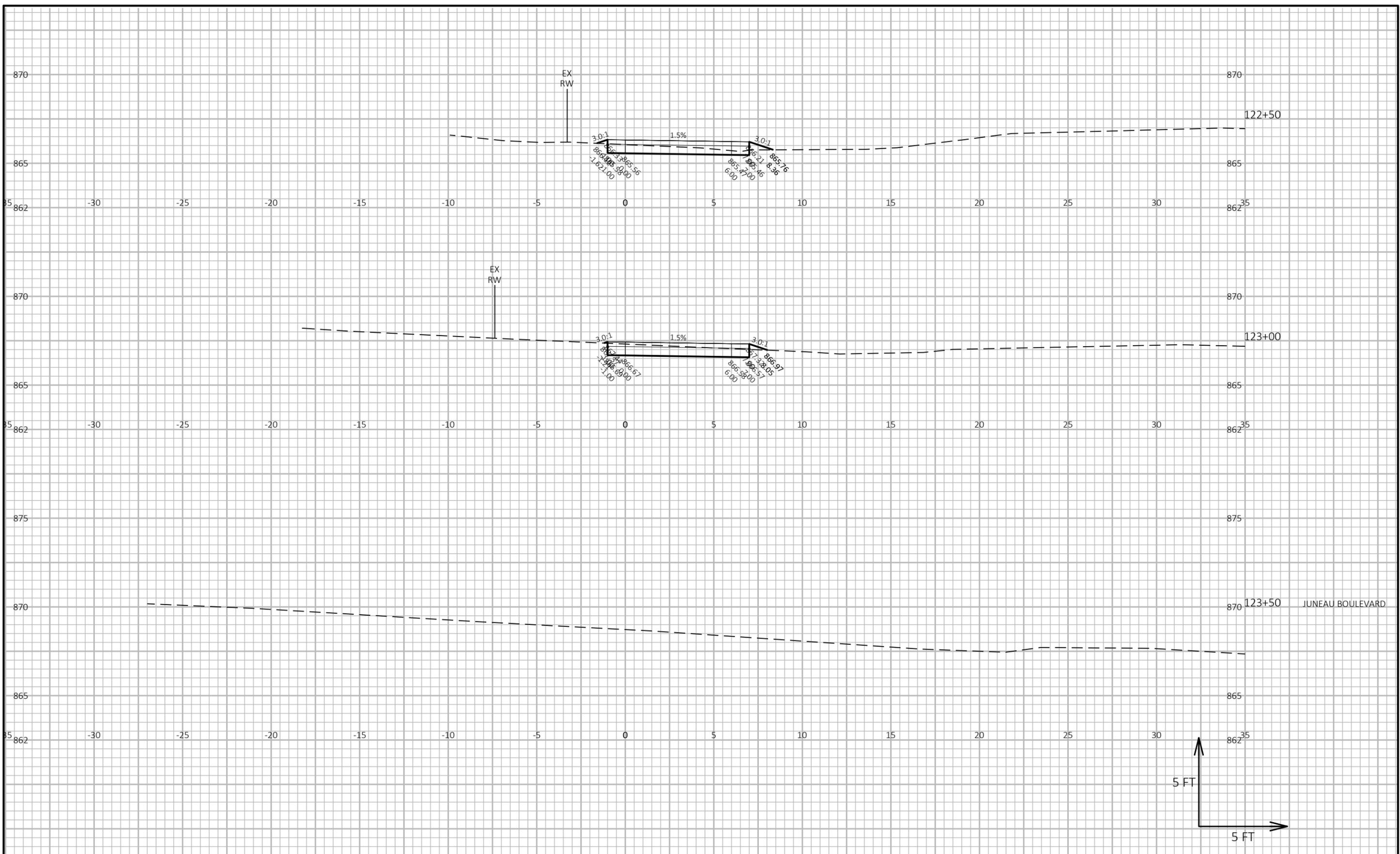
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CS-16

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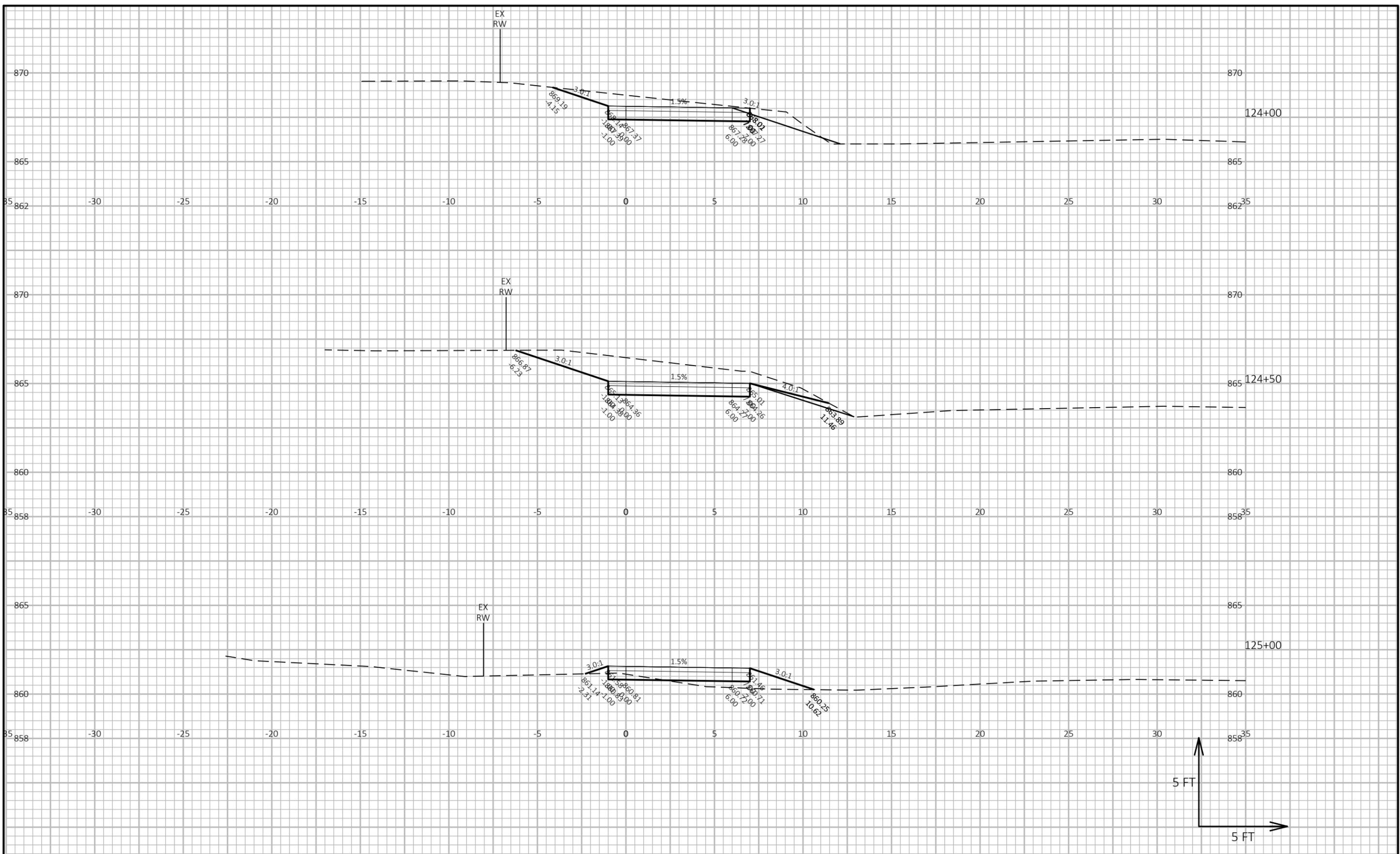
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PLOT BY : ARIELLE LEWEN
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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-18

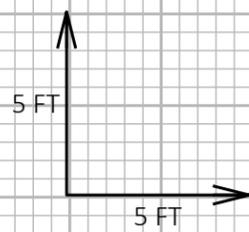
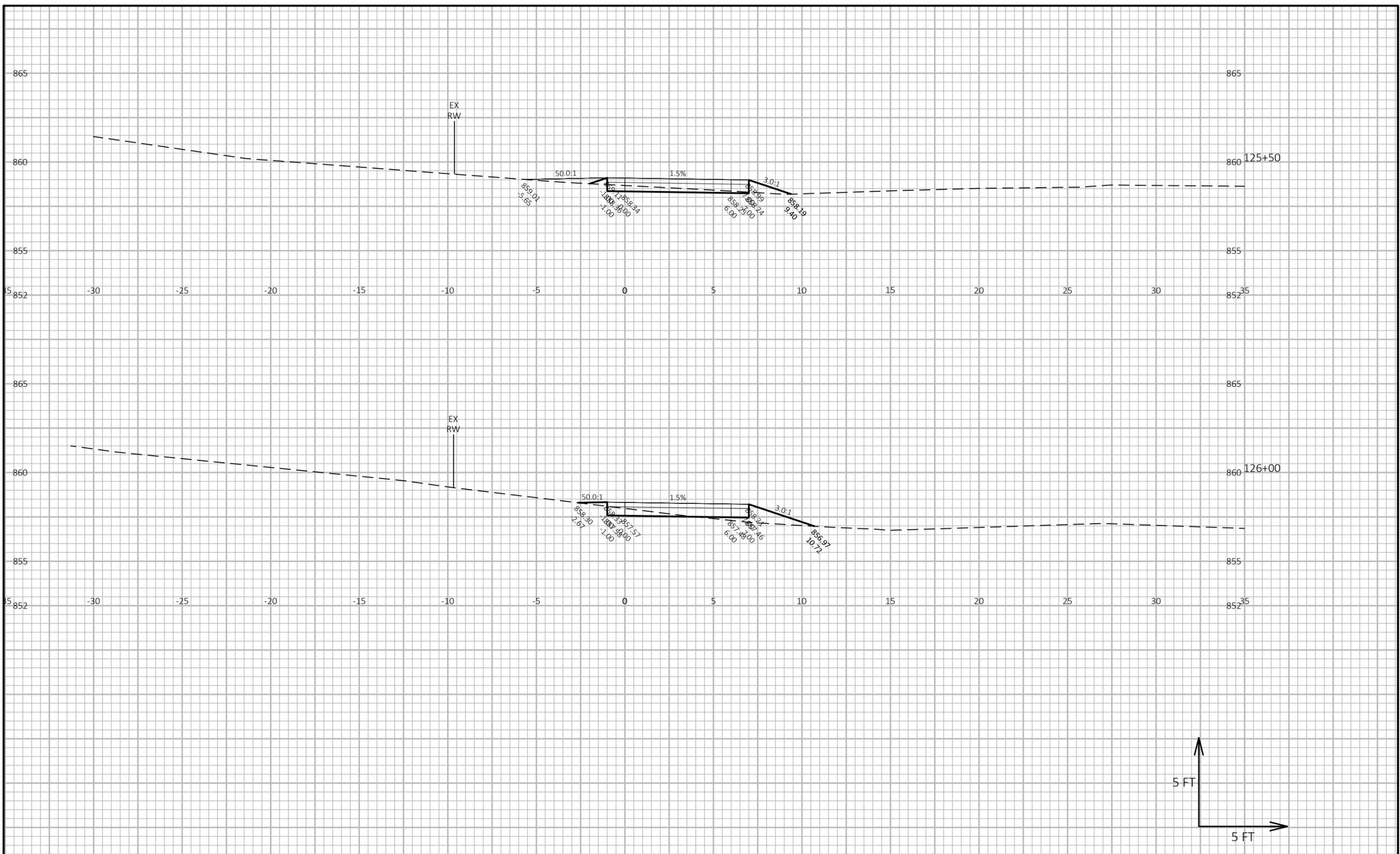
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Draft Print
FOR REVIEW ONLY

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CROSS SECTIONS - 2026 PATHWAY

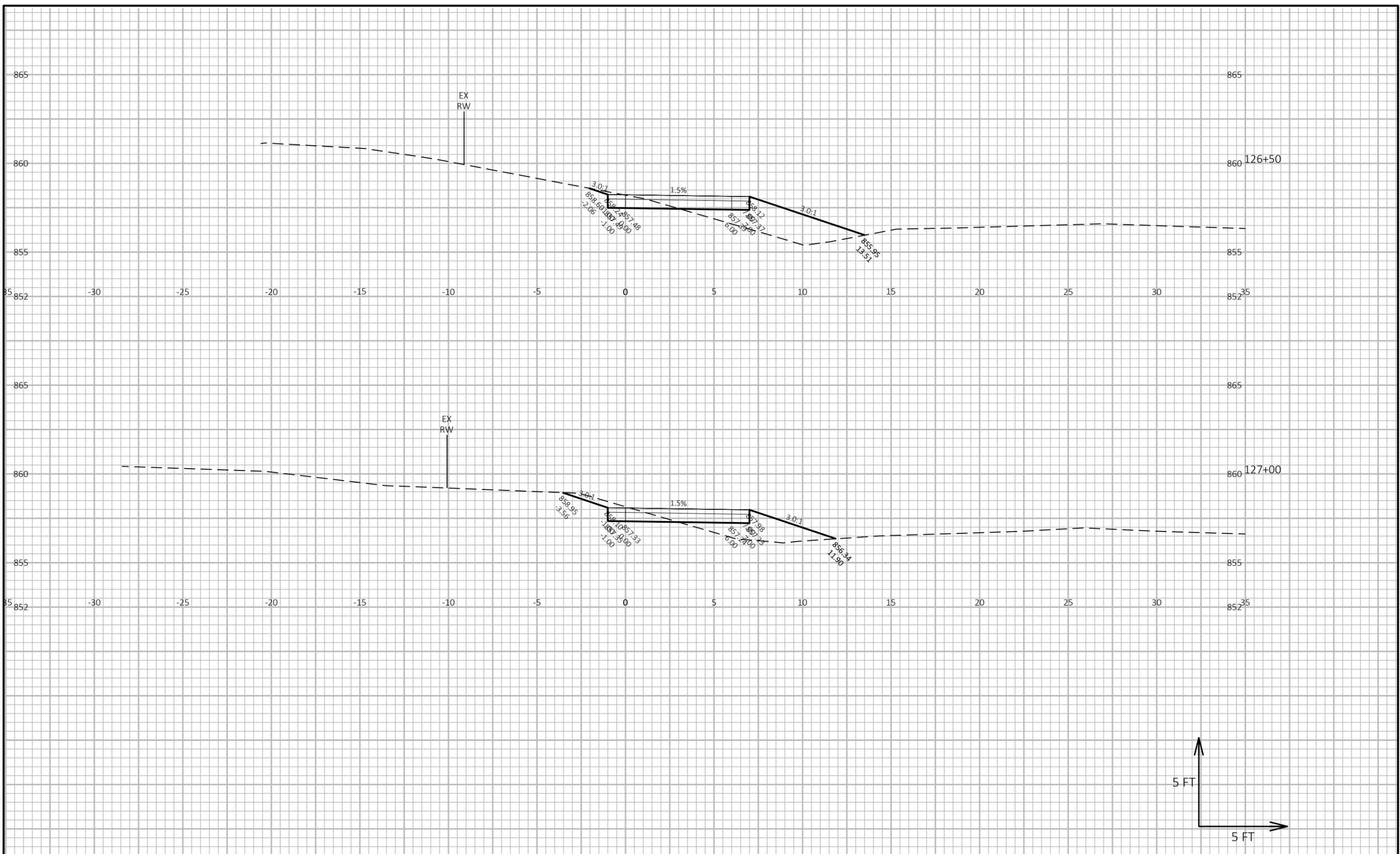
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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-20

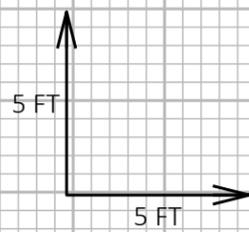
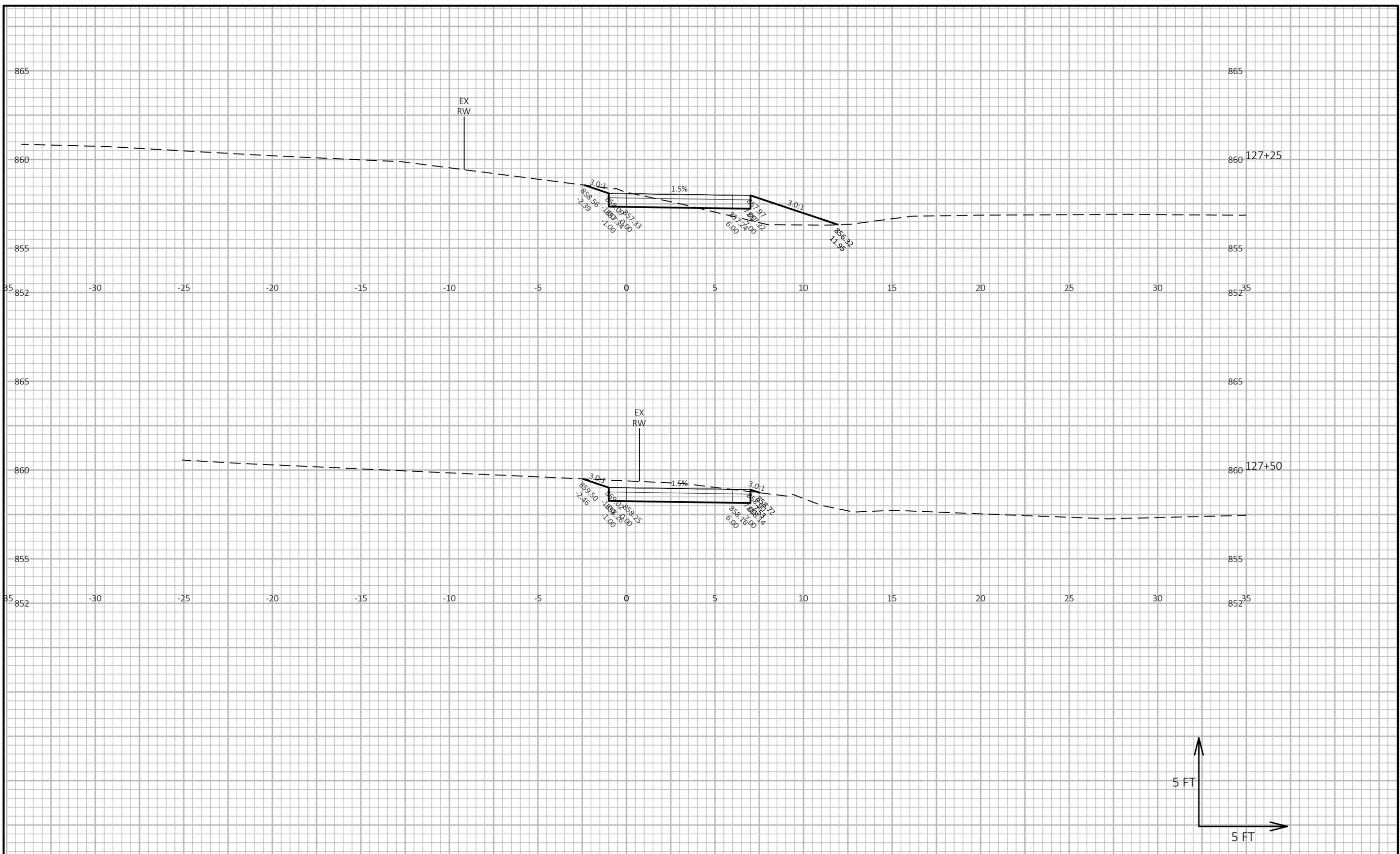
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CROSS SECTIONS - 2026 PATHWAY

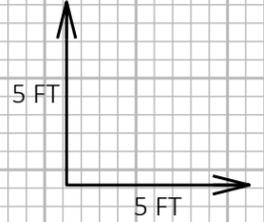
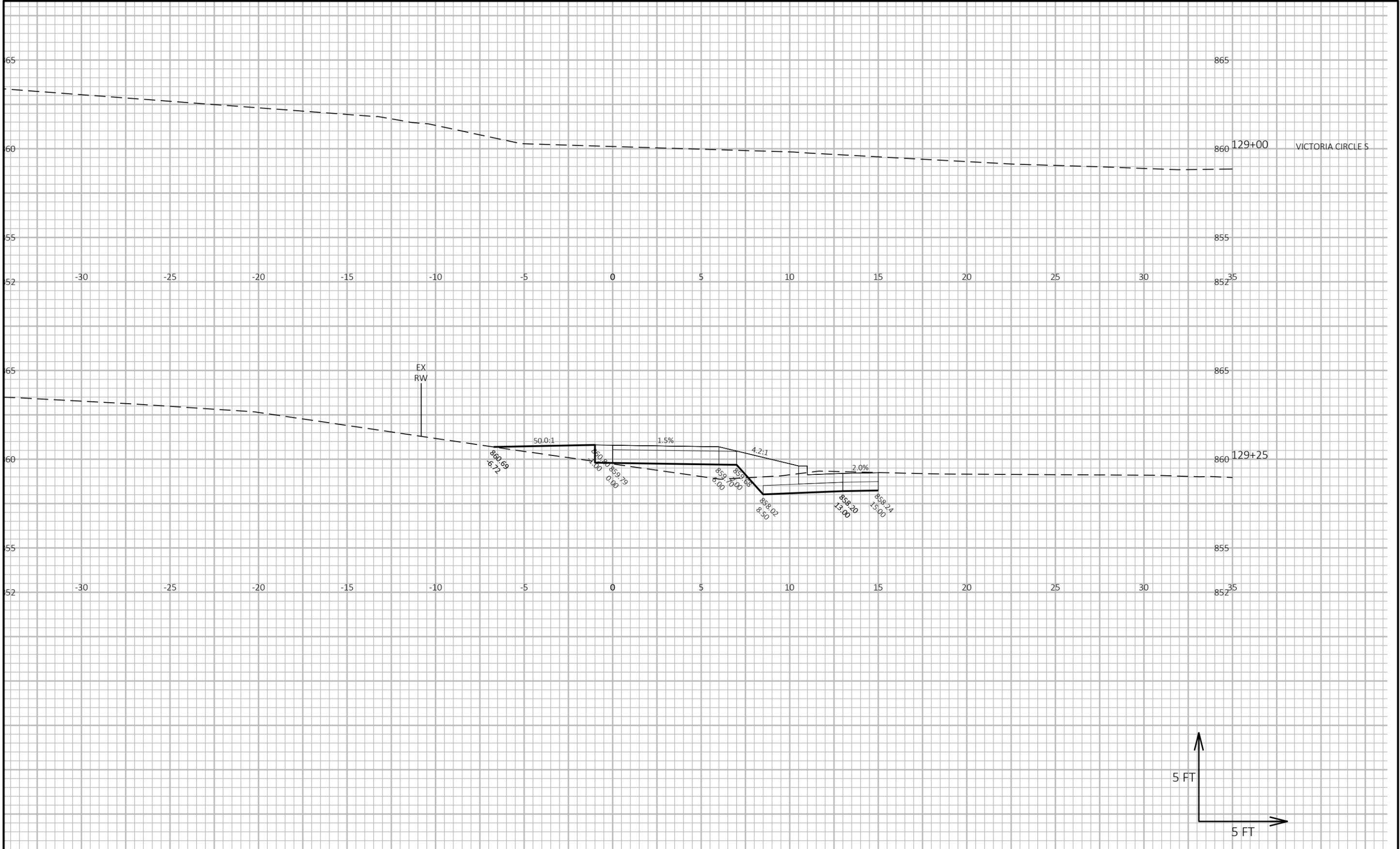
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CS-21

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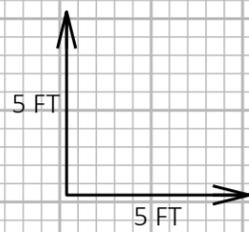
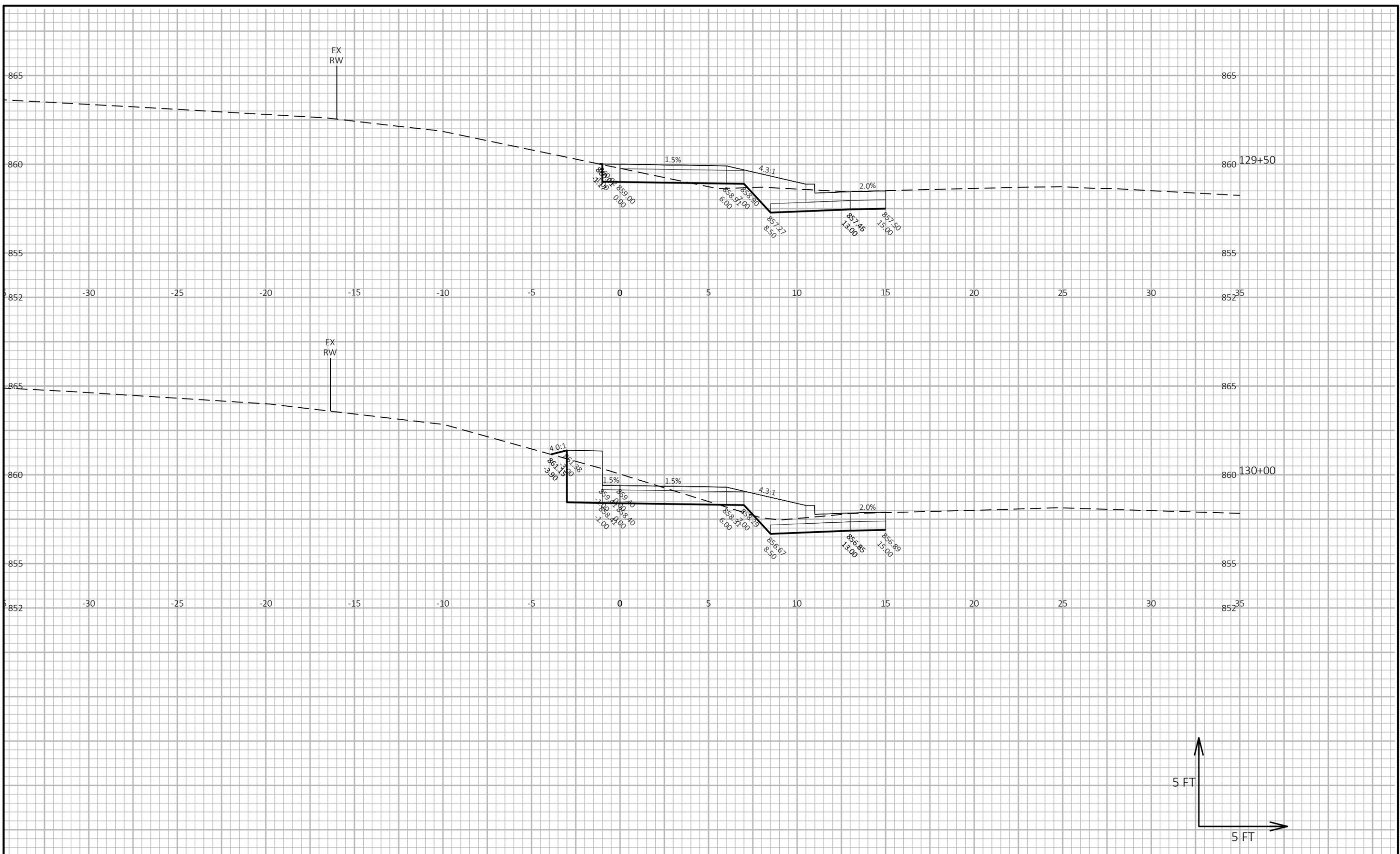
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PLOT BY : ARIELLE LEWEN



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-24

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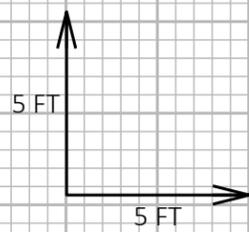
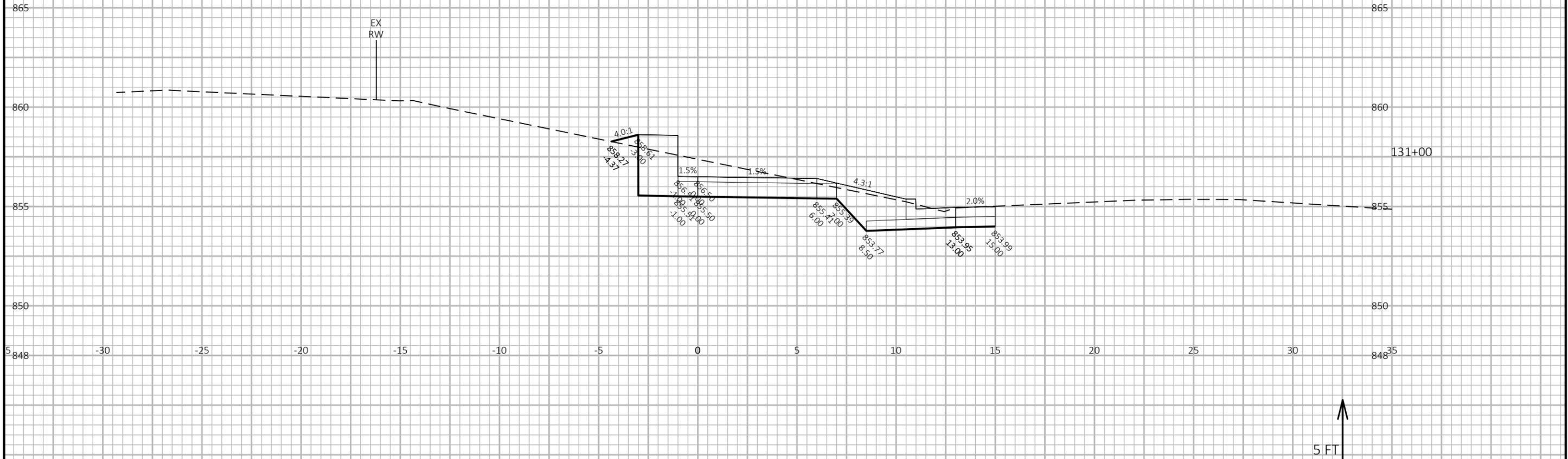
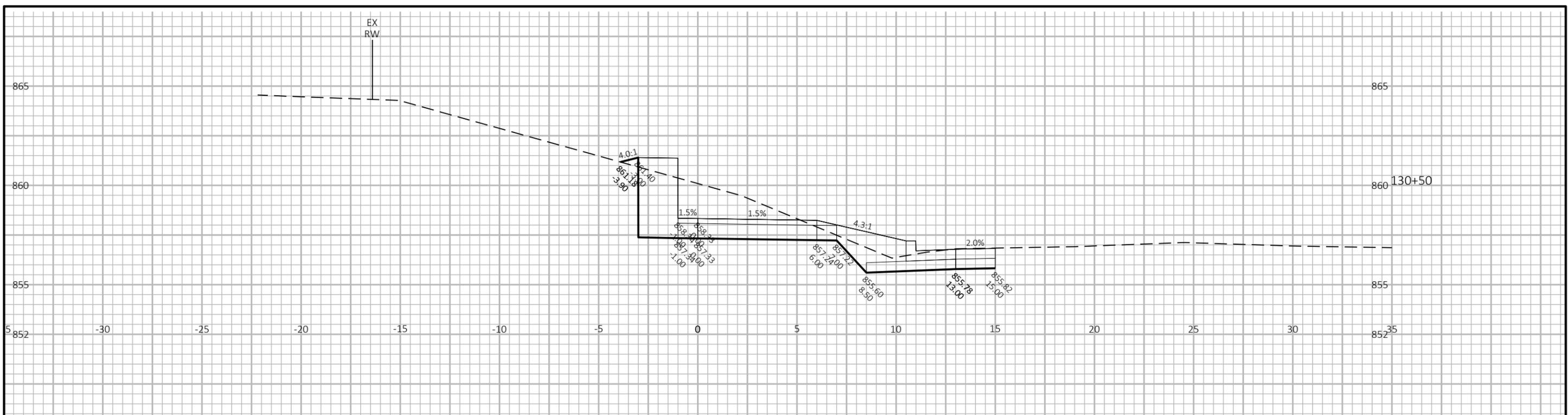
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5



CROSS SECTIONS - 2026 PATHWAY

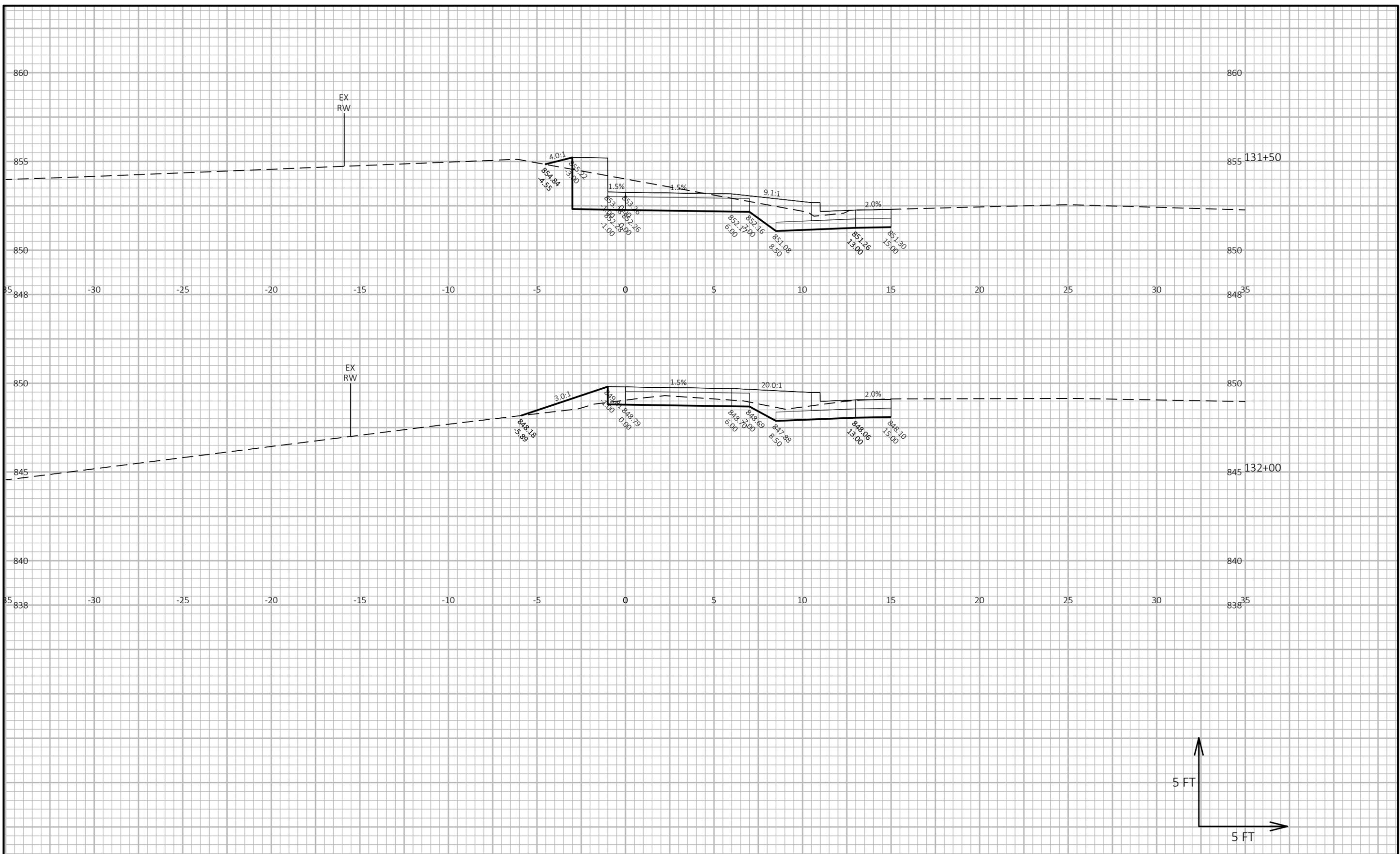
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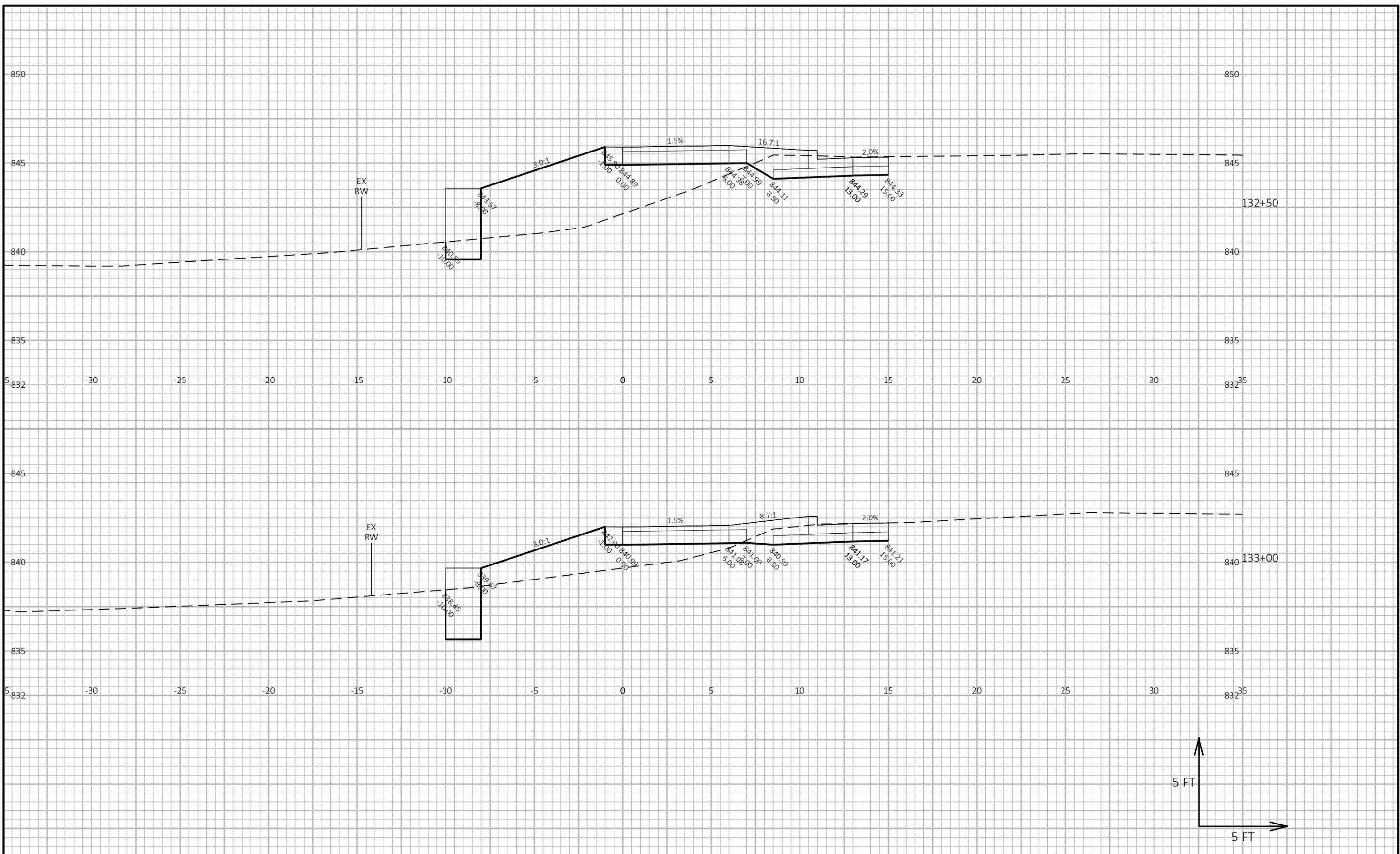
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CS-26

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PLOT BY : ARIELLE LEWEN



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
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CS-27

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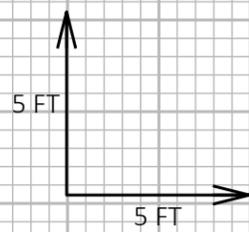
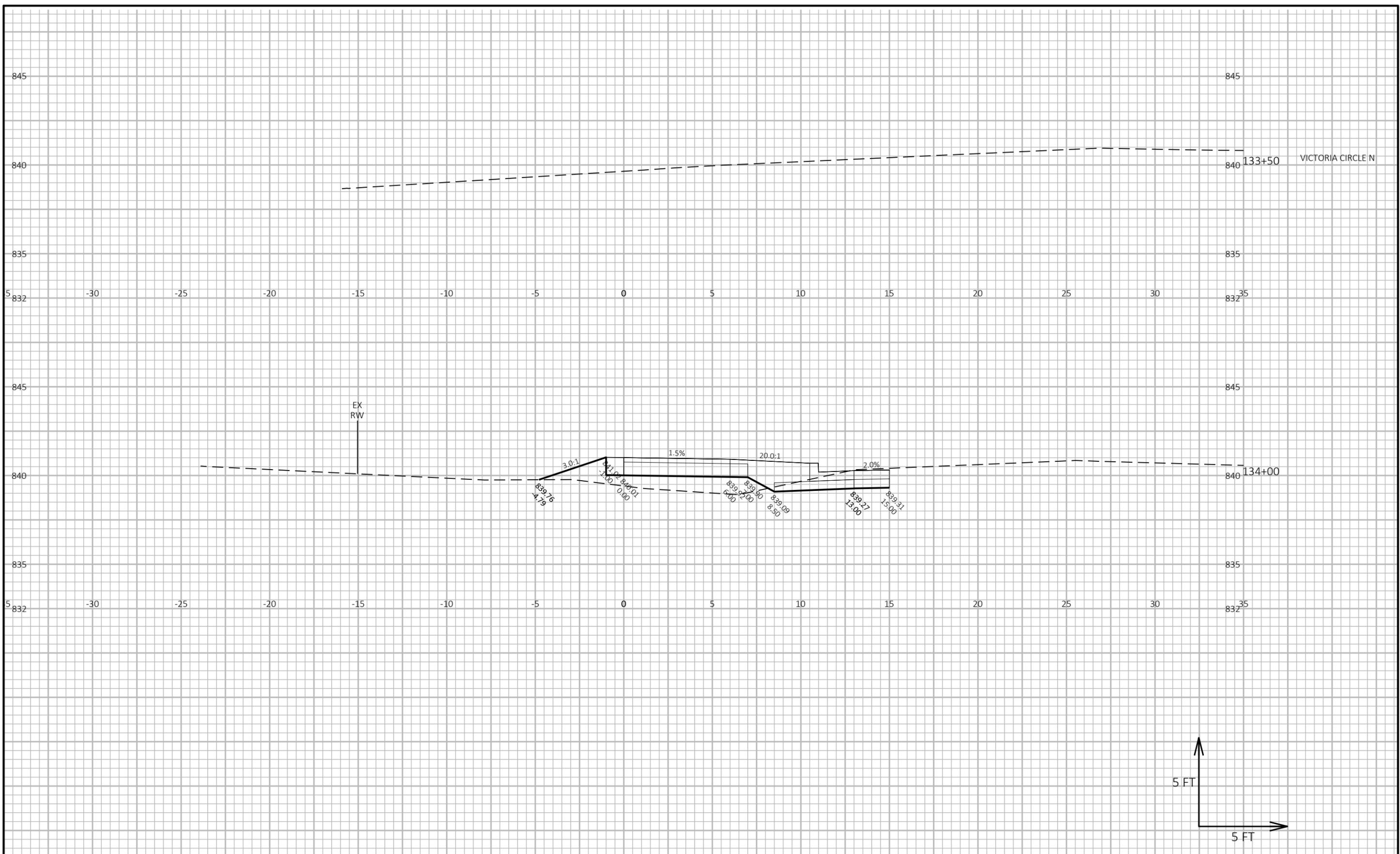
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PLOT BY : ARIELLE LEWIS

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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 01-30-2026 Checked By: SH

CS-28

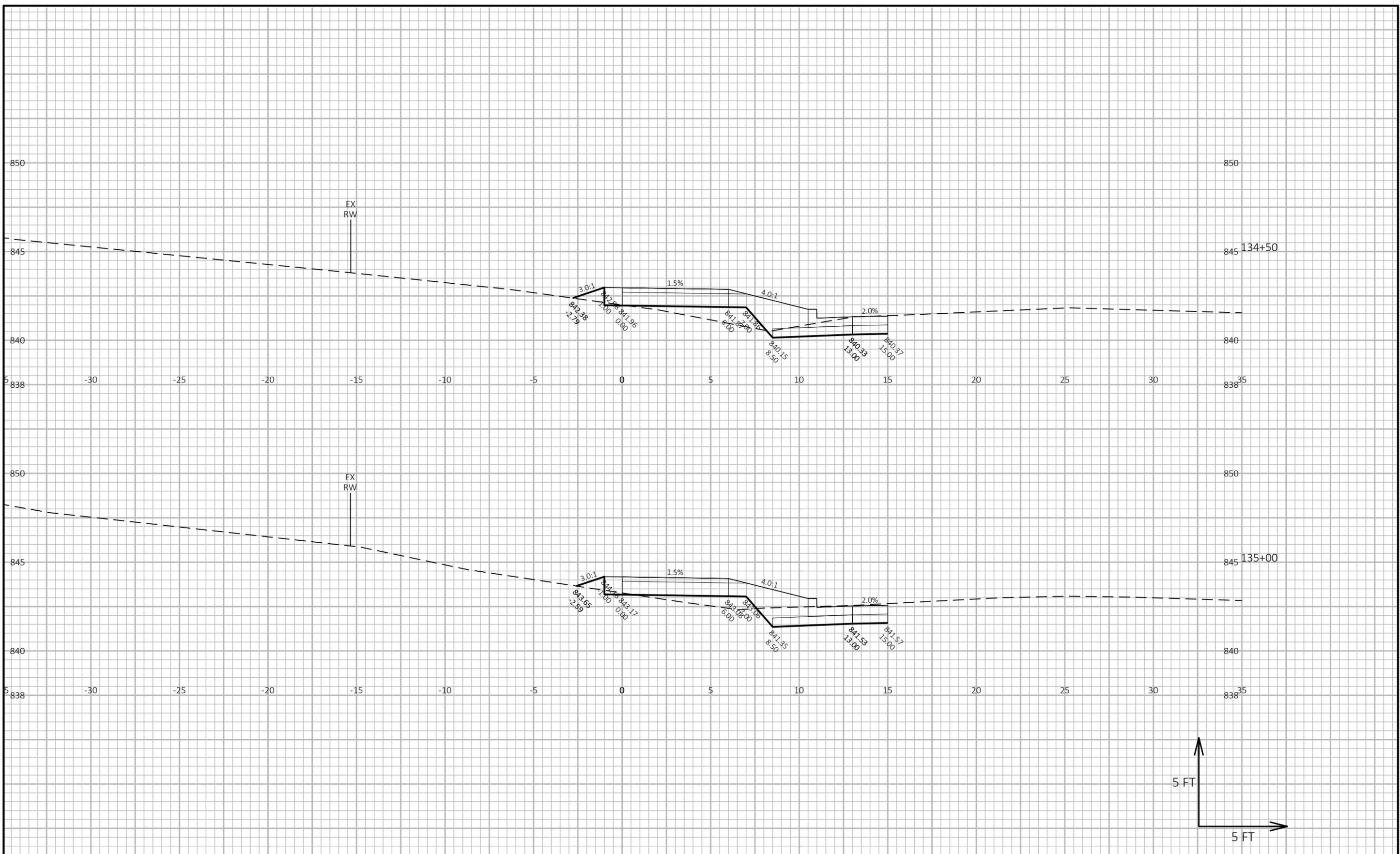
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PLOT BY : ARIELLE LEWEN

PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-29

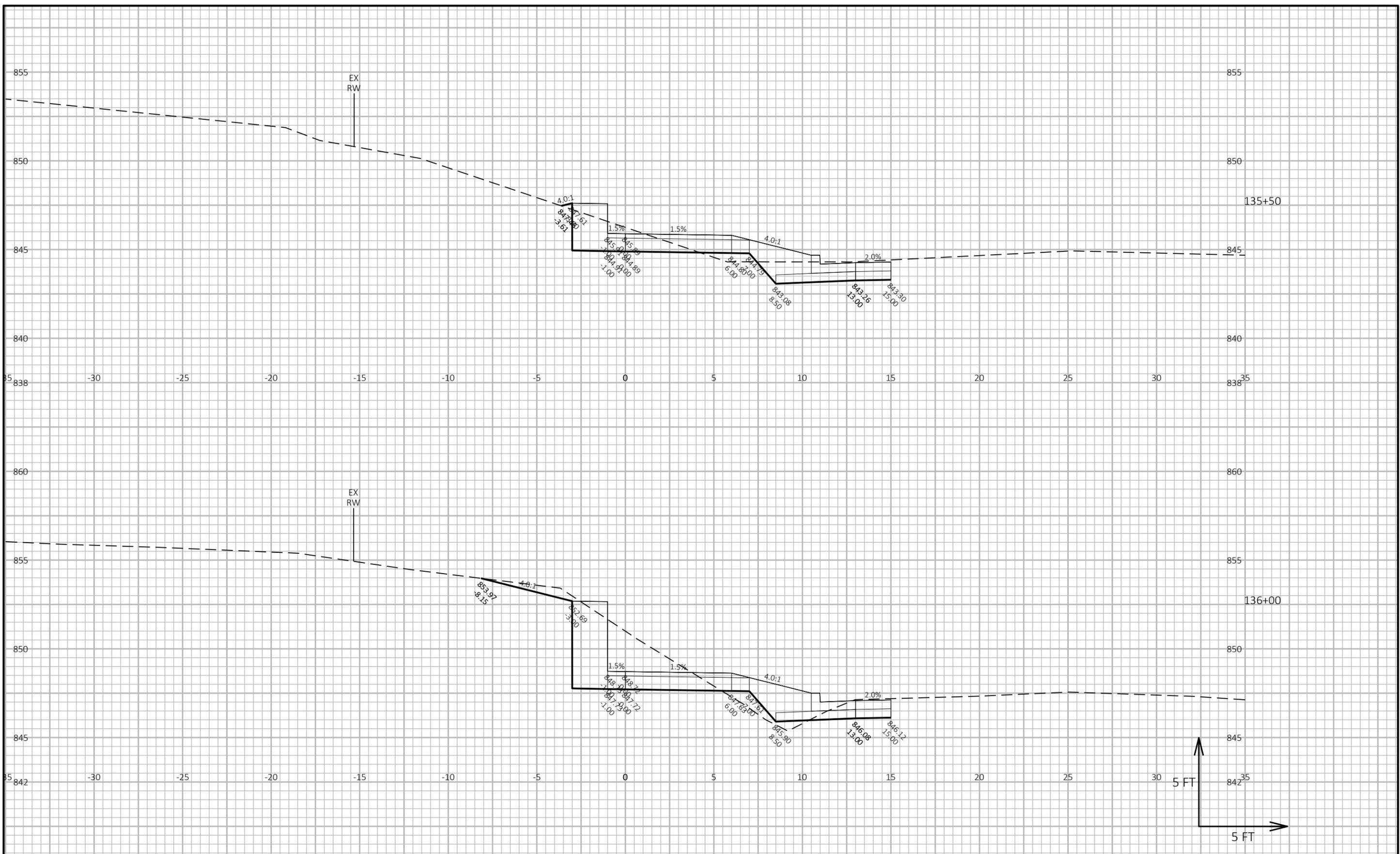
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PLOT BY : ARIELLE LEWEN

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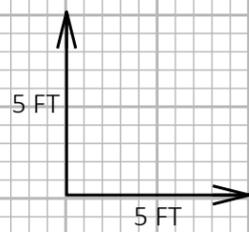
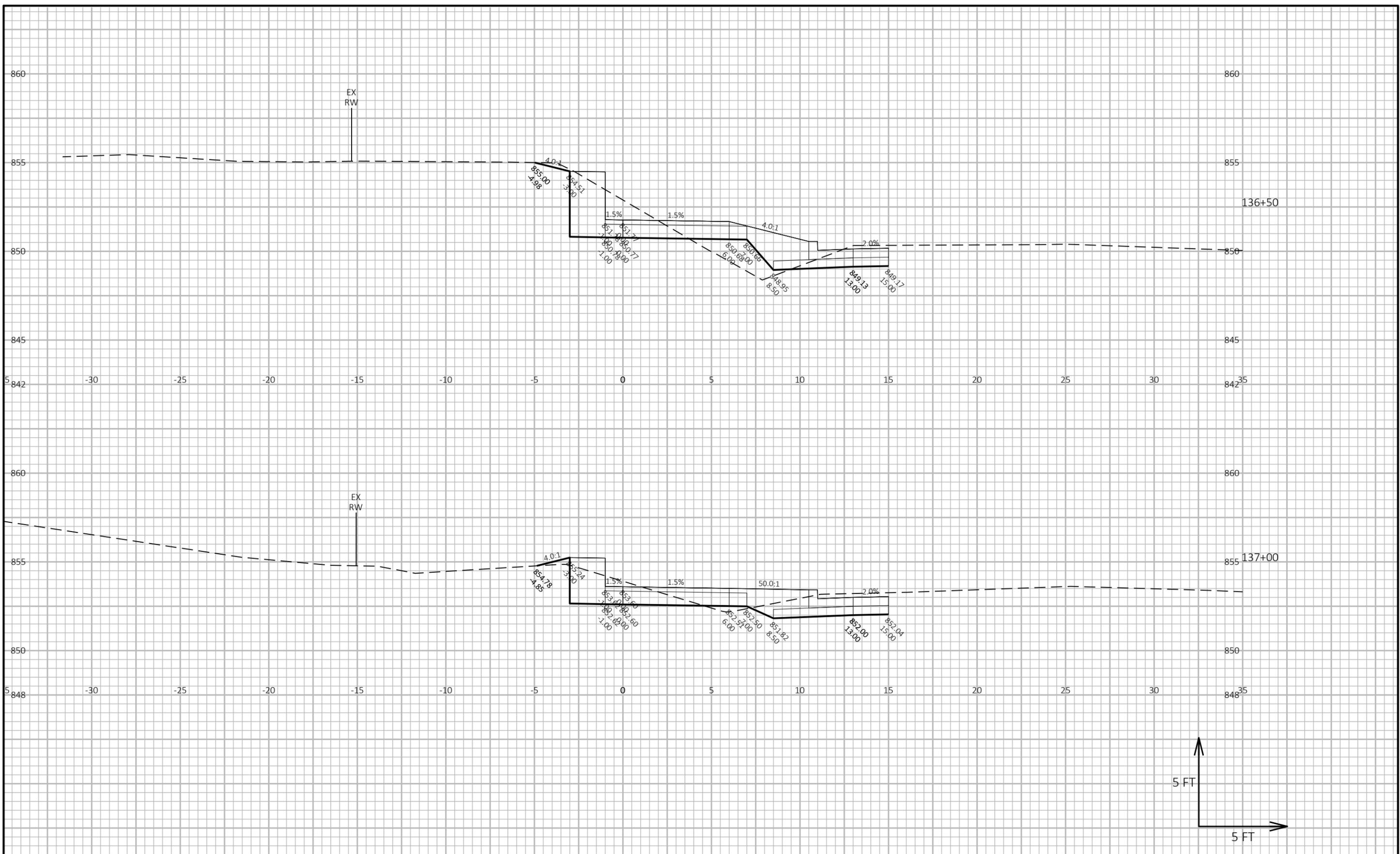
Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-30

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT DATE : 1/30/2026 5:06 PM
PLOT BY : ARIELLE LEWEN



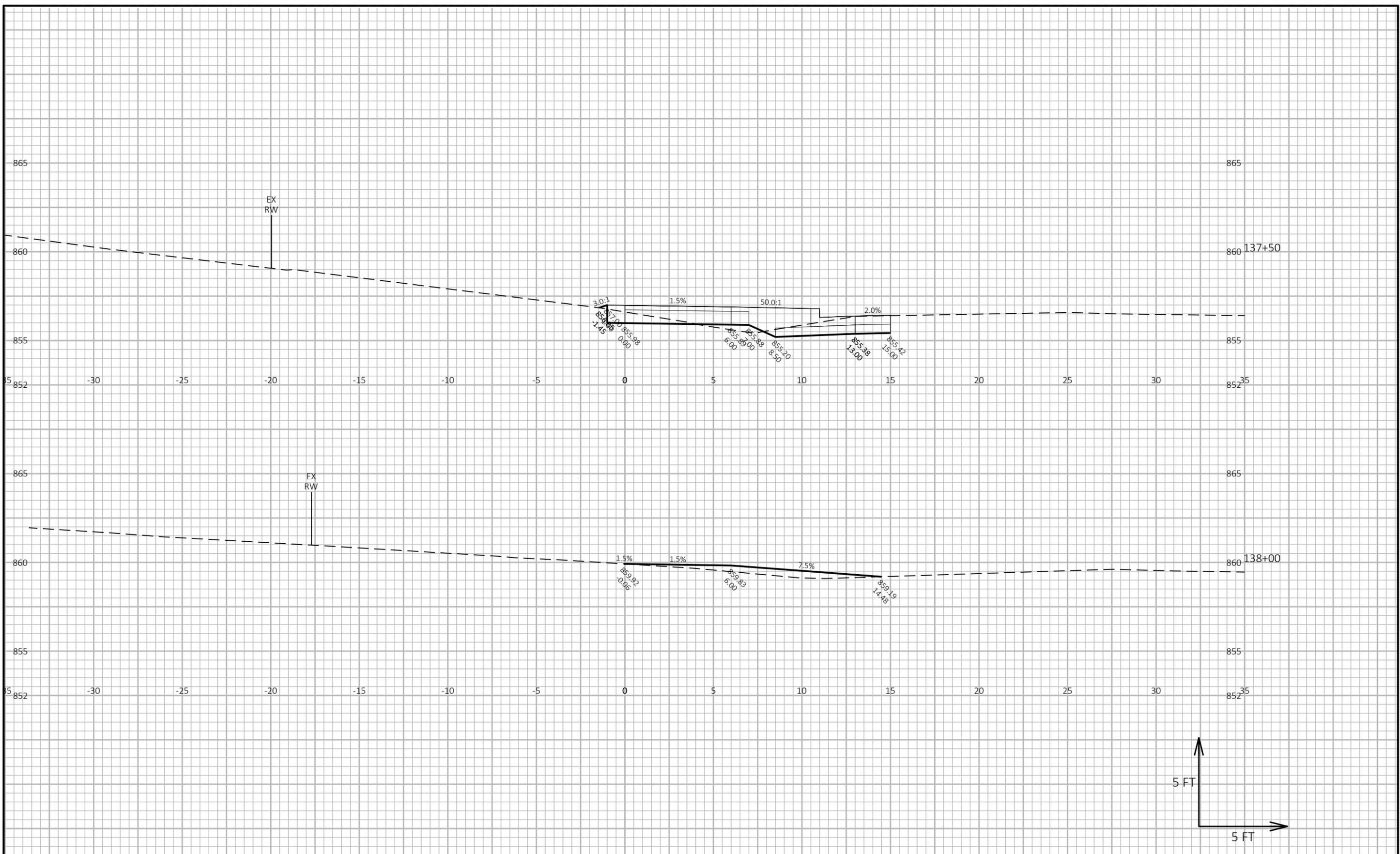
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-31

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY



CROSS SECTIONS - 2026 PATHWAY

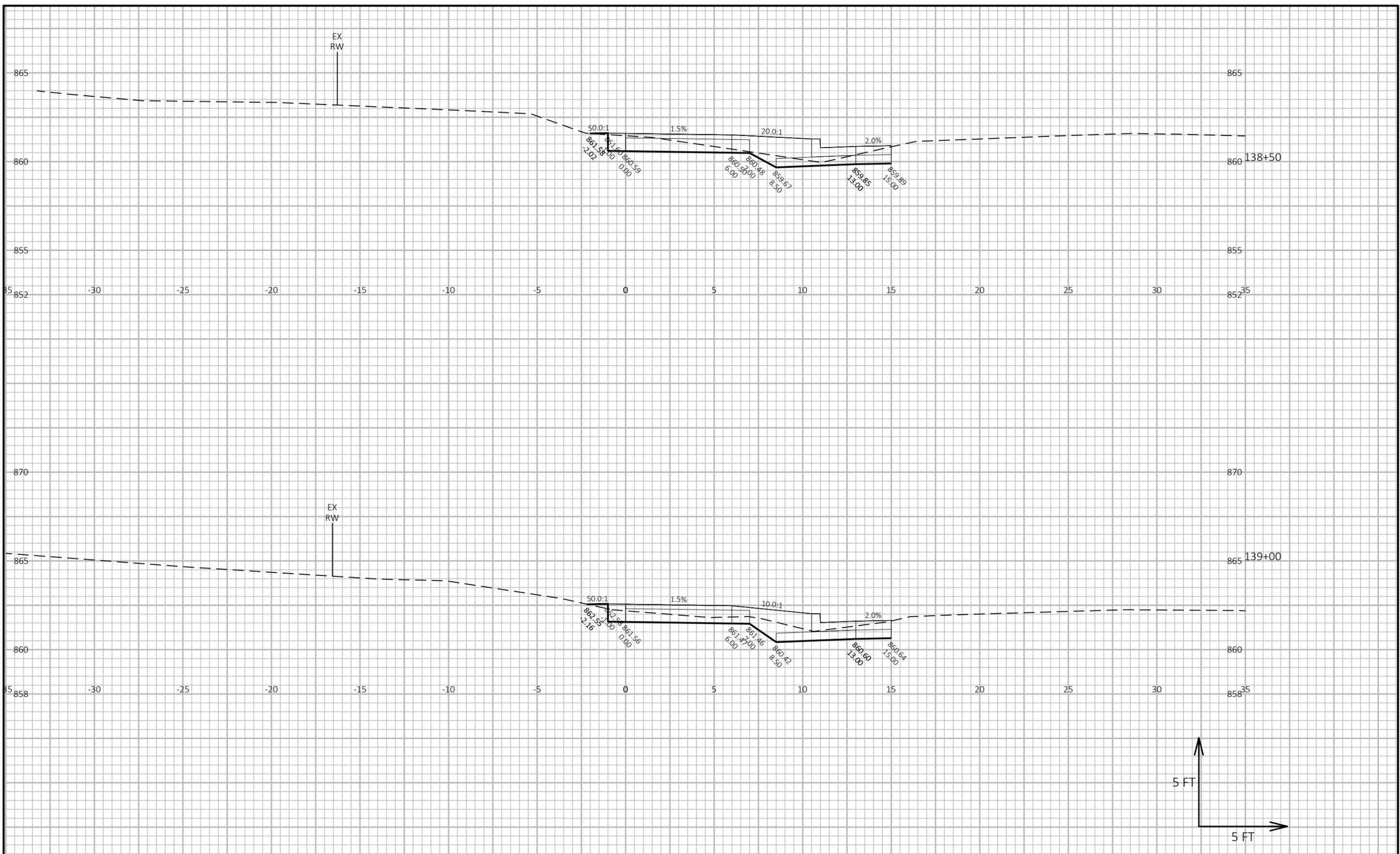
Project No. 25040-000 Designed By: AGL
 Date: 01-30-2026 Checked By: SH

CS-32

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Draft Print
 FOR REVIEW ONLY

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PLOT DATE : 1/30/2026 5:06 PM
PLOT BY : ARIELLE LEWIS



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-33

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

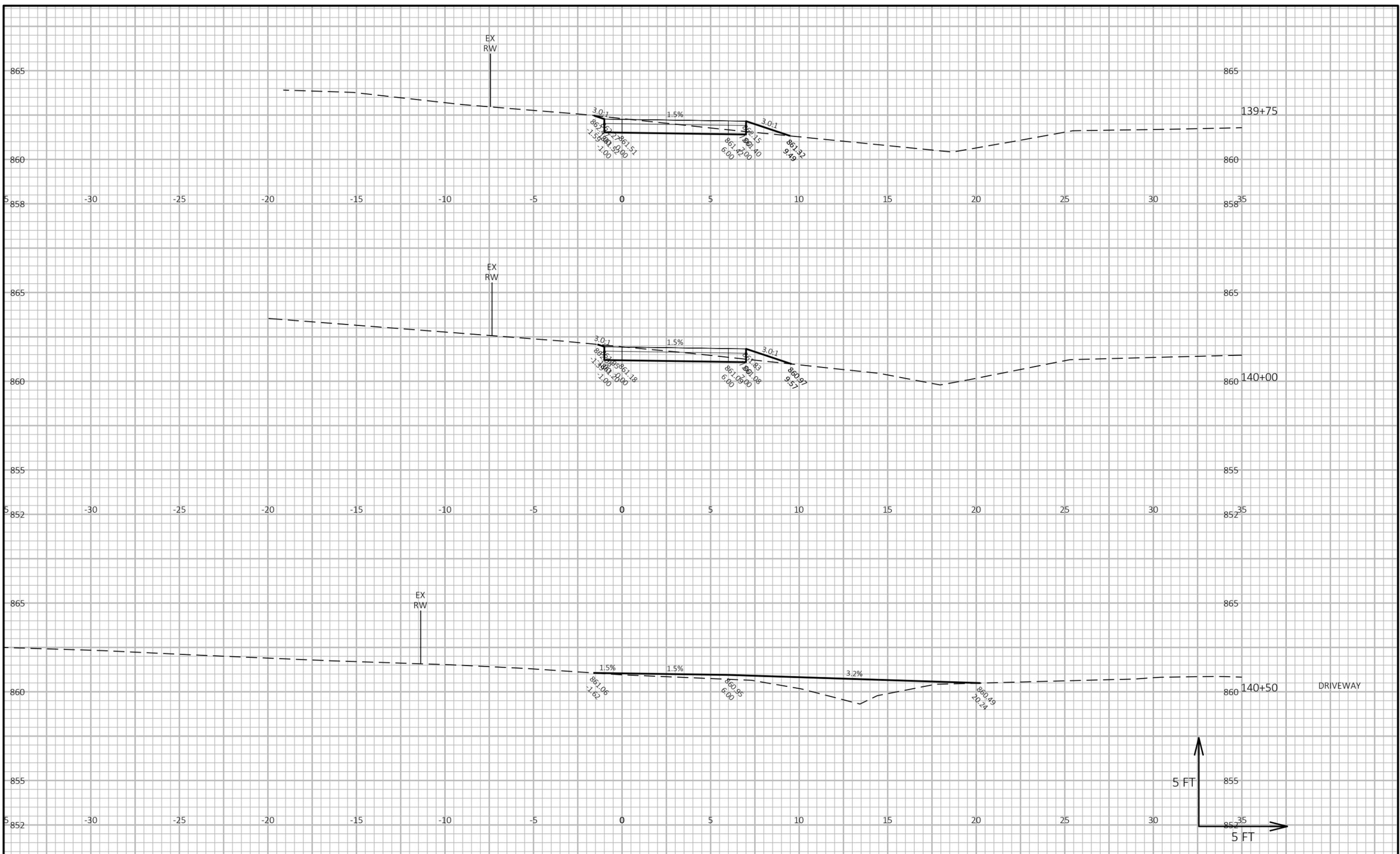
Draft Print
FOR REVIEW ONLY

PLOT DATE : 1/30/2026 5:06 PM

PLOT BY : ARIELLE LEWIS

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FILE NAME :



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 01-30-2026 Checked By: SH

CS-34

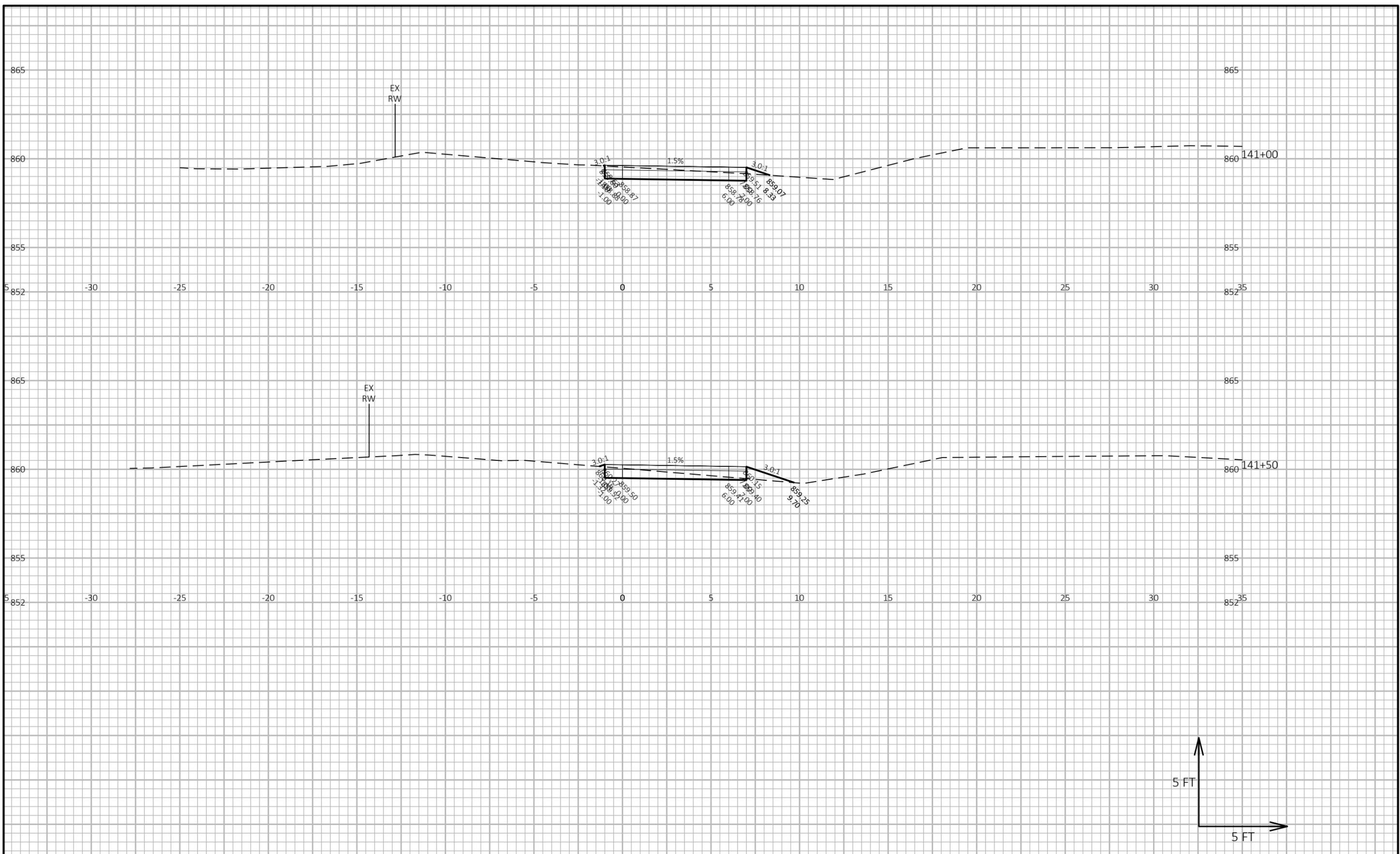
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Draft Print
 FOR REVIEW ONLY

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PLOT BY : ARIELLE LEWIS

PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

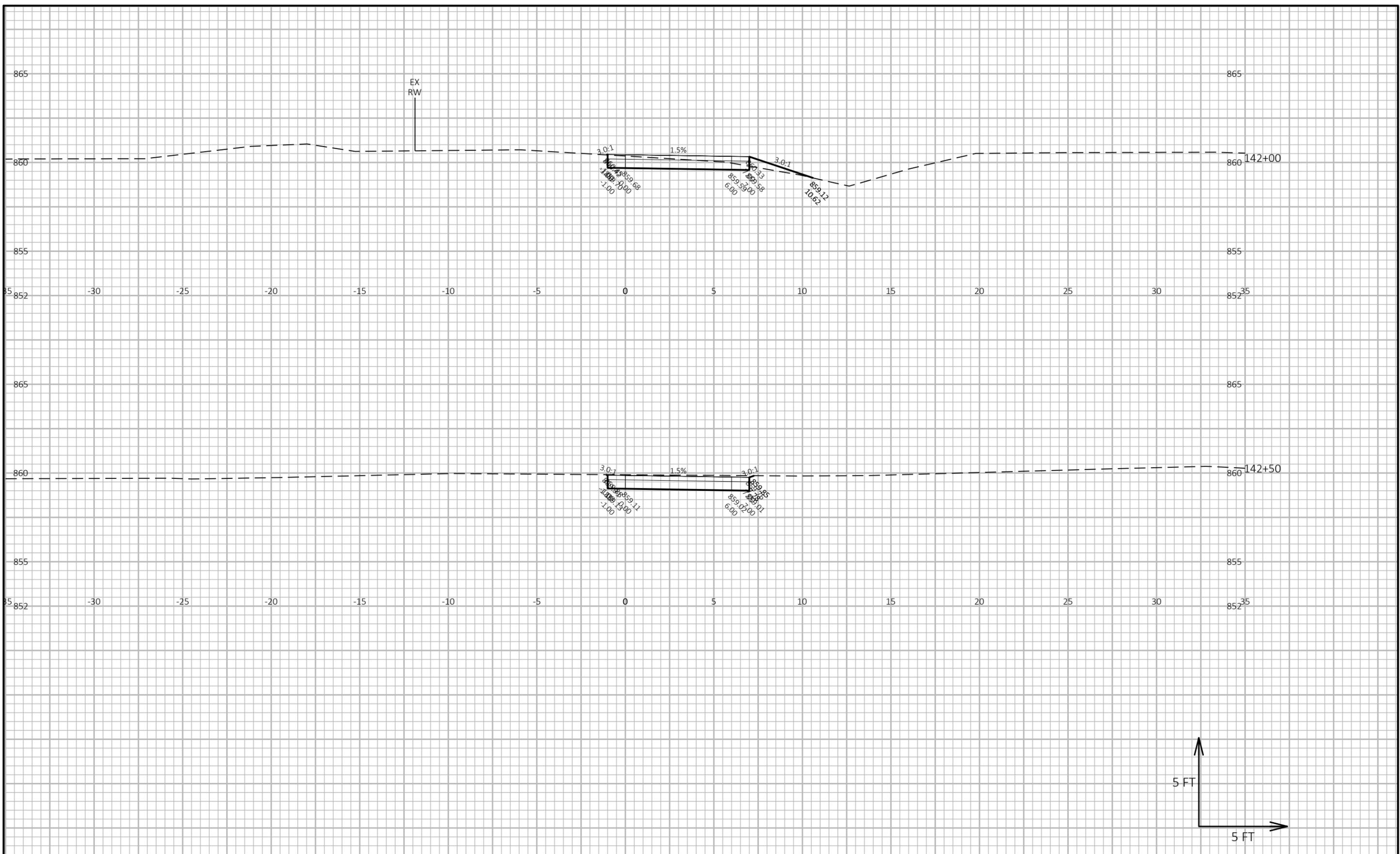
Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-35

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY

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PLOT BY: ARIELLE LEWIS
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

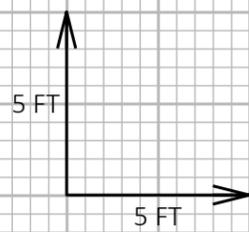
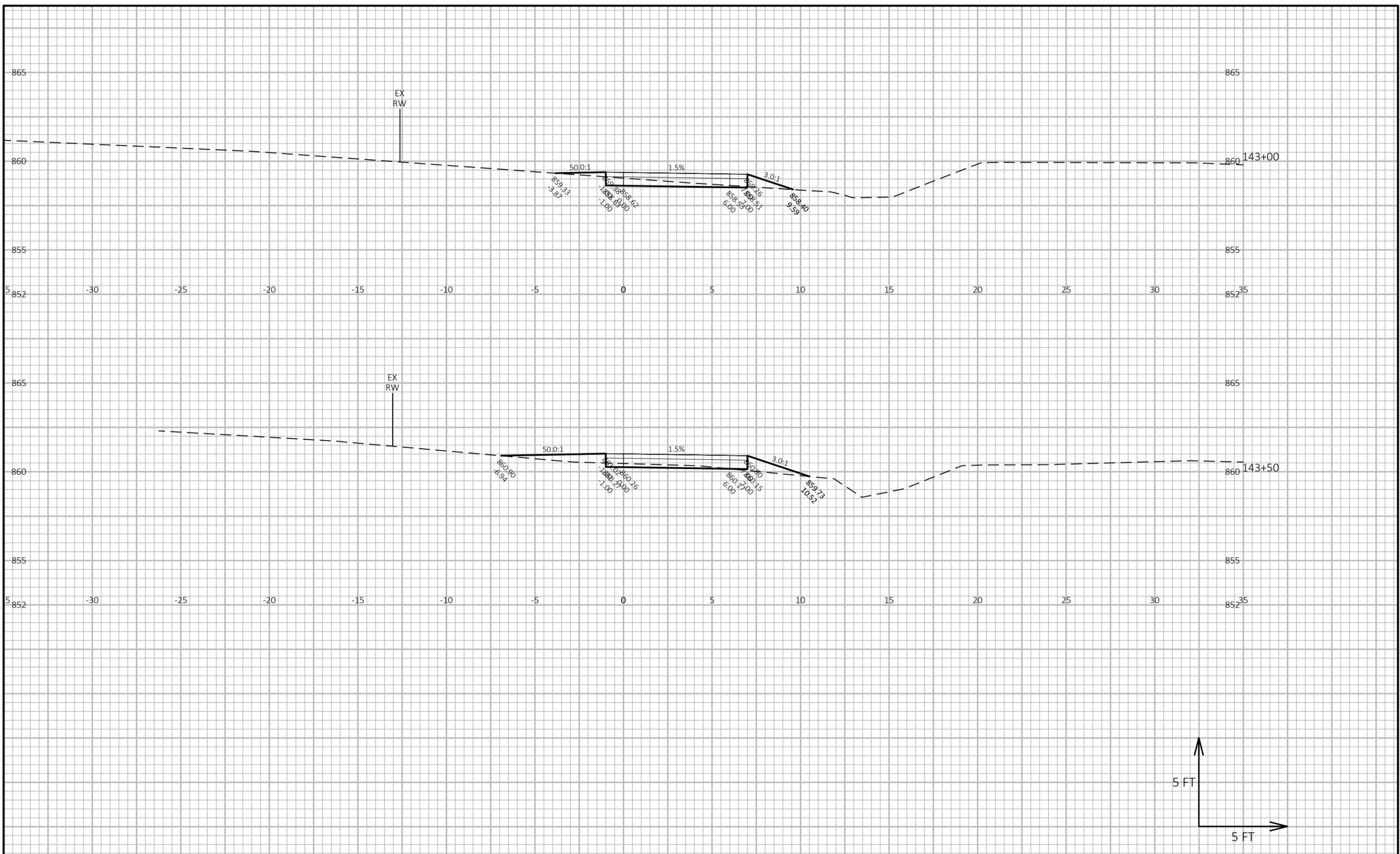
Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-36

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY

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PLOT BY: ARIELLE LEWEN
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

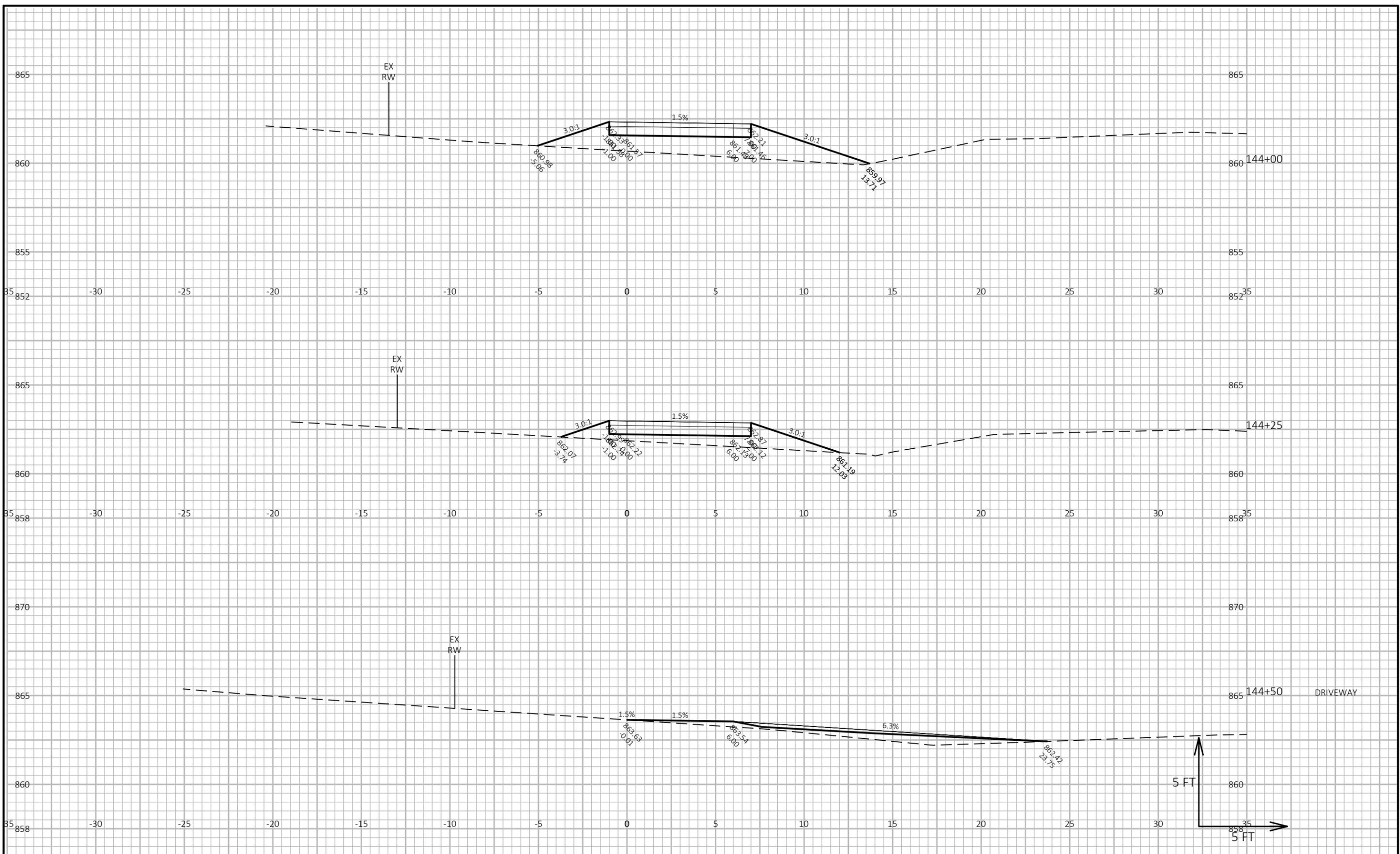
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Date: 01-30-2026 Checked By: SH

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Draft Print
FOR REVIEW ONLY

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CROSS SECTIONS - 2026 PATHWAY

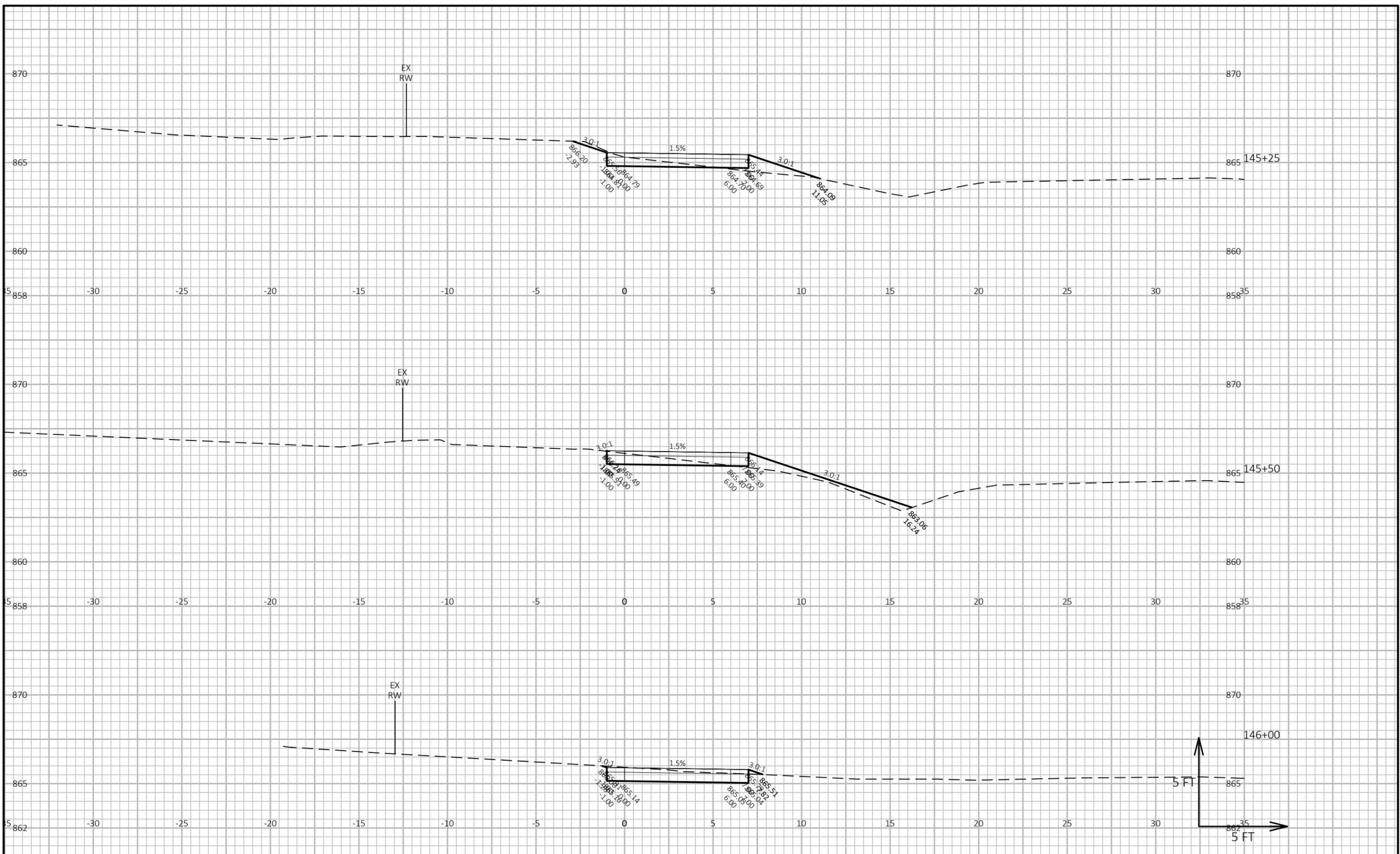
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Date: 01-30-2026 Checked By: SH

CS-38

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY

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PLOT DATE : 1/30/2026 5:06 PM
PLOT BY : ARIELLE LEWIS



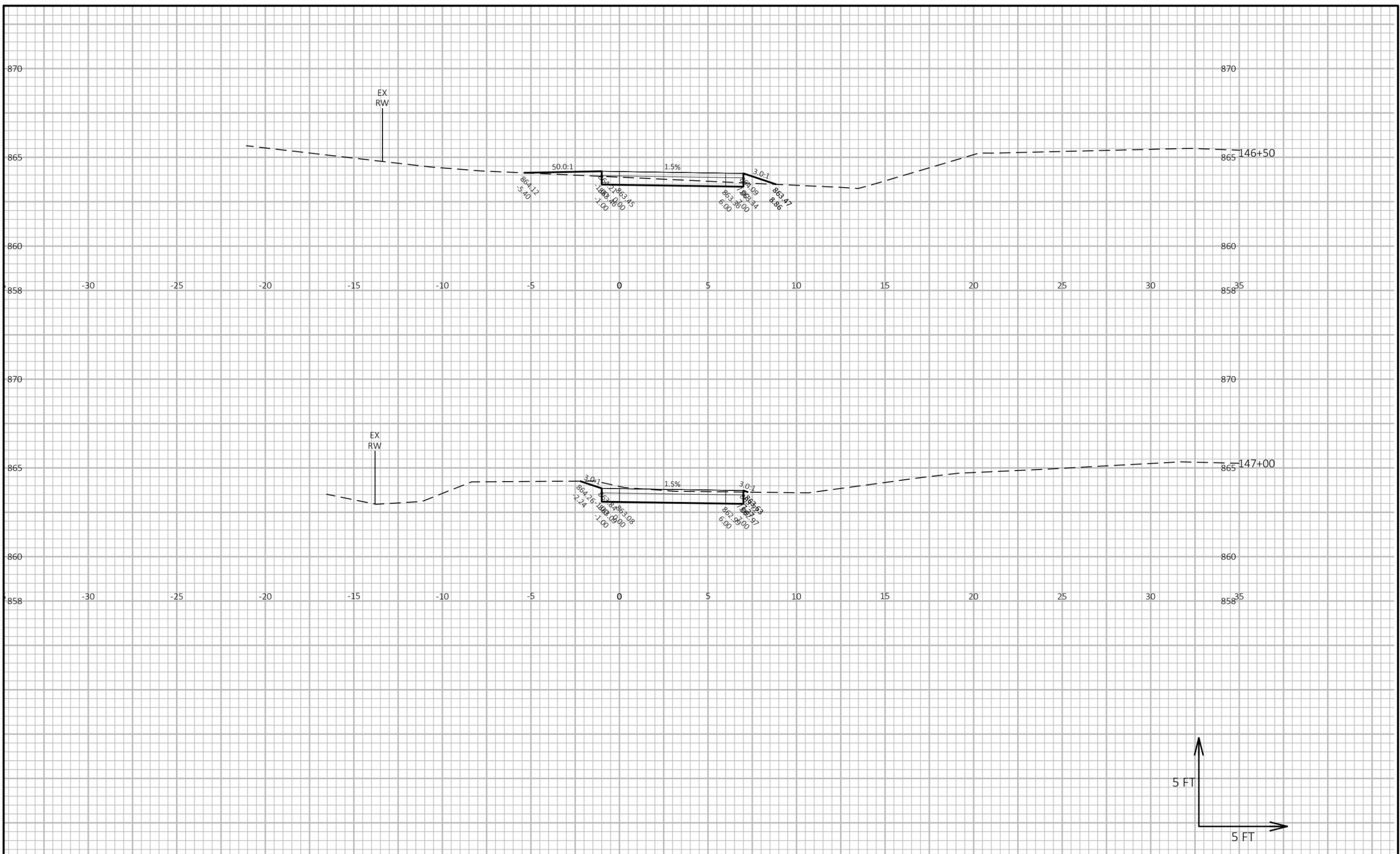
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Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

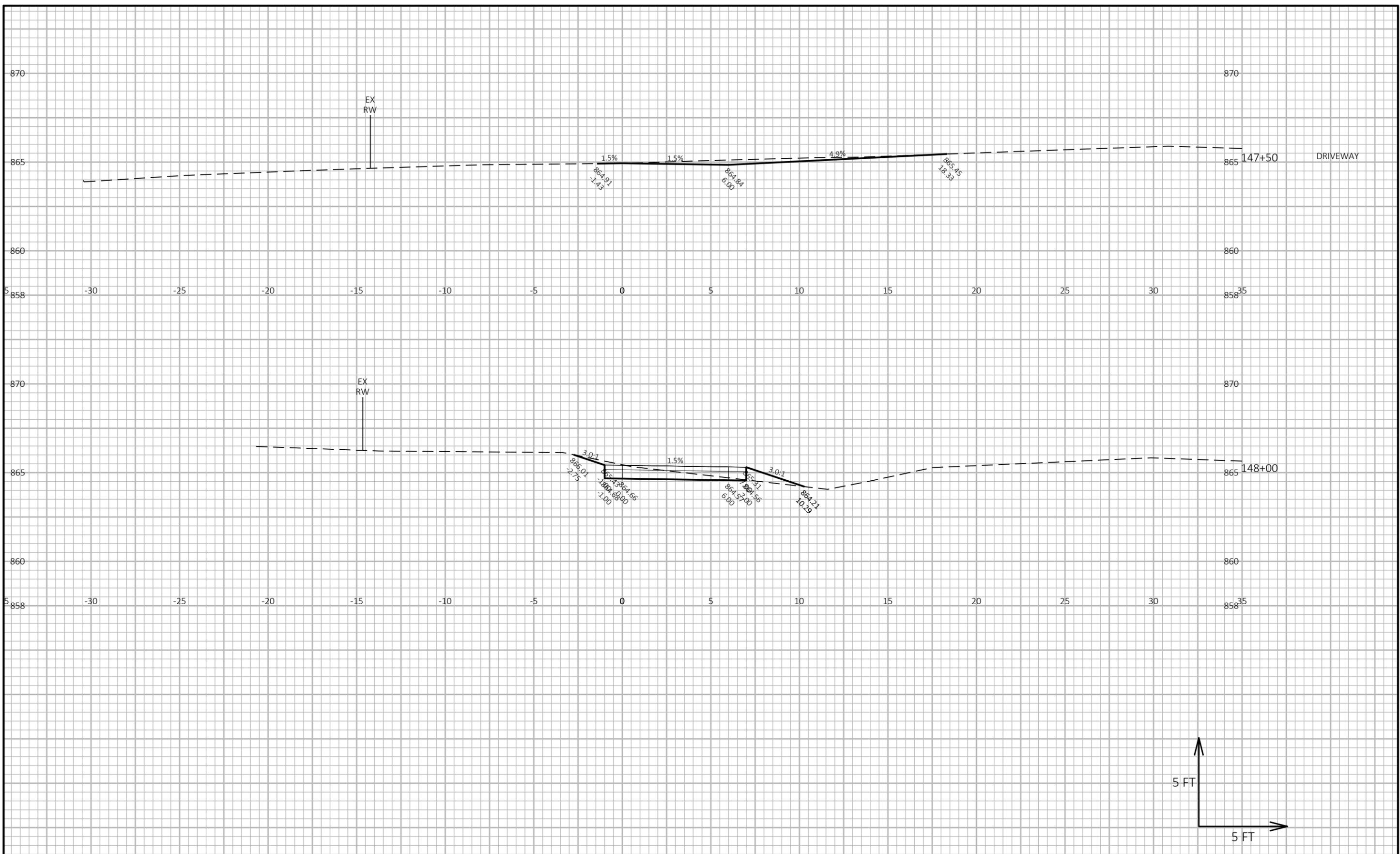
CS-39

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY



FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWIS
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

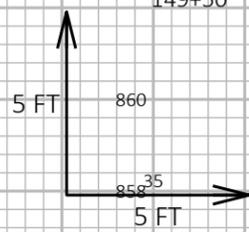
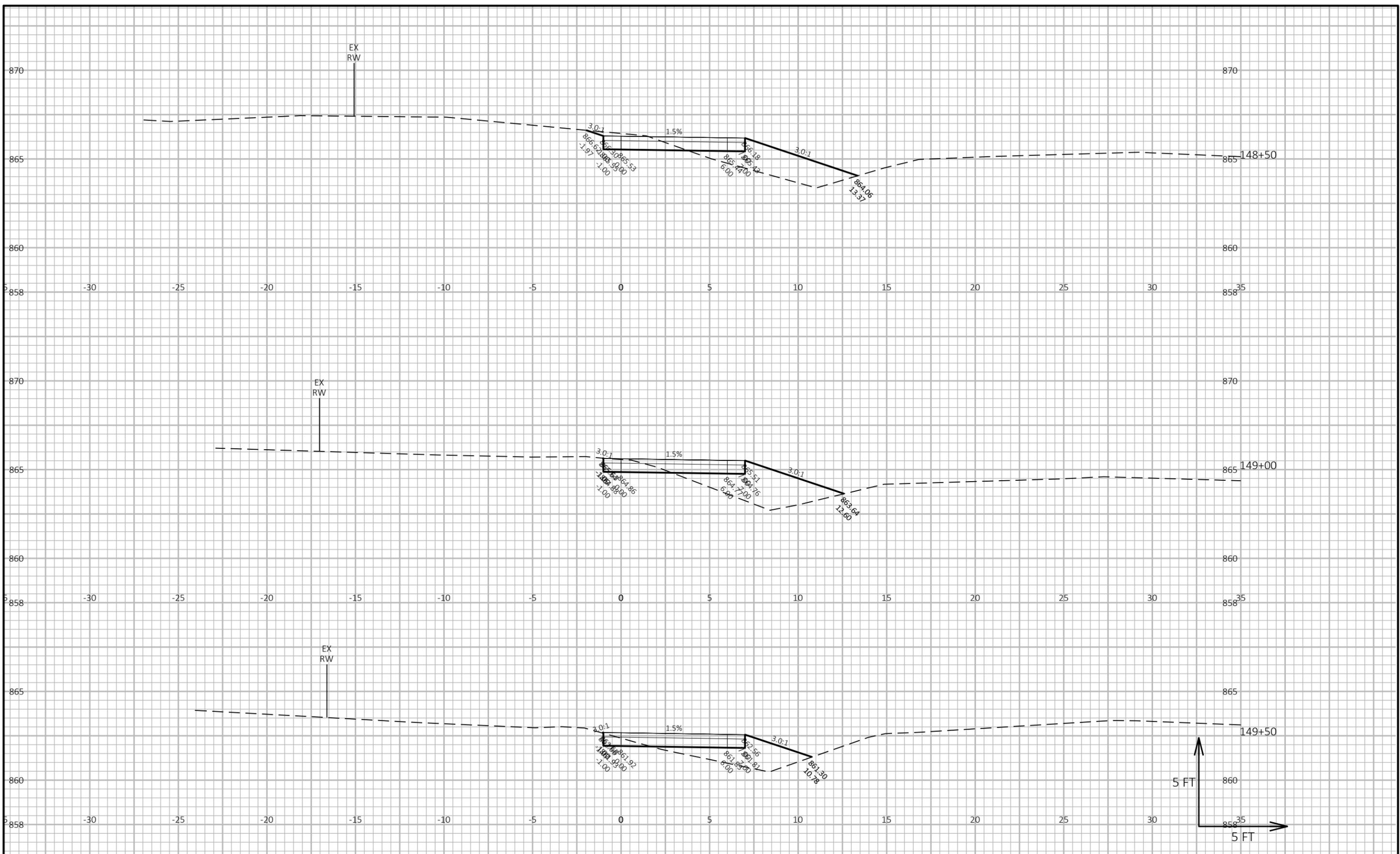
Project No. 25040-000 Designed By: AGL
Date: 01-30-2026 Checked By: SH

CS-41

PLOT SCALE : 1 IN:5 FT HORZ. / 1 IN:5 FT VERT.

Draft Print
FOR REVIEW ONLY

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWEN
PLOT DATE : 1/30/2026 5:06 PM



CROSS SECTIONS - 2026 PATHWAY

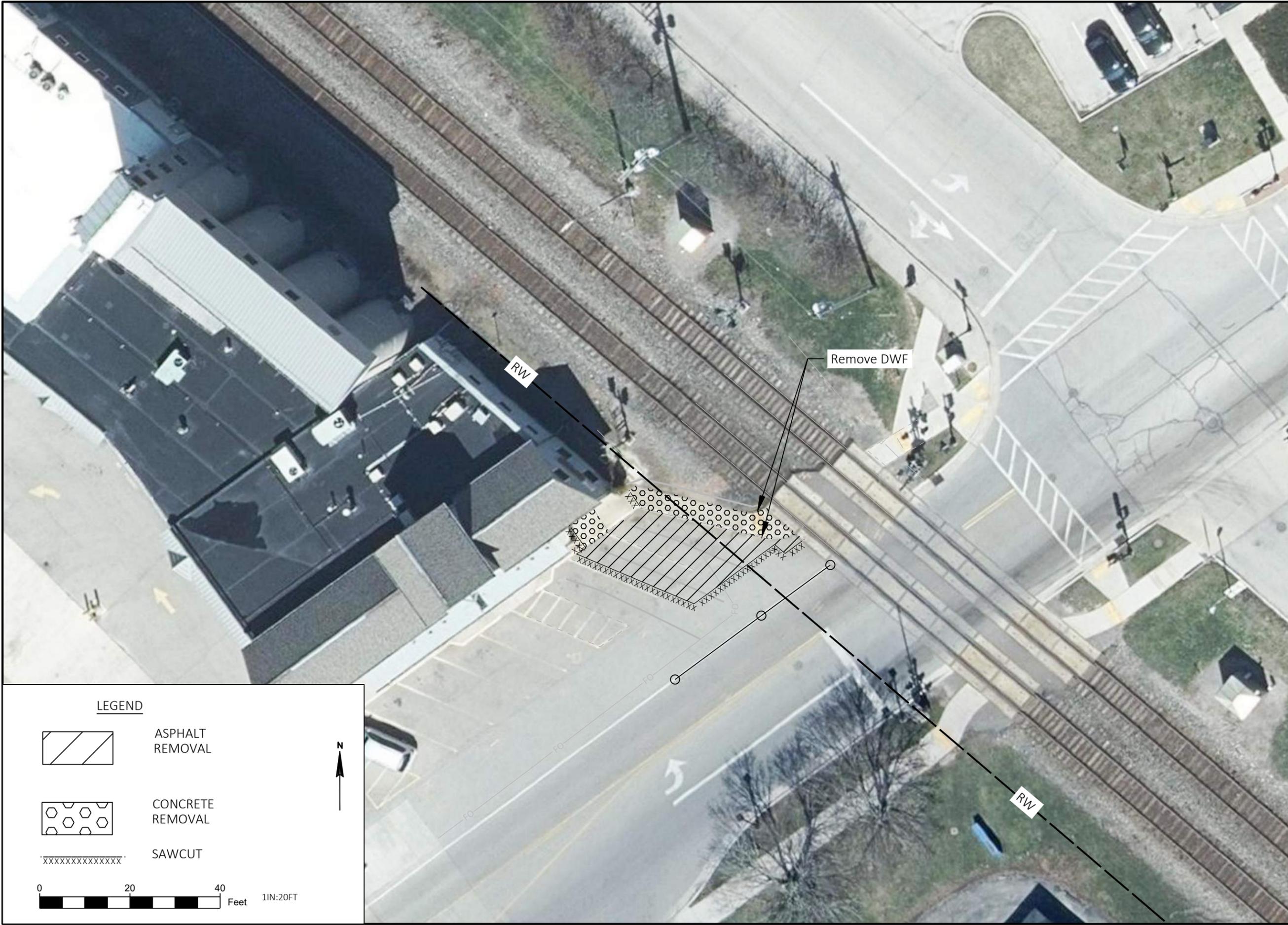
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Date: 01-30-2026 Checked By: SH

CS-42

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Draft Print
FOR REVIEW ONLY

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\WATERTOWN PLANK REMOVALS.DWG PLOT BY : ARIELLE LEWIS PLOT DATE : 1/30/2026 5:39 PM



KL
Engineering
[A] Better Experience
5400 King James Way
Suite 200
Madison, WI. 53719
Phone: (608) 663-1218
Phone: (800)-810-4012
http://klengineering.com
email@klengineering.com

VILLAGE OF ELM GROVE
REMOVAL PLAN

Project No: XXX
Date: 01-30-2026
Designed By: AGL
Drafted By: AGL
Checked By: TB

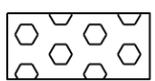
Revisions: XX-XX-XXXX

SHEET NO.
XX

LEGEND



ASPHALT
REMOVAL



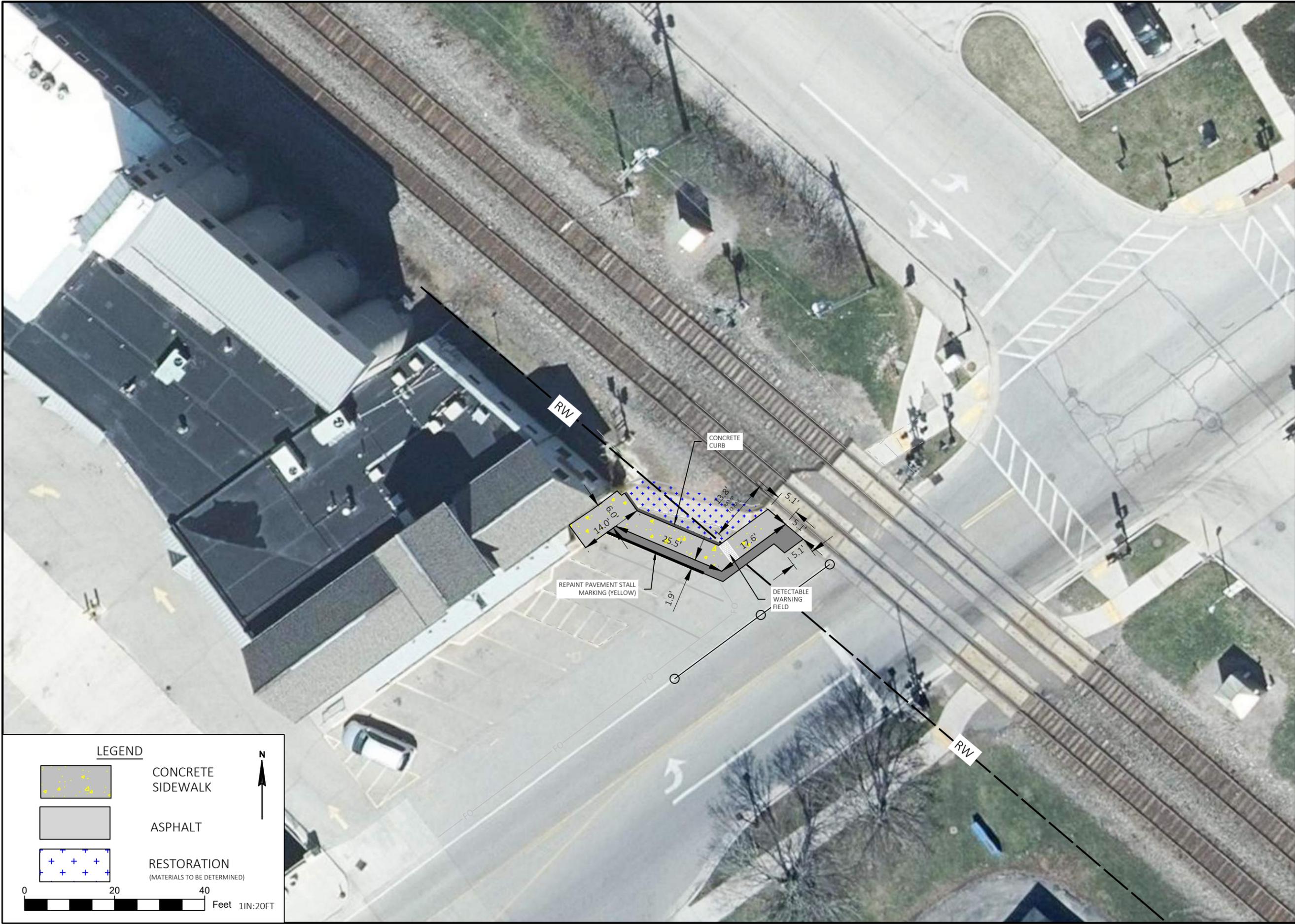
CONCRETE
REMOVAL



SAWCUT



FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\WATERTOWN PLANK LAYOUT.DWG PLOT DATE : 1/30/2026 5:56 PM PLOT BY : ARIELLE LEWIS



KL
Engineering
 [A] Better Experience
 5400 King James Way
 Suite 200
 Madison, WI. 53719
 Phone: (608) 663-1218
 Phone: (800)-810-4012
 http://klengineering.com
 email@klengineering.com

VILLAGE OF ELM GROVE
 LAYOUT PLAN

| | |
|--------------|------------|
| Project No: | XXX |
| Date: | 01-30-2026 |
| Designed By: | AGL |
| Drafted By: | AGL |
| Checked By: | TB |
| Revisions: | XX-XX-XXXX |

SHEET NO.
 XX

LEGEND

| | |
|--|---|
| | CONCRETE SIDEWALK |
| | ASPHALT |
| | RESTORATION (MATERIALS TO BE DETERMINED) |

0 20 40 Feet 1/4"=20FT

N

Village of Elm Grove – 2026 Pathways (2026 & 2028 Highland Drive)

To: Tom Harrigan, Village Manager, Village of Elm Grove
Richard Paul Jr., Public Works Director, Village of Elm Grove

From: Travis Brush, Project Leader, KL Engineering

Date: February 9, 2026

KL Engineering is pleased to submit the 60% plans and estimate for the Highland Drive pathway between Watertown Plank Rd and Gebhardt Rd. This narrative is intended to give an overview of the design intent, items of consideration, items to be addressed, and potential future coordination efforts. This document supplements the provided preliminary plan documents to give further explanation on KL plan comments noted and provide additional design consideration insight.

General Notes

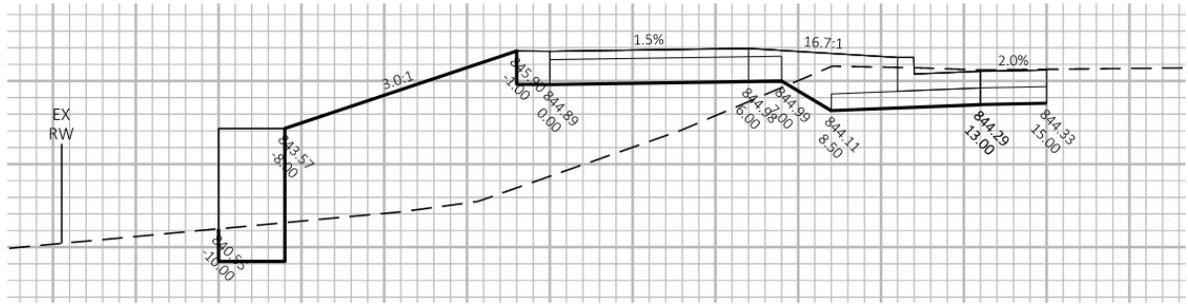
- Site tree review was completed on February 5th, 2026 which included Mark Becker (Elm Grove Forester), Richard Paul Jr. (Elm Grove DWP), Travis Brush (KL Eng), and Josh Hahn (KL Eng).
 - GPS was used to walk project and paint out pathway and evaluate proximity of trees
 - Trees evaluated based on type, condition, impacts of nearby grading, and safety features such as sight lines
 - 60% plan updated with site review notes with tree removals shown
 - KL to modify pathway alignment in noted locations to save additional trees

Items of Interest

- **MMSD Chapter 13 Surface Water and Stormwater**
 - Chapter 13 governs regional flood risk reduction and stormwater management for developments that fall within certain watersheds and result in an increase of impervious areas
 - Runoff management is not required for 'recreational trails' if
 - The trail is less than or equal to 10 ft in width
 - Has continuous pervious buffer of at least 5ft on each side
 - Recreational trail is defined as a path that:
 - Is distinctly set apart from a roadway, street, or sidewalk;
 - Designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or other recreation not involving the use of motorized vehicles; and
 - Not a sidewalk according to Wis. Stat. sec 340.01(58)
 - 340.01(58): "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.
 - In review of this project, MMSD has made the initial determination that this is not a recreational path, and should be classified as a sidewalk, which would require runoff management
 - Path currently adds 0.61 acres of impervious area
 - Path adheres to all requirements to be classified as recreational trail per MMSD definition
 - Elm Grove has requested additional meeting with MMSD to discuss determination as this has broader impacts than just the Highland pathway project
- **Easement (1255 Highland)**
 - With revised alignment, KL needs to approach homeowner about the removal of one single tree based on the 60% alignment shown
 - Once owner has reviewed the plan, KL will draft easement exhibit with Elm Grove approval

- **Retaining Wall**

- Retaining wall type and style will match that of the Gebhardt/Highland wall
 - R&M provided previous wall submittals so KL can match type
 - It was suggested that color sample be provided to best match the existing wall color
- Additional retaining wall was added in the area of STA 132+20 – 133+15
 - Pathway was shown in 30% plans to be benched into existing side slope
 - Running grade of pathway would have then exceeded PROWAG as it relates to the slope of the roadway
 - Typical section shown below, railing to be required in this section between path and wall



- Any preferred railing types? Wooden railing on northern section of Highland pathway shown below



- **Traffic Control –**

- Two options of traffic control previously discussed:
 - One-Way traffic operation
 - Road Closed to Thru Traffic
- Examples of each type are shown in [Attachment A](#)
- Based on number of devices and daily maintenance required for the One-Way operation, it is estimated that traffic control costs could increase by 30-50%
- Previous discussions of both options included:
 - Concerns of wrong-way drivers with one-way operation
 - For road closed, increased devices needed within work zone around contractor materials and equipment
 - All cross-street traffic operations would be maintained with either option
- Advanced public notifications will be helpful with either option
- PCMS boards placed 7 days in advance of closure will help warn residents of impacts to travel

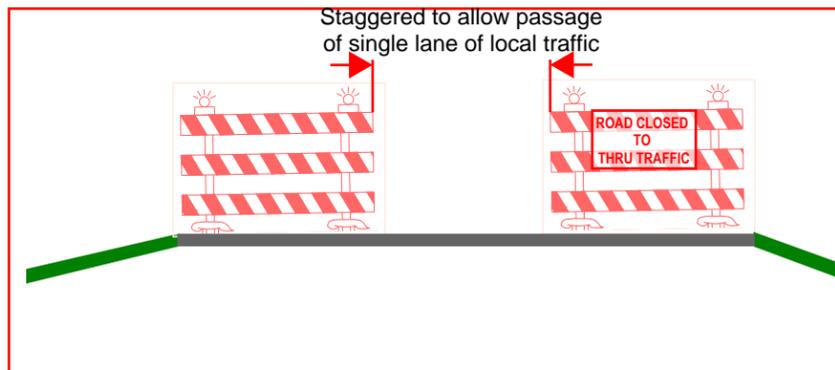
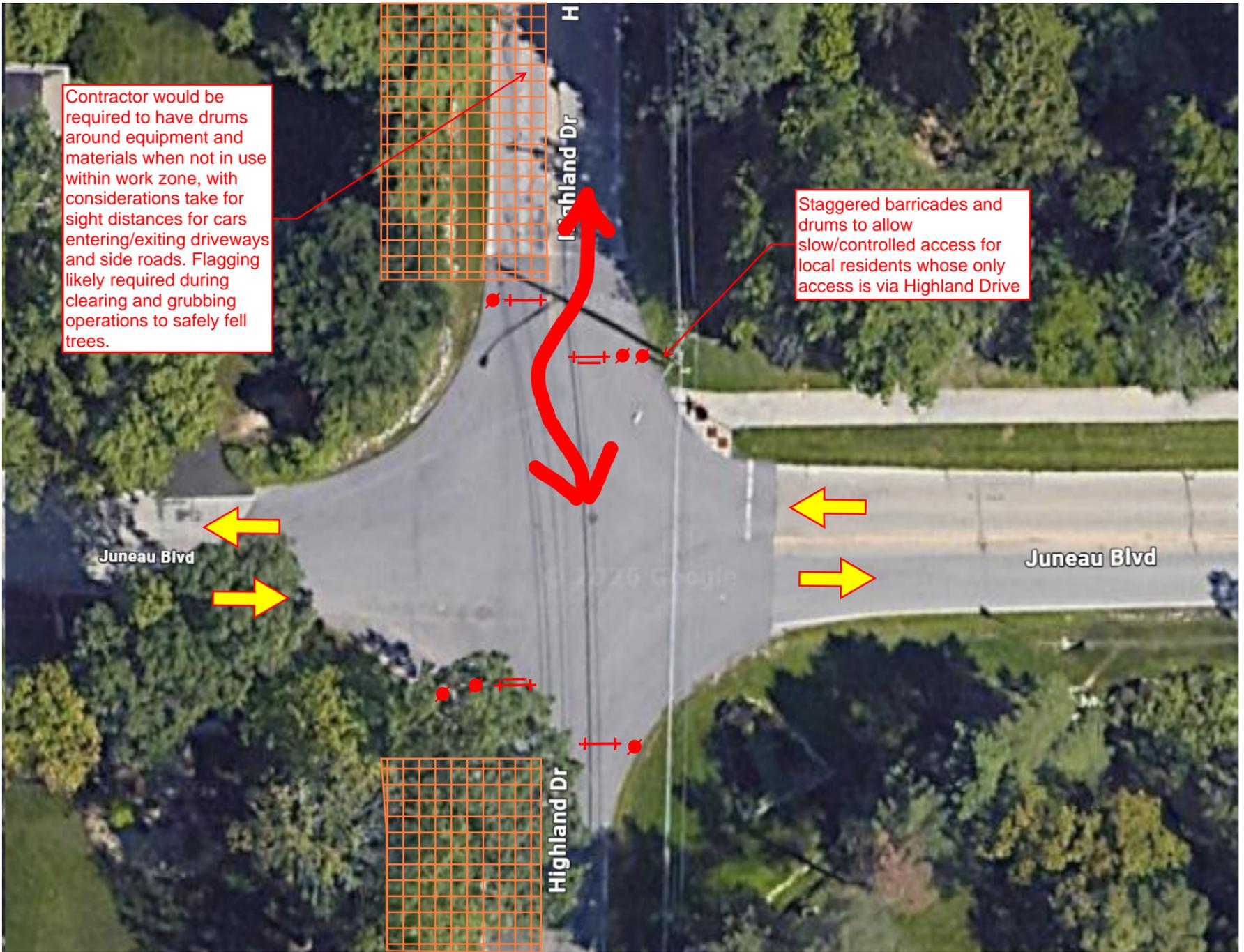
- **Utilities**

- Utility coordination underway
- Significant undergrounding effort planned by We Energies
 - Unclear currently as to any impacts to project (good or bad)
 - Several power poles located between Victoria Circle S and Victoria Circle N in conflict with proposed wall and pathway
- Storm sewer design and impacts to utilities to be considered as design progresses from 60% plans

Next Steps of Project

- To maintain proposed project schedule, KL requests comments from Village review to be received no later than **Monday February 16th, 2026**.
- KL will continue coordination efforts with homeowners and Village to clarify details as we work towards 90% plan submittal (Scheduled for end of February/Early March).
- Impacts of MMSD runoff management unknown at this time
- KL to make known modifications to pathway alignment based on most recent field review and Village review comments
 - Continue project detailing for retaining walls, curb ramps, storm sewer, traffic control, etc.
 - Develop project manual and specifications
- Anticipated bid advertisement is in March of 2026.

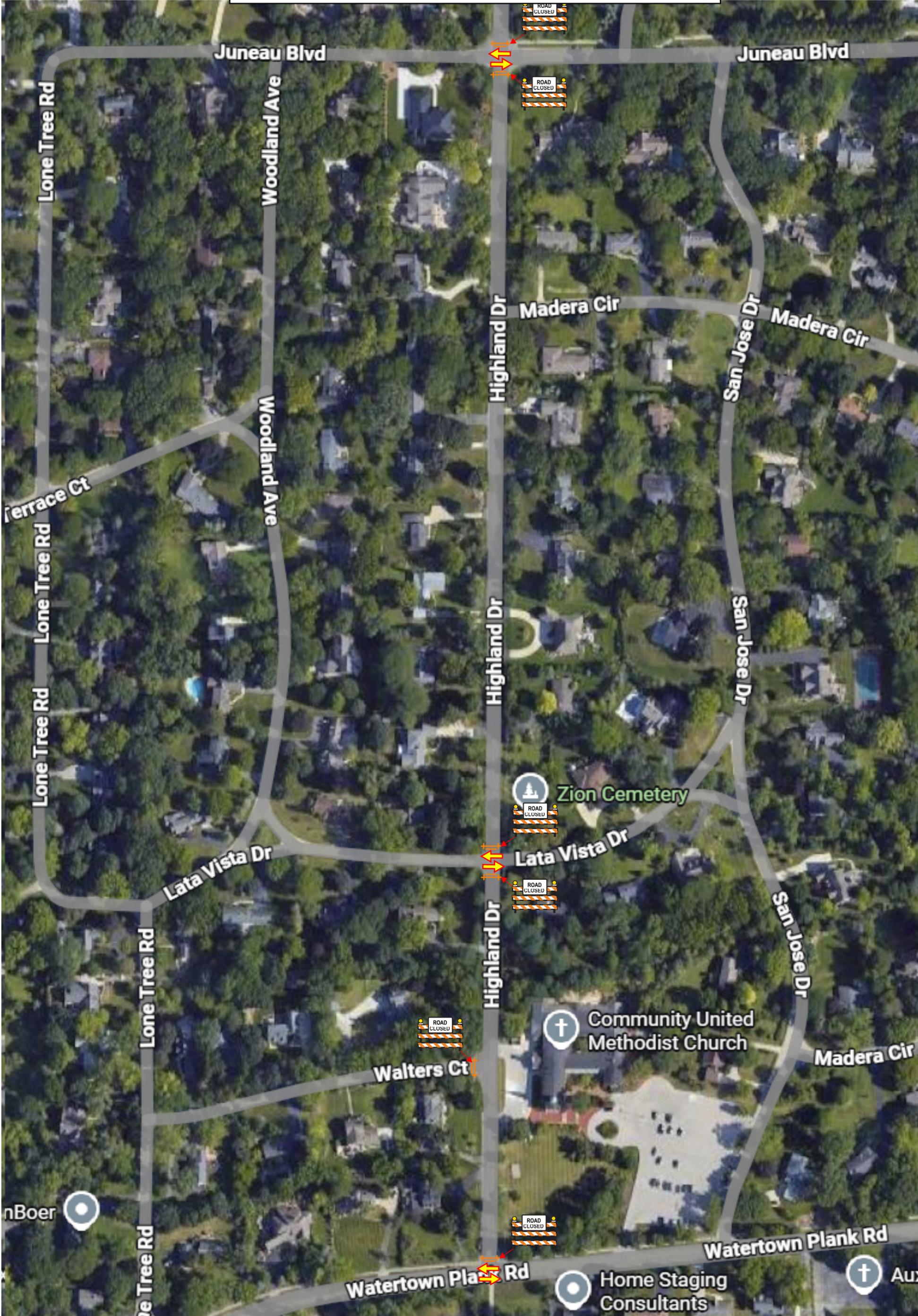
ROAD CLOSED TO THRU TRAFFIC



ROAD CLOSED TO THRU TRAFFIC



ROAD CLOSED TO THRU TRAFFIC





LEGEND

- EXISTING SIGN ON PERMANENT SUPPORT
- NEW SIGN ON PERMANENT SUPPORT
- TRAFFIC CONTROL DRUM
- TYPE III BARRICADE WITH ATTACHED SIGN
- TYPE "A" WARNING LIGHT (FLASHING)
- DIRECTION OF TRAFFIC
- WORK ZONE

GENERAL NOTES

THE EXACT NUMBER, LOCATION AND SPACING OF ALL SIGNS AND DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS DIRECTED BY THE ENGINEER.

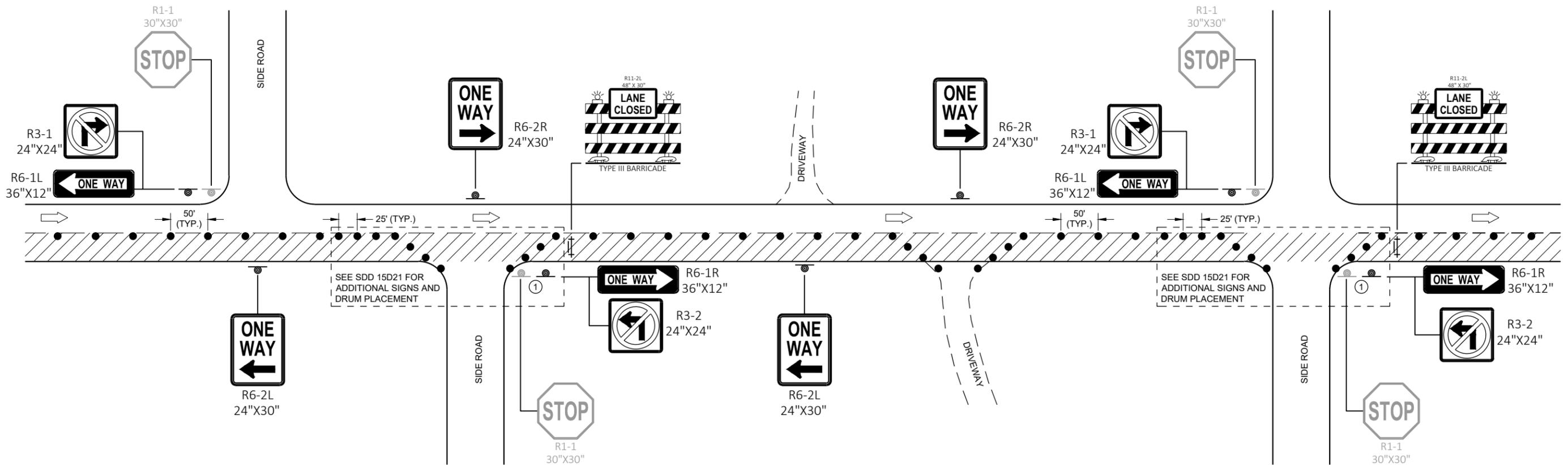
ALL SIGNS AND DEVICES SHALL BE IN CONFORMANCE WITH THE WISCONSIN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (WMUTCD). SIGN LAYOUTS SHALL BE IN ACCORDANCE WITH THE WISDOT STANDARD SIGN PLATES.

ANY SIGNS TEMPORARY OR EXISTING, WHICH CONFLICT WITH THE TRAFFIC CONTROL "IN USE" SHALL BE REMOVED OR COVERED AS NEEDED AND AS APPROVED BY THE ENGINEER. NO WARNING LIGHTS SHALL BE WORKING ON COVERED OR "DOWNED" SIGNS.

BARRICADES IN A CLOSED LANE THAT MUST BE MOVED FOR A WORK OPERATION SHALL BE IMMEDIATELY REESTABLISHED UPON COMPLETION OF THE OPERATION, OR FOR CONTINUING OPERATIONS, AT THE END OF EACH WORKING DAY.

WARNING LIGHTS ARE NOT REQUIRED IF THE LANE CLOSURE IS A DAYTIME ONLY OPERATION.

① IF WORK OPERATIONS ALLOWS, MOVE R1-1, R6-1R, AND R3-2 CLOSER TO INTERSECTION.



TRAFFIC CONTROL ONE - WAY SIGNING

TRAFFIC CONTROL ONE-WAY SIGNING

STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION

APPROVED
 May 2020 /S/ Andrew Heidtke
 DATE WORK ZONE ENGINEER

FHWA

SDD 15D46 - 01

SDD 15D46 - 01

Estimated Construction Cost - 60 % PLAN (February 4, 2026)

Elm Grove Future Pathways 2026

Highland Drive: Watertown Plank Rd - Gebhardt Rd

| Highland Drive: Watertown Plank Rd -Gebhardt Road | | | | | Comments |
|---|----------------|---------------|---------------------------------------|-------------------------|---|
| General Bid Item | QTY | Unit | Unit Price | TOTAL | |
| Mobilization | 1 | LS | \$ 75,000.00 | \$ 75,000.00 | |
| Traffic Control | 1 | LS | \$ 50,000.00 | \$ 50,000.00 | |
| Erosion Control | 1 | LS | \$ 20,000.00 | \$ 20,000.00 | |
| Construction Staking | 1 | LS | \$ 15,000.00 | \$ 15,000.00 | |
| Removing Asphaltic Surface | 1031 | SY | \$ 11.00 | \$ 11,341.00 | At Driveways and 2' in front of new curb and gutter sections |
| Removing Concrete Surface | 138 | SY | \$ 45.00 | \$ 6,210.00 | At driveways |
| Removing Small Culverts | 22 | EA | \$ 1,200.00 | \$ 26,400.00 | Assumed all driveway culverts to be removed |
| Clearing & Grubbing / Tree Removal | 49 | STA | \$ 1,700.00 | \$ 83,300.00 | |
| Excavation Common | 1200 | CY | \$ 70.00 | \$ 84,000.00 | Based on autocad surface comparison datum vs. existing |
| Borrow | 100 | CY | \$ 70.00 | \$ 7,000.00 | Assume 50% of Cut is unusable (topsoil) |
| EBS | 660 | CY | \$ 70.00 | \$ 46,200.00 | 50% of Pathway Length - Upped from 30% based on previous Highland Path (Per Prelim plan review) |
| EBS Backfill (Breaker Run) | 1320 | TON | \$ 30.00 | \$ 39,600.00 | If required, based on EBS quantity (2 tons/CY EBS) |
| Geogrid | 2000 | SY | \$ 12.00 | \$ 24,000.00 | If required, assumed 50% of pathway length |
| Base Aggregate Dense 1 1/4-Inch | 2800 | TON | \$ 41.00 | \$ 114,800.00 | 9" path & driveway sections |
| Asphaltic Surface - Path (3-inch) | 485 | TON | \$ 180.00 | \$ 87,300.00 | Pathway |
| Asphaltic Surface - Roadway (6-inch) | 80 | TON | \$ 240.00 | \$ 19,200.00 | 2' section in front of gutter |
| Asphaltic Surface Driveways (4-inch) | 265 | TON | \$ 180.00 | \$ 47,700.00 | Driveways and path through driveways |
| Culvert Pipe Metal | 519 | LF | \$ 75.00 | \$ 38,934.00 | Assuming 15" average. All driveway culverts to be replaced. |
| Concrete Curb & Gutter 30-inch | 1008 | LF | \$ 50.00 | \$ 50,400.00 | |
| Concrete Sidewalk (6-inch) | 2653 | SF | \$ 14.00 | \$ 37,142.00 | Assumed average 6' x 10' curb ramps at roadway crossings |
| Curb Ramp Detectable Warning Field | 154 | SF | \$ 50.00 | \$ 7,700.00 | Assumed 2' x 6' DWF at curb ramps, Includes Watertown Plank Sidewalk |
| 18" RCP Class V | 20 | LF | \$ 135.00 | \$ 2,714.85 | |
| 15" RCP Class V | 1570 | LF | \$ 128.00 | \$ 200,960.00 | |
| Inlets 2 X 3 - FT | 7 | EA | \$ 2,900.00 | \$ 20,300.00 | |
| Inlet Median 1 | 6 | EA | \$ 3,600.00 | \$ 21,600.00 | |
| Inlet Median 2 | 1 | EA | \$ 6,500.00 | \$ 6,500.00 | |
| Inlet Cover Type MS | 8 | EA | \$ 785.00 | \$ 6,280.00 | |
| Type H Grate | 7 | EA | \$ 1,100.00 | \$ 7,700.00 | |
| Landscaping/Restoration | 3364 | SY | \$ 15.00 | \$ 50,460.67 | Topsoil, seed, fertilizer, and erosion matting or mulch |
| Marking | 420 | LF | \$ 1.35 | \$ 567.00 | Marking Crosswalk Epoxy Transverse Line 6-Inch |
| Signing | 27 | EA | \$ 100.00 | \$ 2,700.00 | |
| Sawing | 2260 | LF | \$ 1.50 | \$ 3,390.00 | |
| Non-Structural Retaining Wall | 1810 | SF | \$ 100.00 | \$ 181,000.00 | Assumed height not to exceed 4 FT |
| Railing | 175 | LF | \$ 50.00 | \$ 8,750.00 | Assuming wood railing |
| | | | Subtotal Construction = | \$ 1,339,000.00 | |
| | | | Contingency (20%) = | \$ 267,800.00 | |
| | | | Highland Drive Pathway Total = | \$ 1,606,800.00 | |

Note: Driveway culverts were included within prelim plan estimate. Items, quantities and amounts crossed through above are not included within project cost based on direction that driveway culverts are to remain.

CW Purpero Comparison

| January 27, 2026 | | | | | | Difference (2025 - 2026) | | May 20, 2025 | | | | | |
|------------------|---|------|-------|----------------|-----------------------|-----------------------------|-----------------------|----------------|-----------------------|---|------|--------|------|
| Item | Description | UNIT | QTY | Unit Price | Extension | Unit Price | Extension | Unit Price | Extension | Description | UNIT | QTY | Item |
| 1 | Mobilization, Demobilization, And Site Preparation | LS | 1 | \$180,000.00 | \$180,000.00 | \$24,000.00 | \$24,000.00 | \$204,000.00 | \$204,000.00 | Mobilization, Demobilization, And Site Preparation | LS | 1 | 1 |
| 2 | Lighting Removal and Reinstallation | LS | 1 | \$29,000.00 | \$29,000.00 | \$14,000.00 | \$14,000.00 | \$43,000.00 | \$43,000.00 | Lighting Removal and Reinstallation | LS | 1 | 2 |
| 3 | Clearing and Grubbing | LS | 1 | \$20,000.00 | \$20,000.00 | (\$5,000.00) | (\$5,000.00) | \$15,000.00 | \$15,000.00 | Clearing and Grubbing | LS | 1 | 3 |
| 4 | Asphalt Removal | SY | 12000 | \$3.25 | \$39,000.00 | \$0.35 | \$4,920.00 | \$3.60 | \$43,920.00 | Asphalt Removal | SY | 12,200 | 4 |
| 5 | Concrete Sidewalk Removal | SY | 50 | \$20.00 | \$1,000.00 | \$3.00 | (\$310.00) | \$23.00 | \$690.00 | Concrete Sidewalk Removal | SY | 30 | 5 |
| 6 | Curb and Gutter Removal | LF | 700 | \$5.00 | \$3,500.00 | \$2.00 | \$1,610.00 | \$7.00 | \$5,110.00 | Curb and Gutter Removal | LF | 730 | 6 |
| 7 | Railroad Bridge Removal | LS | 1 | \$46,000.00 | \$46,000.00 | \$15,000.00 | \$15,000.00 | \$61,000.00 | \$61,000.00 | Railroad Bridge Removal | LS | 1 | 7 |
| 8 | Culvert/Channel Complete Removal | LS | 1 | \$30,000.00 | \$30,000.00 | \$2,000.00 | \$2,000.00 | \$32,000.00 | \$32,000.00 | Culvert/Channel Complete Removal | LS | 1 | 8 |
| 9 | Culvert/Channel Partial Removal | LS | 1 | \$12,000.00 | \$12,000.00 | \$23,000.00 | \$23,000.00 | \$35,000.00 | \$35,000.00 | Culvert/Channel Partial Removal | LS | 1 | 9 |
| 10 | Culvert Bulkhead | LS | 1 | \$60,000.00 | \$60,000.00 | \$185,000.00 | \$185,000.00 | \$245,000.00 | \$245,000.00 | Culvert Abandonment with Cellular Concrete | LS | 1 | 10 |
| 11 | Well Abandonment | EA | 6 | \$1,300.00 | \$7,800.00 | \$500.00 | \$3,000.00 | \$1,800.00 | \$10,800.00 | Well Abandonment | EA | 6 | 11 |
| 12 | Miscellaneous Demolition and Disposal | LS | 1 | \$37,000.00 | \$37,000.00 | (\$11,000.00) | (\$11,000.00) | \$26,000.00 | \$26,000.00 | Miscellaneous Demolition and Disposal | LS | 1 | 12 |
| 13 | Cast-In-Place Retaining Wall (East) | LS | 1 | \$320,000.00 | \$320,000.00 | \$211,000.00 | \$211,000.00 | \$531,000.00 | \$531,000.00 | Cast-In-Place Retaining Wall (East) | LS | 1 | 13 |
| 14 | Cast-In-Place Retaining Wall (West) | LS | 1 | \$738,000.00 | \$738,000.00 | \$139,000.00 | \$139,000.00 | \$877,000.00 | \$877,000.00 | Cast-In-Place Retaining Wall (West) | LS | 1 | 14 |
| | | | | | | | \$51,000.00 | \$51,000.00 | \$51,000.00 | Lighting | LS | 1 | 15 |
| 15 | Excavation, Grading, and Disposal of Exempt Materials | LS | 1 | \$314,000.00 | \$314,000.00 | \$20,000.00 | \$20,000.00 | \$334,000.00 | \$334,000.00 | Excavation, Grading, and Disposal of Exempt Materials | LS | 1 | 16 |
| 16 | Excavation, Grading, and Landfill Disposal of Non-Exempt Material | LS | 1 | \$1,304,000.00 | \$1,304,000.00 | \$182,000.00 | \$182,000.00 | \$1,486,000.00 | \$1,486,000.00 | Excavation, Grading, and Landfill Disposal of Non-Exempt Material | LS | 1 | 17 |
| 17 | Impervious Fill Layer of Soil Cap | CY | 50 | \$34.00 | \$1,700.00 | \$6.00 | \$300.00 | \$40.00 | \$2,000.00 | Impervious Fill Layer of Soil Cap | CY | 50 | 18 |
| 18 | Wall Street Roadway | SY | 470 | \$68.00 | \$31,960.00 | \$9.00 | \$4,230.00 | \$77.00 | \$36,190.00 | Wall Street Roadway | SY | 470 | 19 |
| 19 | Parking Lot Asphalt Paving | SY | 9065 | \$36.50 | \$330,872.50 | \$1.00 | \$11,990.00 | \$37.50 | \$342,862.50 | Parking Lot Asphalt Paving | SY | 9,143 | 20 |
| 20 | East Path | SY | 1070 | \$42.50 | \$45,475.00 | \$2.80 | \$4,355.00 | \$45.30 | \$49,830.00 | East Path and Wall Street Path | SY | 1,100 | 21 |
| 21 | Concrete Curb and Gutter | LF | 1115 | \$41.00 | \$45,715.00 | \$2.00 | (\$3,790.00) | \$43.00 | \$41,925.00 | Concrete Curb and Gutter | LF | 975 | 22 |
| 22 | Concrete Sidewalk | SF | 440 | \$13.25 | \$5,830.00 | \$7.75 | \$6,770.00 | \$21.00 | \$12,600.00 | Concrete Sidewalk | SF | 600 | 23 |
| 23 | Pedestrian Bridge - Structure | LS | 1 | \$86,000.00 | \$86,000.00 | (\$5,000.00) | (\$5,000.00) | \$81,000.00 | \$81,000.00 | Pedestrian Bridge - Structure | LS | 1 | 24 |
| 24 | Pedestrian Bridge - Abutment | EA | 2 | \$36,000.00 | \$72,000.00 | \$4,000.00 | \$8,000.00 | \$40,000.00 | \$80,000.00 | Pedestrian Bridge - Abutment | EA | 2 | 25 |
| 25 | Topsoil | CY | 2640 | \$47.00 | \$124,080.00 | \$4.00 | \$1,890.00 | \$51.00 | \$125,970.00 | Topsoil | CY | 2,470 | 26 |
| 26 | Native Seeding - Zones A & B | SY | 1850 | \$3.00 | \$5,550.00 | (\$0.50) | (\$925.00) | \$2.50 | \$4,625.00 | Native Seeding Zones A & B | SY | 1,850 | 27 |
| 27 | Native Seeding - Zone C | SY | 5050 | \$1.70 | \$8,585.00 | (\$0.10) | (\$2,761.00) | \$1.60 | \$5,824.00 | Native Seeding Zone C | SY | 3,640 | 28 |
| 28 | Turf Seeding - Zone D | SY | 3170 | \$1.25 | \$3,962.50 | (\$0.15) | \$338.50 | \$1.10 | \$4,301.00 | Turf Seeding Zone D | SY | 3,910 | 29 |
| 29 | Live Stakes (Dormant Woody Cuttings) | EA | 2220 | \$5.00 | \$11,100.00 | \$1.00 | (\$2,100.00) | \$6.00 | \$9,000.00 | Live Stakes (Dormant Woody Cuttings) | EA | 1,500 | 30 |
| 30 | Shrubs | EA | 406 | \$100.00 | \$40,600.00 | \$6.00 | (\$14,100.00) | \$106.00 | \$26,500.00 | Shrubs | EA | 250 | 31 |
| 31 | Trees | EA | 45 | \$500.00 | \$22,500.00 | \$17.00 | (\$1,820.00) | \$517.00 | \$20,680.00 | Trees | EA | 40 | 32 |
| 32 | Vegetation Maintenance | LS | 1 | \$23,000.00 | \$23,000.00 | \$0.00 | \$0.00 | \$23,000.00 | \$23,000.00 | Vegetation Maintenance | LS | 1 | 33 |
| 33 | Storm Sewer Pipe RCP 12-Inch | LF | 304 | \$79.00 | \$24,016.00 | \$4.00 | \$1,216.00 | \$83.00 | \$25,232.00 | Storm Sewer Pipe Rcp 12-Inch | LF | 304 | 34 |
| 34 | Storm Sewer Pipe RCP 18-Inch | LF | 198 | \$109.00 | \$21,582.00 | (\$32.00) | (\$6,336.00) | \$77.00 | \$15,246.00 | Storm Sewer Pipe Rcp 18-Inch | LF | 198 | 35 |
| 35 | Storm Sewer Pipe RCP 24-Inch | LF | 118 | \$123.00 | \$14,514.00 | \$3.00 | \$3,756.00 | \$126.00 | \$18,270.00 | Storm Sewer Pipe Rcp 24-Inch | LF | 145 | 36 |
| 36 | Storm Sewer Pipe RCP 36-Inch | LF | 302 | \$227.00 | \$68,554.00 | (\$45.00) | (\$13,590.00) | \$182.00 | \$54,964.00 | Storm Sewer Pipe Rcp 36-Inch | LF | 302 | 37 |
| 37 | Storm Sewer Pipe HE RCP 34x53-Inch | LF | 234 | \$293.00 | \$68,562.00 | \$28.00 | \$6,552.00 | \$321.00 | \$75,114.00 | Storm Sewer Pipe HE RCP 34x53-Inch | LF | 234 | 38 |
| 38 | 34x53-Inch Concrete Apron Endwall | EA | 1 | \$21,000.00 | \$21,000.00 | (\$3,000.00) | (\$3,000.00) | \$18,000.00 | \$18,000.00 | 34x53-Inch Concrete Apron Endwall | EA | 1 | 39 |
| 39 | Storm Sewer Manhole 48-Inch | EA | 7 | \$3,600.00 | \$25,200.00 | \$363.00 | \$2,541.00 | \$3,963.00 | \$27,741.00 | Storm Sewer Manhole 48-Inch | EA | 7 | 40 |
| 40 | Storm Sewer Manhole 60-Inch | EA | 3 | \$6,000.00 | \$18,000.00 | \$55.00 | \$165.00 | \$6,055.00 | \$18,165.00 | Storm Sewer Manhole 60-Inch | EA | 3 | 41 |
| 41 | Storm Sewer Manhole 96-Inch | EA | 1 | \$13,000.00 | \$13,000.00 | \$1,725.00 | \$1,725.00 | \$14,725.00 | \$14,725.00 | Storm Sewer Manhole 96-Inch | EA | 1 | 42 |
| 42 | Storm Sewer Catch Basin 2'x3' | EA | 1 | \$3,500.00 | \$3,500.00 | \$936.00 | \$936.00 | \$4,436.00 | \$4,436.00 | Storm Sewer Catch Basin 2'x3' | EA | 1 | 43 |
| 43 | Remove and Replace Storm Casting | EA | 1 | \$1,800.00 | \$1,800.00 | (\$68.00) | (\$68.00) | \$1,732.00 | \$1,732.00 | Remove and Replace Storm Casting | EA | 1 | 44 |
| 44 | Wall Street Box Culvert | LS | 1 | \$575,000.00 | \$575,000.00 | \$180,000.00 | \$180,000.00 | \$755,000.00 | \$755,000.00 | Wall Street Arch Culvert | LS | 1 | 45 |
| 45 | Quarry Stone Bank | TON | 2280 | \$483.00 | \$1,101,240.00 | \$29.50 | \$322,997.50 | \$512.50 | \$1,424,237.50 | Quarry Stone Bank | TON | 2,779 | 46 |
| 46 | Riprap Quarry Stone Bank Transitions | TON | 610 | \$108.00 | \$65,880.00 | (\$14.00) | \$12,140.00 | \$94.00 | \$78,020.00 | Riprap Quarry Stone Bank Transitions | TON | 830 | 47 |
| 47 | Vegetated Riprap Bank | CY | 40 | \$263.00 | \$10,520.00 | (\$41.00) | \$580.00 | \$222.00 | \$11,100.00 | Vegetated Riprap Bank | CY | 50 | 48 |
| 48 | Heavy Riprap Energy Dissipator | TON | 300 | \$89.00 | \$26,700.00 | \$0.00 | \$890.00 | \$89.00 | \$27,590.00 | Heavy Riprap Energy Dissipator | TON | 310 | 49 |
| 49 | Bank Protection | SY | 1320 | \$12.00 | \$15,840.00 | \$1.00 | \$1,450.00 | \$13.00 | \$17,290.00 | Bank Protection | SY | 1,330 | 50 |
| 50 | Erosion Control Fabric | SY | 5050 | \$3.30 | \$16,665.00 | \$0.50 | (\$3,593.00) | \$3.80 | \$13,072.00 | Erosion Control Fabric | SY | 3,440 | 51 |
| 51 | Mulch | SY | 3170 | \$1.00 | \$3,170.00 | \$0.00 | \$740.00 | \$1.00 | \$3,910.00 | Mulch | SY | 3,910 | 52 |
| 52 | Riffle Construction | CY | 570 | \$110.00 | \$62,700.00 | \$0.00 | \$0.00 | \$110.00 | \$62,700.00 | Riffle Construction | CY | 570 | 53 |
| 53 | Boulder Brush Run Construction | CY | 370 | \$156.00 | \$57,720.00 | (\$2.00) | (\$3,820.00) | \$154.00 | \$53,900.00 | Boulder Brush Run Construction | CY | 350 | 54 |
| 54 | Glide Construction | CY | 130 | \$100.00 | \$13,000.00 | \$15.00 | \$800.00 | \$115.00 | \$13,800.00 | Glide Construction | CY | 120 | 55 |
| 55 | Foundation Stabilization | CY | 140 | \$137.00 | \$19,180.00 | \$8.00 | (\$330.00) | \$145.00 | \$18,850.00 | Foundation Stabilization | CY | 130 | 56 |
| 56 | Toe Wood | LF | 415 | \$135.00 | \$56,025.00 | \$22.00 | \$9,130.00 | \$157.00 | \$65,155.00 | Toe Wood | LF | 415 | 57 |
| 57 | Sanitary Manhole 48 Inch | EA | 1 | \$11,000.00 | \$11,000.00 | - | (\$11,000.00) | | | | | | |
| 58 | Sanitary Sewer Pipe PVC 21-Inch | LF | 23 | \$509.00 | \$11,707.00 | - | (\$11,707.00) | | | | | | |
| | Total: | | | | \$6,326,305.00 | | \$1,358,772.00 | | \$7,685,077.00 | | | | |



BIDDER: C.W. Purpero, Inc.

DOCUMENT 00 41 10

BID FORM

Underwood Creek Daylighting
FILE NO. 193806812 Village
of Elm Grove, WI
2026

THIS BID IS SUBMITTED TO:

The Village of Elm Grove electronically through Quest vBid.

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. The Bid will remain subject to acceptance for 60 days after the Bid Opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

3.01 In submitting this Bid, Bidder represents that:

A.

Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

| <u>Addendum No.</u> | <u>Addendum Date</u> |
|---------------------|----------------------|
| <u>1</u> | <u>1/16/26</u> |
| <u>2</u> | <u>1/22/26</u> |

B.

Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C.

Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D.

Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at, or contiguous to, the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at, or contiguous to, the Site (except Underground Facilities) which have been identified in SC-4.02, and (2) reports and drawings of Hazardous Environmental Conditions that have been identified in SC-4.06.

E.

Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at, or contiguous to, the Site which may affect cost, progress, or performance of the work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.

F.

Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) Bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.

G.

Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.

- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- K. Bidder will submit written evidence of its authority to do business in the state where the Project is located not later than the date of its execution of the Agreement.

4.01 Bidder further represents that:

- A. The prices in this Bid have been arrived at independently, without consultation, communication, or agreement as to any matters relating to such prices with any other Bidder or with any competitor for the purpose of restricting competition.
- B. The prices in this Bid have not or will not be knowingly disclosed to any other Bidder or competitor prior to opening of the Bids.
- C. No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a Bid for the purpose of restricting competition.

4.02 Bidder understands that the law may require the Owner, or Engineer at the Owner's direction, to undertake an investigation and submit an evaluation concerning Bidder's responsiveness, responsibility, and qualifications before awarding a contract. Bidder hereby waives any and all claims, of whatever nature, against Owner, Engineer and their employees and agents, which arise out of or relate to such investigation and evaluation, and statements made as a result thereof, except for statements that can be shown by clear and convincing evidence to be intentionally false and made with actual malice. Nothing in this paragraph is intended to restrict Bidder's rights to challenge a contract pursuant to law.

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

All specific cash allowances are included in the price(s) set forth below and have been computed in accordance with Paragraph 11.02 of the General Conditions.

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities provided, determined as provided in the Contract Documents.

6.01 Bidder agrees that the Work will be Substantially Completed and completed and ready for Final Payment in accordance with Paragraph 14.07.B of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement, which shall be stated in the Agreement.

7.01 The following documents are attached to and made a condition of this Bid:

- A. Required Bid Security in the form of 5 percent.

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

SUBMITTED on January 27th, 2026

If Bidder Is:

An Individual

Name (typed or printed): _____

By: _____ (SEAL)
(Individual's signature)

Doing business as: _____

Business Street Address (No P.O. Box #'s):

Phone No.: _____ Fax No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner)

Name (typed or printed): _____

Business Street Address (No P.O. Box #s):

Phone No.: _____ Fax No.: _____

A Corporation

Corporation Name: C.W. Purpero, Inc. (SEAL)

State of Incorporation: Wisconsin

Type (General Business, Professional, Service, Limited Liability): General Business

By: *Phillip A. Purpero*
(Signature)

Name (typed or printed): Phillip A Purpero

Title: President

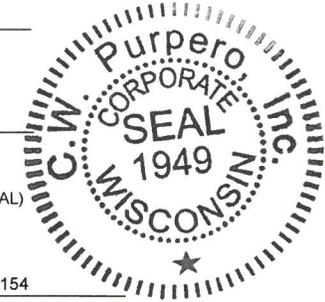
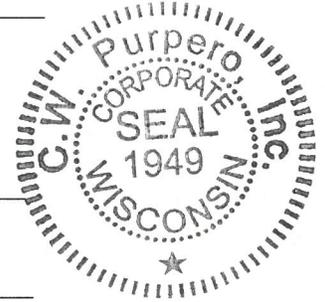
Attest *CE Ann Ellis* (CORPORATE SEAL)
(Signature of Corporate Secretary)

Business Street Address (No P.O. Box #s): 7030 South 13th St., Oak Creek, WI 53154

Phone No.: 414-856-2850 Fax No.: 414-856-2856

A Joint Venture

Joint Venture Name: _____ (SEAL)



By: _____
(Signature of joint venture partner)

Name (typed or printed): _____

Title: _____

Business address: _____

Phone No.: _____ Fax No.: _____

Joint Venturer Name: _____ (SEAL)

By: _____

(Signature)

Name (typed or printed): _____

Title: _____

Business Street Address (No P.O. Box #'s): _____

Phone No.: _____ Fax No.: _____

Phone and Fax Number, and Address for receipt of official communications:

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above).

END OF DOCUMENT

Richard Paul Jr

From: Klein, Richard <Richard.Klein@stantec.com>
Sent: Tuesday, January 27, 2026 3:59 PM
To: Tom P. Harrigan
Cc: Richard Paul Jr
Subject: Underwood Creek Daylighting _ Bid tabulation and recommendation for award
Attachments: Bid Tabulation_Underwood Creek Daylighting_Jan 27 2026.pdf; Bidder Qualification Information.pdf; 00 41 00 List of Subcontractors.pdf; Bid Bond.pdf; Bid Form Signature and Sworn Statement.pdf

Tom, I've attached the following documents from the bid opening earlier today:

1. Bid tabulation
2. Low bidder's supporting documentation (Purpero), including:
 - Bid bond.
 - Bid form signature and sworn statement.
 - Bidder qualification information.
 - Subcontractor list.

(Note, I can forward the other five bidders' documents as well if those are desired.)

Purpero's documents seem to be in order. They are the low bidder and appear to be responsible and responsive.

I therefore recommend contract award to Purpero.

Richard Klein PE

Direct: 262-643-9025
Mobile: 414 708-2500
Richard.Klein@stantec.com



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Inspection Report for

P-67-781

**Village Hall Dr over Underwood Creek
Oct 8, 2025**



| Type | Prior Date | Prior Team Leader | Frequency (mos) | Performed |
|-------------------|------------|------------------------|-----------------|-----------|
| Routine | 10-04-24 | Roesch, Matthew (9725) | 12 | X |
| Structural review | | | | X |
| SIA review | 10-04-24 | Roesch, Matthew (9725) | 48 | |
| SNBI | 10-04-24 | Roesch, Matthew (9725) | 0 | X |

| | | | |
|-----------|----------------|------------|---------|
| Latitude | 43°02'49.18" N | Owner | VILLAGE |
| Longitude | 88°04'52.00" W | Maintainer | VILLAGE |

Team members

| | | | |
|----------|-----------------|-----------|--|
| Time Log | Hours | Minutes | Simonelli, Maggie: Team Member Roesch, Matthew: Team Leader |
| | 1 | 0 | |
| Weather | Temperature (f) | Condition | |
| | 47 | Sunny | |

| Inspector | Name | Number | Signature | Signature Date |
|-----------|-----------------|--------|--|----------------|
| | Roesch, Matthew | 9725 | <i>Matthew Roesch</i> E-signed by Matthew Roesch(mroesch) | 01-22-26 |

BRIDGE INSPECTION REPORT
Wisconsin Department of Transportation
DT2007 2003 s.84.17 Wis. Stats.

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Identification & Location

| | | |
|-----------------------------------|--------------------------------------|--------------------------------------|
| Feature On: Village Hall Dr | Section Town Range: S24 T07N R20E | Structure Number: P-67-781 |
| Feature Under: Underwood Creek | County: WAUKESHA | |
| Location 300' W of Legion Dr | Municipality: ELM GROVE | Structure Name: |

Geometry

measurements in feet, except where noted

| | | |
|--------------------------------|-------------------------------|---------------------------|
| Approach Roadway Width: 22 | Bridge Roadway Width: 22.0 | Total Length: 31.5 |
| Approach Pavement Width: 21 | Deck Width: 28.0 | Deck Area (sq ft): 882 |

Traffic

| | | | |
|-------|-----|----------|-----------------|
| Lanes | ADT | ADT year | Traffic Pattern |
| 2 | 135 | 2015 | two way traffic |

Capacity

Load Rating

| | | | |
|-----------------------------|--|---------------------------------|---|
| Inventory rating: HS13 | Overburden depth (in): 3.0 | Last rating date: 09-29-23 | Controlling: INTERIOR GIRDER Positive Moment |
| Operating rating: HS23 | Deck surface material: Bituminous | Control location: 0.5 SPAN 1 | |
| Posting: | Emergency Vehicle Weight Limit (tons): | | |
| Re-rate for capacity (Y/N): | Re-rate notes: | | |

Hydraulic

Classification

| | | |
|--|---------------------------|------------------------|
| Scour Critical Code(113): Stable- above top footing (8) | Q100 (ft3/sec): 0 | |
| High water elevation (ft): 0.0 | Velocity (ft/sec): 0.0 | Sufficiency #: 48.8 |

Field Measured Rail(s)

| Rail | Location | Type | Measurement (in) |
|--------------|-------------|--------------------------|------------------|
| Primary Rail | left outer | Masonry - block or stone | 44.0 |
| Primary Rail | right outer | Masonry - block or stone | 44.0 |

Span(s)

| Span # | Material | Configuration | Depth (in) | Length (ft) | Main |
|--------|----------------|--------------------------------|------------|-------------|------|
| 1 | PREST CONCRETE | Girder/Beam - Channel Adjacent | | 27.5 | Y |

Expansion joint(s)

Temperature: File:55 New:47

Clearance

| Item | File Measurement (ft) | File Date | New Measurement (ft) |
|----------------------------------|-----------------------|-----------|----------------------|
| Highway min vertical on cardinal | | | |
| Horizontal on cardinal | | | |

Construction History

| Year | Work Performed | FOS id |
|------|----------------|--------|
| 1971 | New Structure | |

Maintenance Items History

| Item | Recommended by | Status | Status change | Year completed |
|----------------------------------|-----------------------|----------|---------------|----------------|
| Approach - Wedge Approach | Furlan, Jordan (9604) | COMPLETE | 11/02/20 | 2020 |
| Comment: Rewedge approaches | Status Comment: | | | |

BRIDGE INSPECTION REPORT
Wisconsin Department of Transportation
DT2007 2003 s.84.17 Wis. Stats.

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Structure No.: **P-67-781**

Maintenance Items

| Item | Priority | Recommended by | Status | Status change |
|--|----------|--|------------|---------------|
| IMP-Polymer Modified Overlay | Medium | Roesch, Matthew (9725) | DEFERRED | 10/28/24 |
| Comment: Replace asphalt overlay to prevent further seepage through to superstructure. Status Comment: | |  | | |
| Approach - Seal Approach to Paving Block | Medium | Roesch, Matthew (9725) | DEFERRED | 10/28/24 |
| Comment: Seal approach joints to prevent abutment water seepage. Status Comment: | |  | | |
| Misc - Follow Up | High | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Formalize emergency vehicle access for Elm Grove Park and post as necessary. | | Status Comment: | | |
| Slope Protection - Other Work | Medium | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Repair masonry portions of wingwall. Status Comment: | |  | | |
| Superstructure - Patch Girders / Super | Medium | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Remove delaminations and repair spalls with concrete patching. | | Status Comment: | | |
| Misc - Other Work | Medium | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Install object markers (4 EA) | | Status Comment: | | |
| Misc - Other Work | Medium | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Replace Structure | | Status Comment: | | |

| | | | | |
|---|-----|------------------------|------------|----------|
| Misc - Other Work | Low | Roesch, Matthew (9725) | IDENTIFIED | 01/22/26 |
| Comment: Repoint masonry and prevent masonry bridge rail movement. | | Status Comment: | | |

Elements

| Chk | Element | Defect | Description | UOM | Total | Quantity in Condition State | | | |
|--|---|--------|---|-----|-------|-----------------------------|----|----|----|
| | | | | | | 1 | 2 | 3 | 4 |
| X | 15 | | Prestressed Concrete Top Flange There was heavy efflorescence and water seepage evident between fascia girder and adjacent girders. | SF | 882 | 879 | 2 | 1 | 0 |
| | | 1080 | Delamination - Spall - Patched Area | SF | | 0 | 2 | 1 | 0 |
| | | | 6" W by 6" H spall with exposed corroded reinforcement with approximately 20% loss of section in the concrete top flange at the south deck drain. (1 SF CS3) There was water staining, exudation, and delamination between Girders 1 and 2 and Girders 7 and 8. (2 LF CS2) | | | | | | |
| | | 8209 | Sidewalk | SF | 126 | 81 | 5 | 40 | 0 |
| | | | Delamination/Spall/Patched Area/Pothole | SF | | 0 | 5 | 6 | 0 |
| | | 3210 | The sidewalk exhibited random spalling 2' W by 1' L by 2" D at midspan with exposed corroded reinforcement, random surface popouts. | | | | | | |
| | | | Crack (Wearing Surface) | SF | | 0 | 0 | 34 | 0 |
| | | 3220 | Random wide transverse cracking. (34 SF CS3) | | | | | | |
| | | | HMA (AC) Overlay | SF | 693 | 618 | 20 | 55 | 0 |
| | | 8511 | Crack (Wearing Surface) | SF | | 0 | 20 | 55 | 0 |
| Some moderate to wide longitudinal and transverse cracking. (20 SF CS2, 55 SF CS3) | | | | | | | | | |
| X | 109 | | Prestressed Concrete Open Girder Girders are numbered N to S. | LF | 247 | 124 | 49 | 57 | 17 |
| | | 1080 | Delamination - Spall - Patched Area | LF | | 0 | 34 | 39 | 17 |
| | | | The girder ends exhibited rust staining, delamination, and 6" L by up to 1" D spalls at abutments. (18 LF CS3) Random areas of exposed reinforcement on all girders on up to 5% of the surface area. (13 LF CS3) Girder 1: Patched spall. (2 LF CS2) Girder 2: 20.0' L by 7" H by 3" D spall with multiple exposed reinforcements with up to 50% loss of section in the north end. (8 LF CS3, 12 LF CS4); 3.0' L delamination with rust staining in the south end. (3 LF CS2, 1 LF Overlap) Girder 6: 15.0' L delamination in the south web. (15 LF CS2) Girder 7: 15.0' L delamination in the bottom of the south web. (15 LF CS2) Girder 9: 5.0' L by 5" H by 3" D spalls with exposed corroded strands with up to 20% loss of section. (5 LF CS4) | | | | | | |
| 1110 | Cracking (PSC) | LF | | 0 | 15 | 18 | 0 | | |
| | Girder 2 exhibited wide cracking in the north end. (5 LF CS3, Overlap) Girder 4 exhibited a 3.0' L area of cracking with rust staining at midspan. (3 LF CS3) Girder 8 exhibited a 15.0' L moderate crack in the bottom of the south web. (15 LF CS2) Girder 8 exhibited cracking with efflorescence and stalagmite in the north web on the east half. (15 LF CS3) Girder 9 exhibited a moderate vertical crack at midspan. (1 LF CS2, Overlap) | | | | | | | | |
| X | 215 | | Reinforced Concrete Abutment Water seepage evident from backwall above. Heavy efflorescence on face at beam joints. | LF | 87 | 62 | 23 | 2 | 0 |
| | | 1080 | Delamination - Spall - Patched Area | LF | | 0 | 8 | 2 | 0 |
| | | | West ends exhibited spalling/delamination below girder ends. (8 LF CS2) 10" diameter by 6" D spall at southwest drain at south end of west abutment. (1 LF CS3) The west abutment exhibited a 6" W by 6" H by 1" D spall under girder 6. (1 LF CS3) | | | | | | |
| | | 1130 | Cracking (RC) | LF | | 15 | 0 | 0 | 0 |
| Random insignificant map cracking at the abutment/wingwall interface. (15 LF CS1) | | | | | | | | | |
| 1190 | Abrasion-Wear (PSC-RC) | LF | | 0 | 15 | 0 | 0 | | |
| | The abutment faces exhibited light surface scaling with 1/4" maximum penetration. (15 LF CS2) | | | | | | | | |

BRIDGE INSPECTION REPORT
Wisconsin Department of Transportation
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Structure No.: **P-67-781**

| | | | | | | | | | |
|---|------|--|----|----|----|---|----|---|--|
| X | 334 | Masonry Bridge Rail | LF | 64 | 13 | 1 | 50 | 0 | |
| | | Delamination - Spall - Patched Area | LF | | 0 | 0 | 0 | 0 | |
| | | 50% of the north curb length exhibited rust staining and delamination. (16 LF CS3, overlapping) | | | | | | | |
| | | Mortar Breakdown (Masonry) | LF | | 0 | 0 | 50 | 0 | |
| | 1080 | The masonry ledge angles on the exterior faces of the bridge exhibited heavy corrosion with up to 10% loss of section. (6 LF CS3) | | | | | | | |
| | | 12.0' L area of the south angle was missing. (12 LF CS3) | | | | | | | |
| | | 12.0' of bricks were missing, mostly at the sidewalk interface. (12 LF CS3) | | | | | | | |
| | 1610 | The mortar exhibited random cracking with moderate to heavy deterioration with loose masonry. (10 LF CS3) | | | | | | | |
| | | 10.0' of deterioration in the top cap, with loose caps. (10 LF CS3) | | | | | | | |
| | | Masonry or Panel Displacement | LF | | 0 | 1 | 0 | 0 | |
| | 1640 | The south parapet was 2" out of plumb to the north. (1 LF CS2) | | | | | | | |
| | | | | | | | | | |
| X | 8400 | Integral Wingwall | EA | 4 | 0 | 3 | 1 | 0 | |
| | | Wall Deterioration | EA | | 0 | 3 | 1 | 0 | |
| | | The wingwalls exhibited random insignificant map cracking with efflorescence at the abutment/wingwall interface. (4 EA CS2) | | | | | | | |
| | 8903 | The northwest wingwall exhibited a 6" diameter by 8" D spall below drain. (1 EA CS3) | | | | | | | |
| | | | | | | | | | |

Assessments

| Chk | Element | Defect | Description | UOM | Total | Quantity in Condition State | | | |
|--|---------|--|-------------------------------------|-----|-------|-----------------------------|---|---|---|
| | | | | | | 1 | 2 | 3 | 4 |
| X | 9001 | | Drainage - Ends of Structure | EA | 4 | 4 | 0 | 0 | 0 |
| X | 9041 | | Slope Protection- Bare | EA | 4 | 0 | 2 | 2 | 0 |
| | | The embankment exhibited erosion behind all 4 wingwalls, causing the masonry portion of the north wingwalls to deteriorate and fail. | | | | | | | |
| X | 9042 | | Slope Protection- Concrete | EA | 1 | 0 | 0 | 1 | 0 |
| | | Concrete lined channel under bridge has moderate deterioration and the slope has settled. Portions may be missing. | | | | | | | |
| X | 9323 | | Approach Roadway - Asphalt | EA | 2 | 1 | 1 | 0 | 0 |
| The west approach exhibited transverse cracking. New wedges noted in 2016. | | | | | | | | | |

Condition Ratings

| | File | New |
|--|------------------------------|-------------------|
| Deck condition rating (C.01) | Satisfactory (6) | Satisfactory (6) |
| Superstructure condition rating (C.02) | Poor (4) | Poor (4) |
| Substructure condition rating (C.03) | Satisfactory (6) | Satisfactory (6) |
| Culvert condition rating (C.04) | N/A (Nbi) (N) | N/A (Nbi) (N) |
| Bridge railings condition rating (C.05) | Fair (5) | Fair (5) |
| Bridge railing transitions condition rating (C.06) | N/A (N) | N/A (N) |
| Bridge bearings condition rating (C.07) | N/A (N) | N/A (N) |
| Bridge joints condition rating (C.08) | N/A (N) | N/A (N) |
| Channel condition rating (C.09) | Very Good (8) | Very Good (8) |
| Channel protection condition rating (C.10) | Satisfactory (6) | Satisfactory (6) |
| Scour condition rating (C.11) | None (9) | None (9) |
| Underwater inspection condition (C.15) | | |
| Channel | Minor Damage (7) | Minor Damage (7) |
| Waterway | Equal Minimum (6) | Equal Minimum (6) |
| Approach | Good- No speed reduction (8) | |

BRIDGE INSPECTION REPORT
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Structure No.: **P-67-781**

Structure Specific Notes

Beams are numbered 1-9, north to south.

Animal nesting/roosting presence on structure

Inspection Specific Notes

Waterline was 10.0' below the top of the south railing.
The channel was centered between the abutments and had a max depth of 8" at mid span.
The channel bottom was composed of sand, gravel and up to 6 in. dia. cobbles on top of a concrete lined channel.

Inspector Site-Specific Safety Considerations

Routine Specific Procedures

Special Requirements

| | Chk | Hours | Cost | Comments |
|------------------------|-----|-------|------|----------|
| Other Access Equipment | X | | | Waders |

**Underwater Probe Form
P-67-781**

General Site Conditions - Scour

No scour present

General Site Conditions - Embankment Erosion/Conditions

Some erosion behind all 4 wingwalls.

Substructure Notes

| Chk | Unit | Max Water Depth(ft) | Mode | Channel Material | Notes |
|-----|--------------|---------------------|------|------------------|-------|
| X | Cardinal | | Dry | Concrete Lined | |
| X | Non Cardinal | | Dry | Concrete Lined | |

Routine Item 1

View of south fascia, looking north.



p67-781_25_Rd1.jpg

Routine Item 2

View of north fascia, looking south.



p67-781_25_Rd2.jpg

Routine Item 3

View of west approach, looking east.



p67-781_25_Rd3.jpg

Routine Item 4

View of east approach, looking west.



p67-781_25_Rd4.jpg

Routine Item 5

View of upstream channel, looking north.



p67-781_25_Rd5.jpg

Routine Item 6

View of downstream channel, looking south.



p67-781_25_Rd6.jpg

Routine Item 7

View of west abutment, looking west.



p67-781_25_Rd7.jpg

Routine Item 8

View of east abutment/deteriorated concrete lining, looking east.



p67-781_25_Rd8.jpg

Linked Element(s):
Slope protection- concrete

Routine Item 9

View of typical underdeck, looking south.



p67-781_25_Rd9.jpg

Routine Item 10

View of spall near south deck drain, looking east.



p67-781_25_Rd10.jpg

Linked Element(s):

Prestressed concrete top flange

Routine Item 11

View of spall in south sidewalk, looking north.



p67-781_25_Rd11.jpg

Linked Element(s):

Prestressed concrete top flange -> Sidewalk

Routine Item 12

View of spalling and delamination in the east end of the north curb, looking north.



p67-781_25_Rd12.jpg

Linked Element(s):

Masonry bridge rail
Prestressed concrete top flange -> Sidewalk

Routine Item 13

View of wide cracking in overlay, looking east.



p67-781_25_Rd13.jpg

Linked Element(s):

Prestressed concrete top flange -> Hma (ac) overlay

Routine Item 14

View of typical girder end deterioration, looking west.



p67-781_25_Rd18.jpg

Linked Element(s):

Prestressed concrete open girder

Routine Item 15

View of spall in Girder 2, looking west.



p67-781_25_Rd16.jpg

Linked Element(s):

Prestressed concrete open girder

Routine Item 16

View of delamination in Girder 7, looking east.



p67-781_25_Rd14.jpg

Linked Element(s):

Prestressed concrete open girder

Routine Item 17

View of spall in Girder 9, looking north.



p67-781_25_Rd15.jpg

Linked Element(s):

Prestressed concrete open girder

Routine Item 18

View of spall in west abutment under Girder 6, looking west.



p67-781_25_Rd17.jpg

Linked Element(s):

Reinforced concrete abutment

Routine Item 19

View of typical masonry deterioration, looking south.



p67-781_25_Rd19.jpg

Linked Element(s):
Masonry bridge rail

Routine Item 20

View of out of plumb south rail, looking west.



p67-781_25_Rd20.jpg

Linked Element(s):
Masonry bridge rail

Routine Item 21

View of spall in northwest wingwall, looking west.



p67-781_25_Rd21.jpg

Linked Element(s):
Integral wingwall

Routine Item 22

View of typical erosion behind wingwalls, looking south.



[p67-781_25_Rd22.jpg](#)

Linked Element(s):
Slope protection- bare

Specifications for National Bridge Inventory (SNBI) Data items

P-67-781

Span Material and Type (B.SP)

| | | |
|------------------|--|---|
| Span 1 (main) | Number Beam Lines: 9 | Wearing surface: Bituminous (asphalt) (B01) |
| | Span Material: Prestressed concrete - pre-tensioned (C03) | Deck Protective system: None (0) |
| | Span Protective System: None (0) | Deck reinforcing protective system: None (0) |
| | Deck Material and Type: Reinforced concrete - cast-in-place (C01) | Deck Stay In Place Forms: None (0) |

Substructure Material and Type (B.SB)

| | | |
|--------------------------|---|---|
| Non Cardinal Abutment | Substructure material: Reinforced concrete - cast-in-place (C01) | Foundation protective system: None (0) |
| | Substructure protective system: None (0) | |
| Cardinal Abutment | Substructure material: Reinforced concrete - cast-in-place (C01) | Foundation protective system: None (0) |
| | Substructure protective system: None (0) | |

Geometry (B.G)

| | | |
|-----------------------------|----------------------------------|-----------------------------|
| NBIS bridge length: 27.0 | Curved bridge: Not curved (N) | Maximum bridge height: 4 |
|-----------------------------|----------------------------------|-----------------------------|

Inspection Requirements (B.IR)

| | |
|-------------------------------------|--------------------------|
| NSTM Inspection Required: No (N) | E or E' fatigue Details: |
|-------------------------------------|--------------------------|

Appraisal (B.AP)

| | |
|---|---|
| Approach roadway alignment: Good (G) | Overtopping likelihood: Very low - once every 51 to 99 years (2) |
|---|---|

Action

| | | |
|--|------------------------------|---|
| Action Plan: Structural Review | Created: 09-Oct-2025 | Due: 08-Dec-2025 |
| Overall Notes: Spalling on girders changed from CS3 to CS4 due to reinforcement section loss. The bridge has been on a 12 month inspection interval since 2022 due to the condition of the girders. Structure was rated in 2023 by Alex Pence. Conditions were not significantly worse in 2025 but continue to deteriorate. | | |
| Reviewer: Roesch, Matt | Reviewer PE Number: 47663 | Review Method: engineering judgement |
| Element | Required Reason | Note |
| Prestressed Concrete Open Girder | increase in CS4 quantity | Girder 2: 20.0' L by 7" H by 3" D spall with multiple exposed reinforcements with up to 20% loss Girder 9: 5.0' L by 5" H by 3" D spalls with exposed corroded strands with up to 20% loss of section. |
| Final Action | | |
| Recommended Repair | | |
| Final Action(s) Complete: 22-Jan-2026 | Late Reason: other | Late Reason Status Notes: Coordination with Village was delayed |



Wolf Paving Co., Inc.
 1320 Walnut Ridge Dr, Suite 100
 Hartland, WI 53029
 262.965.2121

INVOICE

REMIT PAYMENT TO:
 Wolf Paving Co., Inc.
 1320 Walnut Ridge Dr, Ste 100
 Hartland, WI 53029

Invoice #: 52318

INVOICE TO:
 Village of Elm Grove
 13600 Juneau Blvd.
 Elm Grove, WI 53122

Date: 08/26/25

Application #: 4

rpauljr@elmgrovetwi.org

Invoice Due Date: 09/25/25

Payment Terms: Net 30 days

Contract: 25.20121. Elm Grove VO-2025 Paving Project

| Contract Item | Description | Contract Amount | Contract Quantity | Quantity This Period | Quantity JTD | U/M | Unit Price | Amount This Period | Amount To-Date | % Compl |
|---------------|--|-----------------|-------------------|----------------------|--------------|-----|--------------|--------------------|----------------|---------|
| 1 | Furnish And Place (9.5mm Surface) Bituminous Concrete Paveme | 171,585.00 | 2,250.00 | 478.23 | 2,690.23 | TON | 76.26000 | 36,469.82 | 205,156.94 | 119.57% |
| 2 | Furnish And Place (19mm Binder) Bituminous Concrete Pavement | 315,756.34 | 4,559.00 | 0.00 | 4,953.96 | TON | 69.26000 | 0.00 | 343,111.27 | 108.66% |
| 3 | Milling And Profiling Of Streets -Pulverizing | 24,772.00 | 24,772.00 | 0.00 | 25,678.23 | SY | 1.00000 | 0.00 | 25,678.23 | 103.66% |
| 4 | Milling Butt Joints As Needed - Milling | 3,402.00 | 150.00 | 0.00 | 150.00 | SY | 22.68000 | 0.00 | 3,402.00 | 100.00% |
| 5 | Remove/Dispose Of Poor Soils. Install New Base Course -Under | 8,000.00 | 200.00 | 0.00 | 568.64 | TON | 40.00000 | 0.00 | 22,745.60 | 284.32% |
| 6 | Saw Cut Driveways As Required | 1,560.00 | 800.00 | 0.00 | 2,034.00 | LF | 1.95000 | 0.00 | 3,966.30 | 254.25% |
| 7 | Removal Of Any Additional Pulverized Material As Needed: Hau | 2,250.00 | 100.00 | 0.00 | 100.00 | TON | 22.50000 | 0.00 | 2,250.00 | 100.00% |
| 8 | Manhole Adjustments Chimney Rebuild Wexternal Seal. See Lis | 28,500.00 | 1.00 | 0.00 | 1.00 | LS | 28,500.00000 | 0.00 | 28,500.00 | 100.00% |
| 9 | Line Striping -Highland Dr & Elm Grove Road | 24,308.69 | 1.00 | 0.00 | 1.00 | LS | 24,308.69000 | 0.00 | 24,308.69 | 100.00% |
| 10 | Crushed Gravel/Stone Build Up Intersection - Highland Dr. An | 2,388.00 | 100.00 | 0.00 | 100.00 | TON | 23.88000 | 0.00 | 2,388.00 | 100.00% |
| 11 | Topsail Along Road Edge | 6,035.00 | 710.00 | 737.70 | 5,778.60 | SY | 8.50000 | 6,270.45 | 49,118.10 | 813.89% |
| 12 | Additional Grading And Paving Mobilization | 3,525.00 | 1.00 | 0.00 | 1.00 | LS | 3,525.00000 | 0.00 | 3,525.00 | 100.00% |

LINES 4, 5, 7 & 10 001-543-3100 RP \$30,785.60 TOTAL

LINE 8 002-323-0400 RP \$28,500 TOTAL

LINE 11 005-581-3500 RP \$22,970.92 / 002-323-0400 RP \$23,256.92 / 001-543-3100 RP \$2,890.26

LINE 12 005-581-3500 RP \$746.43 [REMAINDER, SEE BELOW]

REMAINDER 013-597-0401 RP \$605,000.00

| | |
|--------------------------------|------------------|
| Total Billed To Date: | 714,150.13 |
| Less Retainage: | 35,707.50 |
| Less Previous Applications: | 637,839.37 |
| Total Due This Invoice: | 40,603.26 |

2026 Paving Budget

| 2025 Paser Rating | Last Year Paved | Years Old | Street Name | From | To | Length in ft | Width in feet | Length in tenths of mile | Sq. Yds | AC Binder Thickness | AC Tons Binder | AC Binder Cost | AC Surface Thickness | AC Tons Surface | AC Surface Cost | Milling per Sq Yd | Pulverizing Per Sq Yd | Total Cost | 10% Contingency for Undercutting, etc. | Grand Total |
|-------------------|-----------------|-----------|-----------------|-------------|-------------|--------------|---------------|--------------------------|---------|---------------------|----------------|----------------|----------------------|-----------------|-----------------|-------------------|-----------------------|---------------|--|---------------|
| 3 | 1996 | 27 | Cloverhill Rd | North Ave | Laurel Lane | 211 | 24 | 0.04 | 562.7 | 3.5 | 110.78 | \$ 8,530.06 | 1.5 | 47.48 | \$ 3,798.40 | | \$ 3,010.27 | \$ 15,338.73 | \$ 1,533.87 | \$ 16,872.60 |
| 4 | 2004 | 19 | Elmhurst Pkwy | 124th St | Shady Lane | 1849 | 40 | 0.3502 | 8218 | 3.5 | 1617.9 | \$ 124,576.76 | 1.5 | 693.38 | \$ 55,470.40 | | \$ 43,965.11 | \$ 224,012.27 | \$ 22,401.23 | \$ 246,413.50 |
| 5 | 2004 | 19 | Elmhurst Pkwy | Shady Lane | Notre Dame | 845 | 40 | 0.16 | 3756 | 3.5 | 739.38 | \$ 56,932.26 | 1.5 | 316.88 | \$ 25,350.40 | | \$ 20,092.22 | \$ 102,374.88 | \$ 10,237.49 | \$ 112,612.37 |
| 4/5 | 1996 | 27 | Fairfax Dr | Greemoor Dr | Wrayburn Rd | 1008 | 24 | 0.1909 | 2688 | 3.5 | 529.2 | \$ 40,748.40 | 1.5 | 226.8 | \$ 18,144.00 | | \$ 14,380.80 | \$ 73,273.20 | \$ 7,327.32 | \$ 80,600.52 |
| 4 | 1976 | 47 | Notre Dame Blvd | Walnut Rd | Greemoor Dr | 528 | 24 | 0.1 | 1408 | 3.5 | 277.2 | \$ 21,344.40 | 1.5 | 118.8 | \$ 9,504.00 | | \$ 7,532.80 | \$ 38,381.20 | \$ 3,838.12 | \$ 42,219.32 |
| 4 | 1997 | 26 | Hollyhock Lane | Wrayburn Rd | Dunwoody Dr | 528 | 24 | 0.1 | 1408 | 3.5 | 277.2 | \$ 21,344.40 | 1.5 | 118.8 | \$ 9,504.00 | | \$ 7,532.80 | \$ 38,381.20 | \$ 3,838.12 | \$ 42,219.32 |

Assumptions of 3.5" for Binder and 1.5" of Surface on most roads throughout Village

2025 Prices

| | | | | |
|----------------------|----------|-----------|--------|-----------------------|
| Cost of Binder | \$ 77.00 | Per ton | 1545.8 | Main/ Collector Roads |
| Cost of Surface | \$ 80.00 | Per Ton | 662.48 | |
| Cost of Milling 3" | \$ 5.35 | Per Sq Yd | | |
| Cost of Pulverizing | \$ 5.35 | Per Sq Yd | | |
| Cost of undercutting | \$ 50.00 | Per ton | | |

Grand Total \$ 21,402.93 **\$ 540,937.63**

2027 Paving Budget

| 2025 Paser Rating | Last Year Paved | Years Old | Street Name | From | To | Length in ft | Width in feet | Length in tenths of mile | Sq. Yds | AC Binder Thickness | AC Tons Binder | AC Binder Cost | AC Surface Thickness | AC Tons Surface | AC Surface Cost | Milling per Sq Yd | Pulverizing Per Sq Yd | Total Cost | 10% Contingency for Undercutting, etc. | Grand Total |
|--|-----------------|-----------|--------------------|--------------------|---------------|--------------|---------------|--------------------------|---------|---------------------|----------------|----------------|----------------------|-----------------|-----------------|-------------------|-----------------------|--------------------|--|----------------------|
| 4/5/6 | 1993/2006 | 17 | Watertown Plank Rd | Highland Dr | Elm Grove Rd | 4593 | 27 | 0.8699 | 13779 | 3.5 | 0 | \$ - | 3 | 2325 | \$ 186,000.00 | \$ 73,717.65 | \$ - | \$ 259,717.65 | \$ 25,971.77 | \$ 285,689.42 |
| 4/5 | 2008 | 15 | Park Lane | Watertown Plank Rd | Termini | 792 | 20 | 0.15 | 1760 | 3.5 | 346.5 | \$ 26,680.50 | 1.5 | 148.5 | \$ 11,880.00 | \$ - | \$ 9,416.00 | \$ 47,976.50 | \$ 4,797.65 | \$ 52,774.15 |
| 4 | 1976 | 47 | Grandview Dr | Kurtis Dr | Grandview (1) | 370 | 20 | 0.0701 | 822.2 | 3.5 | 161.88 | \$ 12,464.76 | 1.5 | 69.38 | \$ 5,550.40 | \$ - | \$ 4,398.89 | \$ 22,414.05 | \$ 2,241.40 | \$ 24,655.45 |
| 4/5 | 1975 | 48 | Crescent Dr | Watertown Plank Rd | Elmhurst Pkwy | 1373 | 24 | 0.26 | 3661 | 3.5 | 720.83 | \$ 55,503.91 | 1.5 | 308.93 | \$ 24,714.40 | \$ - | \$ 19,588.13 | \$ 99,806.44 | \$ 9,980.64 | \$ 109,787.09 |
| 5 | 1997 | 28 | Braemar Dr | Highwood Dr | Termini | 898 | 24 | 0.1701 | 2395 | | | \$ - | 2 | 268 | \$ 21,440.00 | | \$ 12,811.47 | \$ 34,251.47 | \$ 3,425.15 | \$ 37,676.61 |
| 6 | 1997 | 28 | Highwood Dr | Park Lane | Elm Grove Rd | 898 | 24 | 0.1701 | 2395 | | | \$ - | 2 | 268 | \$ 21,440.00 | | \$ 12,811.47 | \$ 34,251.47 | \$ 3,425.15 | \$ 37,676.61 |
| <u>Assumptions of 3.5" for Binder and 1.5" of Surface on most roads throughout Village</u> | | | | | | | | | | 882.71 | | | 378.31 | | | | | Grand Total | \$ 12,222.05 | \$ 548,259.33 |

2025 Prices

| | | | |
|----------------------|----------|-----------|---|
| Cost of Binder | \$ 77.00 | Per ton | Main/ Collector Roads |
| Cost of Surface | \$ 80.00 | Per Ton | |
| Cost of Milling 3" | \$ 5.35 | Per Sq Yd | LRIP Application Cycle 2026-2027 |
| Cost of Pulverizing | \$ 5.35 | Per Sq Yd | |
| Cost of undercutting | \$ 50.00 | Per ton | PASER Rating Year |

2028 Paving Budget

| 2025 Paser Rating | Last Year Paved | Years Old | Street Name | From | To | Length in ft | Width in feet | Length in tenths of mile | Sq. Yds | AC Binder Thickness | AC Tons Binder | AC Binder Cost | AC Surface Thickness | AC Tons Surface | AC Surface Cost | Milling per Sq Yd | Pulverizing Per Sq Yd | Total Cost | 10% Contingency for Undercutting, etc. | Grand Total |
|-------------------|-----------------|-----------|-----------------|-----------|-----------------|--------------|---------------|--------------------------|---------|---------------------|----------------|----------------|----------------------|-----------------|-----------------|-------------------|-----------------------|---------------|--|---------------|
| 4/5 | 1993 | 30 | Lilly Rd | North Ave | Marcella Ave | 1321 | 24 | 0.2502 | 3523 | 3.5 | 693.52 | \$ 53,401.04 | 3 | 297.23 | \$ 23,778.40 | \$ - | \$ 18,846.27 | \$ 96,025.71 | \$ 9,602.57 | \$ 105,628.28 |
| 4/5 | 1993 | 30 | San Fernando Dr | North Ave | Termini | 2324 | 24 | 0.4402 | 6197 | 3.5 | 1220.1 | \$ 93,947.70 | 1.5 | 522.9 | \$ 41,832.00 | \$ - | \$ 33,155.73 | \$ 168,935.43 | \$ 16,893.54 | \$ 185,828.98 |
| 4 | 1993 | 30 | Garfield Ave | Lilly Rd | San Fernando Dr | 634 | 24 | 0.1201 | 1691 | 3.5 | 332.85 | \$ 25,629.45 | 1.5 | 142.65 | \$ 11,412.00 | \$ - | \$ 9,045.07 | \$ 46,086.52 | \$ 4,608.65 | \$ 50,695.17 |
| 4 | 1975 | 48 | Lloyd St | Lilly Rd | San Fernando Dr | 634 | 24 | 0.1201 | 1691 | 3.5 | 332.85 | \$ 25,629.45 | 1.5 | 142.65 | \$ 11,412.00 | \$ - | \$ 9,045.07 | \$ 46,086.52 | \$ 4,608.65 | \$ 50,695.17 |
| 4 | 1995 | 30 | Wrayburn Rd | Lilly Rd | San Fernando Dr | 634 | 24 | 0.1201 | 1691 | 3.5 | 332.85 | \$ 25,629.45 | 1.5 | 142.65 | \$ 11,412.00 | \$ - | \$ 9,045.07 | \$ 46,086.52 | \$ 4,608.65 | \$ 50,695.17 |
| 5 | 1993 | 30 | Grant Place | Lilly Rd | San Fernando Dr | 634 | 24 | 0.1201 | 1691 | 3.5 | 332.85 | \$ 25,629.45 | 1.5 | 142.65 | \$ 11,412.00 | \$ - | \$ 9,045.07 | \$ 46,086.52 | \$ 4,608.65 | \$ 50,695.17 |
| 5 | 1993 | 30 | Marcella Ave | Lilly Rd | San Fernando Dr | 634 | 24 | 0.1201 | 1691 | 3.5 | 332.85 | \$ 25,629.45 | 1.5 | 142.65 | \$ 11,412.00 | \$ - | \$ 9,045.07 | \$ 46,086.52 | \$ 4,608.65 | \$ 50,695.17 |

Assumptions of 3.5" for Binder and 1.5" of Surface on most roads throughout Village

| | | |
|----------------------|----------|-----------|
| Cost of Binder | \$ 77.00 | Per ton |
| Cost of Surface | \$ 80.00 | Per Ton |
| Cost of Milling 3" | \$ 5.35 | Per Sq Yd |
| Cost of Pulverizing | \$ 5.35 | Per Sq Yd |
| Cost of undercutting | \$ 50.00 | Per ton |

998.55

427.95

Grand Total \$ 13,825.96 **\$ 544,933.10**

2025 Prices

Main/ Collector Roads

LRIP Application Cycle 2028-2029

2030 Paving Budget

| 2025 Paser Rating | Last Year Paved | Years Old | Street Name | From | To | Length in ft | Width in feet | Length in tenths of mile | Sq. Yds | AC Binder Thickness | AC Tons Binder | AC Binder Cost | AC Surface Thickness | AC Tons Surface | AC Surface Cost | Milling per Sq Yd | Pulverizing Per Sq Yd | Total Cost | 10% Contingency for Undercutting, etc. | Grand Total |
|-------------------|-----------------|-----------|--------------------|--------------------|----------------------|--------------|---------------|--------------------------|---------|---------------------|----------------|----------------|----------------------|-----------------|-----------------|-------------------|-----------------------|---------------|--|---------------|
| | | | | | | 0 | 0 | 3.5 | 0 | \$ - | 3 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 6 | 1995 | 30 | Stephen Place | Watertown Plank Rd | Termini - Cul de sac | 1372 | 22 | 0.2598 | 3354 | 3.5 | 249.38 | \$ 19,202.26 | 1.5 | 106.88 | \$ 8,550.40 | \$ - | \$ 17,942.71 | \$ 45,695.37 | \$ 4,569.54 | \$ 50,264.91 |
| 6 | 1995 | 30 | Red Barn Lane | Stephen Place | Green Meadow Pl | 950 | 22 | 0.1799 | 2322 | 3.5 | 166.43 | \$ 12,815.11 | 1.5 | 71.33 | \$ 5,706.40 | \$ - | \$ 12,423.89 | \$ 30,945.40 | \$ 3,094.54 | \$ 34,039.94 |
| 6/5/4 | 1995 | 30 | Longwood Ave | Watertown Plank Rd | Green Meadow Pl | 1320 | 22 | 0.25 | 3227 | 3.5 | 633 | \$ 48,741.00 | 1.5 | 271 | \$ 21,680.00 | \$ - | \$ 17,262.67 | \$ 87,683.67 | \$ 8,768.37 | \$ 96,452.03 |
| 5 | 1995 | 30 | Green Meadow Place | Green Meadow Ct | Termini Cul de sac | 1756 | 24 | 0.3326 | 4683 | 3.5 | 919 | \$ 70,763.00 | 1.5 | 395 | \$ 31,600.00 | \$ - | \$ 25,052.27 | \$ 127,415.27 | \$ 12,741.53 | \$ 140,156.79 |
| 5 | 1995 | 30 | Meadow Dr | Green Meadow Pl | Knoll Rd | 1333 | 24 | 0.2525 | 3555 | 3.5 | 698 | \$ 53,746.00 | 1.5 | 299 | \$ 23,920.00 | \$ - | \$ 19,017.47 | \$ 96,683.47 | \$ 9,668.35 | \$ 106,351.81 |
| 3 | 1996 | 29 | West Grove Terrace | Longwood Ave | N. 124th St | 688 | 24 | 0.1303 | 1835 | 3.5 | 110.78 | \$ 8,530.06 | 1.5 | 47.48 | \$ 3,798.40 | \$ - | \$ 9,815.47 | \$ 22,143.93 | \$ 2,214.39 | \$ 24,358.32 |
| 4/5 | 2004 | 21 | Blue Ridge Blvd | Watertown Plank Rd | Elmhurst Pkwy | 1901 | 24 | 0.36 | 5069 | 3.5 | 995 | \$ 76,615.00 | 1.5 | 426 | \$ 34,080.00 | \$ - | \$ 27,120.93 | \$ 137,815.93 | \$ 13,781.59 | \$ 151,597.53 |

Assumptions of 3.5" for Binder and 1.5" of Surface on most roads throughout Village

| | | | | |
|-------------|----------------------|----------|-----------|--------|
| 2025 Prices | Cost of Binder | \$ 77.00 | Per ton | 249.38 |
| | Cost of Surface | \$ 80.00 | Per Ton | 106.88 |
| | Cost of Milling 3" | \$ 5.35 | Per Sq Yd | |
| | Cost of Pulverizing | \$ 5.35 | Per Sq Yd | |
| | Cost of undercutting | \$ 40.00 | Per ton | |

Main/ Collector Roads

Grand Total \$ 54,838.30 \$ 603,221.33

Chapter 325. Water Control

[HISTORY: Adopted by the Village Board of the Village of Elm Grove as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. [106](#).

Plumbing — See Ch. [212](#).

Sewers — See Ch. [232](#).

Land division — See Ch. [305](#).

Article I. Construction Site Erosion and Sediment Control

[Adopted 8-10-1987]

§ 325-1. Intent.

The intent of this article is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This article applies to all land disturbing construction activities.

§ 325-2. Statutory authority.

This article is adopted under the authority granted by § 61.354, Wis. Stats.

§ 325-3. Findings and purpose.

A.

Findings. The Village of Elm Grove finds that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.

B.

Purpose. It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village.

§ 325-4. Applicability.

This article applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village. All state-funded or state-conducted construction is exempt from this article.

(a) Except as provided under par. (b), this ordinance applies to any construction site as defined in S. 325-5.

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the Village, 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, or that increases water pollution by scouring or transporting of particulate.

[§ 325-5. Definitions.](#)

As used in this article, the following terms shall have the meanings indicated:

ADMINISTERING AUTHORITY

A governmental employee or a regional planning commission empowered under s. 62.234, Wis. Stats. that is designated by the Village to administer this ordinance.

AGRICULTURAL FACILITIES AND PRACTICES – has the meaning in s. 281.16 (1), Wis. Stats.

BEST MANAGEMENT PRACTICE OR BMP – Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

COMMERCIAL LAND USE

Use of land for the retail or wholesale sale of goods or services.

CONSTRUCTION SITE – An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

DESIGN STORM

A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

EROSION

The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN – A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

FINAL STABILIZATION – All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

LAND DEVELOPING ACTIVITY

The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

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.

LANDOWNER – Any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

PERFORMANCE STANDARD – A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT – A written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

POLLUTANT – has the meaning given in s. 283.01 (13), Wis. Stats.

POLLUTION – has the meaning given in s. 281.01 (10), Wis. Stats.

RUNOFF

Storm water or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

SILVICULTURE ACTIVITY – Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE

The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

TECHNICAL STANDARD – A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

TRANSPORTATION FACILITY – A highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

WATERS OF THE STATE – includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

§ 325-6 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

§ 325-7. Technical Standards

All BMPs required for compliance with this ordinance shall meet 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) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the Village.

§ 325-8 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with § 325-10.

(2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with § 325-10 of this ordinance and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all 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 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. 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.
9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 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.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
4. Development of spill prevention and response procedures.

(d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in S. § 325-8 (2).

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

§ 325-9 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

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(1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village.

(2) **PERMIT APPLICATION AND FEES.** The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of § 325-10 and shall pay an application fee to the Village in the amount specified in § 325-11. By submitting an application, the applicant is authorizing the Village to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The Village shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within thirty business days of the receipt of a complete permit application, as required by sub. (2), the Village shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and erosion and sediment control plan are approved, the Village shall issue the permit.

(c) If the permit application or erosion and sediment control plan is disapproved, the Village shall state in writing the reasons for disapproval.

(d) The Village may request additional information from the applicant. If additional information is submitted, the Village shall have thirty business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

(e) Failure by the Village to inform the permit applicant of a decision within thirty 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.

(4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Village may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.

(5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:

(a) Notify the Village within 48 hours of commencing any land disturbing construction activity.

(b) Notify the Village of completion of any BMPs within 14 days after their installation.

- (c) Obtain permission in writing from the Village prior to any modification pursuant to § 325-10 (3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Village to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Village in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in § 325-7 or § 325-8.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village may grant one or more extensions not to exceed 180 days cumulatively. The Village may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

§ 325-10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under § 325-04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be

used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

- (a) An erosion and sediment control plan shall be prepared and submitted to the Village.
- (b) The erosion and sediment control plan shall be designed to meet the performance standards in § 325-7, § 325-8 and other requirements of this ordinance.
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 5. Calculations to show the compliance with the performance standard in § 325-8 (3)(b)1.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

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1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
6. Location of areas where stabilization BMPs will be employed.
7. Areas which will be vegetated following land disturbing construction activities.
8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Areas(s) used for infiltration of post-construction storm water runoff.
10. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented.

The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. 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 Village, structural measures shall be installed on upland soils.
3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

4. Trapping of sediment in channelized flow.
5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Installation of permanent stabilization practices as soon as possible after final grading.
12. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occur:

- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
- (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The Village notifies the applicant of changes needed in the erosion and sediment control plan.

§ 325-11 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Village and may from time to time be modified by resolution. A schedule of the fees established by the Village shall be available for review in [location].

§ 325-12 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the Village may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

§ 325-13 ENFORCEMENT.

(1) The Village may post a stop work order if any of the following occurs:

(a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.

(b) The erosion and sediment control plan is not being implemented in good faith.

(c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village, or if a responsible party violates a stop work order posted under sub. (1), the Village may request the village attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Village may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

(5) After posting a stop work order under sub. (1), the Village may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats. (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than [amount] nor more than [amount] and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

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

§ 325-14 APPEALS.

(1) BOARD OF APPEALS. The board of appeals created pursuant to section [number] of the Village's ordinance pursuant to s. [59.694, 60.65, 61.354 (4)(b) or 62.23 (7)(e)], Wis. Stats.:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or

determination made by the Village in administering this ordinance except for cease and desist orders obtained under **§ 325-13** (3).

(b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Elm Grove affected by any decision of the Village.

§ 325-15 SEVERABILITY.

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

Article II. Surface Drainage Management

[Adopted 5-13-1991]

§ 325-16. Findings; purpose.

The Village of Elm Grove is reliant upon roadside drainage ditches, driveway culverts and storm sewers at limited locations for management of surface drainage. The purpose of this article is to promote the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control the adverse effects of stormwater; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

§ 325-17. Drains.

A.

"Drain" means any device for the drainage of water from land or protection of land from water, including without limitation any open ditch, channel, swale, creek, tiles or pipeline, whether natural or man-made.

B.

No person shall deliberately or by negligence obstruct or fill a drain without first obtaining a permit from the Public Works Director.^[1] Such permit may be withheld for a period not to exceed 90 days for the purpose of providing alternative drainage, by storm sewers or other means.

^[1]

Editor's Note: Throughout this article, references to the "Public Works Director" were amended to read "Public Works Director" at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

C.

The Public Works Director may remove from drains any obstructions or fill installed without a permit.

D.

No person shall construct, reconstruct, alter, repair or install any drainage structure in any drain without obtaining a permit from the Public Works Director. Issuance of such permit shall be predicated upon a finding by the Public Works Director that such drainage structure does not substantially retard the flow of water and does not adversely affect the public health, safety or welfare.

§ 325-18. Application for permit.

A.

Any person seeking a permit to alter or install a drainage structure or to fill or obstruct a drain or to construct, reconstruct, alter, repair or install any drainage structure in any drain shall fill out a written application with the Public Works Director containing the following information:

(1)

The name and address of the applicant and, if a corporation, the names and addresses of the officers thereof.

(2)

The location of the proposed work.

(3)

The plans and specifications for such work in triplicate. This shall include the drainage area and the design of the structures or alteration and such other information as the Public Works Director shall determine to be necessary to process the application.

B.

The permit fee shall be \$25.

§ 325-19. Enforcement; violations and penalties.

A.

Whenever a drain is obstructed by the negligence or deliberate action of the owner without a permit or when a drainage structure is constructed, reconstructed, altered, repaired or installed without a permit in either a natural watercourse or a drain, the Public Works Director shall serve a written order by certified mail on the owner demanding removal within a reasonable time, as specified within the letter.

[Amended 4-10-2000]

(1)

Any person aggrieved by the administration of this article may appeal the decision to the Board of Appeals established by the Village pursuant to § 62.23(7)(e), Wis. Stats. The Board shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Public Works Director or Zoning Administrator in administering this article.

(2)

The owner may appeal to the Board of Appeals within 10 calendar days of actual service of the order. If an appeal is not taken by filing in writing with the Village Clerk within such 10 days, the order shall be final. Hearings before the Board of Appeals shall be conducted pursuant to § 62.23(7)(e), Wis. Stats.

B.

If the owner neglects or refuses to comply with a removal order after his or her appeal period has expired, the Public Works Director shall promptly refer the matter to the Village Attorney's office for prosecution.

C.

Any person who shall violate any provision of this article or any rule or regulation made under this article shall be subject to a penalty as provided in § 1-16 of this Code, except that the forfeiture shall not be less than \$100.

[Amended 4-10-2000; 7-26-2005]

§ 325-20. Right of entry; recovery of costs.

Pursuant to § 88.87(3)(c), Wis. Stats., the Public Works Director may enter onto any property for the purpose of removing an obstruction in a drain which is in violation of § 88.87(3)(a), Wis. Stats., and which is flooding or causing damage to a Village highway. The reasonable cost of removal of an obstruction under this article shall be charged to the property owner without further notice by a special charge pursuant to § 66.60(16), Wis. Stats. In the event any special charge remains unpaid for longer than 30 days, a lien against the property shall be created in accordance with the provisions of § 66.60(16)(b), Wis. Stats.

§ 325-21. Interference with Village officers prohibited.

No person shall interfere with or impede any Village officer, employee or contractor in removing an obstruction.

§ 325-22. Emergencies.

Where a drainage obstruction in a natural watercourse or drain is determined by the Public Works Director to constitute an immediate danger to the public health, safety or welfare, the Public Works Director shall proceed forthwith to enter upon the lands involved and have the obstruction removed, either by public agency or by contract. If such obstruction was caused by the negligence or deliberate act of the owner and not by natural causes, the reasonable cost of removal shall be charged and assessed as provided in § [325-18](#) of this article.

Article III. Stormwater Management

[Adopted 4-10-2000]

§ 325-23. Authority.

This article is adopted under the authority granted by §§ 61.34(1), 61.354 and 62.234, Wis. Stats.

§ 325-24. Purpose.

The Village acknowledges that uncontrolled, post-construction runoff 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 post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens 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

PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (a) Further the maintenance of safe and healthful conditions.
- (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
- (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

§ 325-25. Intent.

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

§ 325-26 Applicability and Jurisdiction.

(1) Applicability.

- (a) Except as provided under par. (b), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.
- (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:

1. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
2. Agricultural facilities and practices.
3. Underground utility construction, but not including the construction of any aboveground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to postconstruction sites of any size that, as determined by the Village, are likely to result in runoff that exceeds the

safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(2) Exclusions.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

§ 325-27. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

§ 325-28. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 325-229. Title.

This article shall be known as, referred to or cited as the "Stormwater Management Ordinance, Village of Elm Grove, Wisconsin."

§ 325-30 Jurisdiction.

The jurisdiction of this article shall include all lands or waters within the corporate limits of the Village of Elm Grove.

§ 325-31. Definitions.

The definitions as used in this article are as follows:

ADEQUATE SOD, OR SELF-SUSTAINING VEGETATIVE COVER – Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved.

Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

ADMINISTERING AUTHORITY – A governmental employee, or a regional planning commission

empowered under s. 62.234, Wis. Stats., that is designated by the Village to administer this ordinance.

AGRICULTURAL FACILITIES AND PRACTICES – has the meaning given in s. 281.16 (1), Wis. Stats.

ATLAS 14 – The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

AVERAGE ANNUAL RAINFALL – A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

BEST MANAGEMENT PRACTICE OR 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.

BUSINESS DAY – A day the office of the Village is routinely and customarily open for business.

CEASE AND DESIST ORDER – A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village.

COMBINED SEWER SYSTEM – A system for conveying both sanitary sewage and storm water runoff.

CONNECTED IMPERVIOUSNESS – An impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

DESIGN STORM – a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

DEVELOPMENT – Residential, commercial, industrial or institutional land uses and associated roads.

DIRECT CONDUITS TO GROUNDWATER – Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depression groundwater recharge areas over shallow fractured bedrock.

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.

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

EXCEPTIONAL RESOURCE WATERS – Waters listed in s. NR 102.11, Wis. Adm. Code.

FILTERING LAYER – Soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

FINAL STABILIZATION – All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

FINANCIAL GUARANTEE – A performance bond, maintenance bond, surety bond, irrevocable

letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

GOVERNING BODY – Town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

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, gravel or paved parking lots and streets are examples of areas that typically are impervious.

IN-FILL – An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

INFILTRATION – The entry of precipitation or runoff into or through the soil.

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 road side channels designed for conveyance and pollutant removal only.

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.

LANDOWNER – Any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

MAINTENANCE AGREEMENT – A legal document that provides for long-term maintenance of storm water management practices.

MAXIMUM EXTENT PRACTICABLE – The highest level of performance that is achievable but is

not equivalent to a performance standard identified in this ordinance as determined in accordance with § 325-6 of this ordinance.

NEW DEVELOPMENT – Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE3 OR MSE4 DISTRIBUTION – A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

OFF-SITE – Located outside the property boundary described in the permit application.

ON-SITE – Located within the property boundary described in the permit application.

ORDINARY HIGH-WATER MARK – has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.

OUTSTANDING RESOURCE WATERS – Waters listed in s. NR 102.10, Wis. Adm. Code.

PERCENT FINES – The percentage of a given sample of soil, which passes through a # 200 sieve.

PERFORMANCE STANDARD – A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT – A written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

PERMIT ADMINISTRATION FEE – A sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

PERVIOUS SURFACE – An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT – has the meaning given in s. 283.01 (13), Wis. Stats.

POLLUTION – has the meaning given in s. 281.01 (10), Wis. Stats.

POST-CONSTRUCTION SITE – A construction site following the completion of land disturbing construction activity and final site stabilization.

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.

PREVENTIVE ACTION LIMIT – has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.

PROTECTIVE AREA – 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.

REDEVELOPMENT – Areas where development is replacing older development.

RESPONSIBLE PARTY – The landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

RUNOFF – Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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 part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

SILVICULTURE ACTIVITY – activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE – The entire area included in the legal description of the land on which the land disturbing construction activity occurred.

STOP WORK ORDER – An order issued by the Village which requires that all construction activity on the site be stopped.

STORM WATER MANAGEMENT PLAN – A comprehensive plan designed to reduce the discharge

of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.

STORM WATER MANAGEMENT SYSTEM PLAN – A comprehensive plan designed to reduce the

discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

TECHNICAL STANDARD – A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

TOP OF THE CHANNEL – An edge, or point on the landscape landward from the ordinary highwater

mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

TOTAL MAXIMUM DAILY LOAD OR TMDL – The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 – Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 – the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

TRANSPORTATION FACILITY – A highway, a railroad, a public mass transit facility, a public-use

airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

TSS – Total suspended solids.

TYPE II DISTRIBUTION – A rainfall type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973.

WATERS OF THE STATE – includes those portions of Lake Michigan and Lake Superior within the

boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

§ 285-32. Applicability of maximum extent practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrate to the Village's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into

account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

§ 285-33. **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 requirements of this article:

- A. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- B. 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 administering authority.
- C. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance. The most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this article.

§ 285-34. **Performance standards.**

- A. Responsible party. The responsible party shall implement a postconstruction stormwater management plan that incorporates the requirements of this section.
- B. Plan. A written stormwater quality and quantity management plan in accordance with § 285-33 shall be developed and implemented for each postconstruction site.
- C. Maintenance of Effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- D. Requirements. The water quality 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 postconstruction site as follows:
 - (a) For new development, by design, reduce to the maximum extent practicable the total

suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 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 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subsection.

(c) For infill development under five acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subsection.

(d) For infill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subsection.

(e) **Maximum Extent Practicable.** If the design cannot meet a total suspended solids or phosphorus reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids or phosphorus reduction performance standard cannot be met and why the pollutant loads will be reduced only to the maximum extent practicable.

(f) **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(1) **REQUIREMENTS.** The plan required under par. (B) shall include the following:

(a) **POLLUTANT CONTROL.** BMPs shall be designed, installed and maintained to control total suspended solids and phosphorus carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1 or to the maximum extent practicable as provided in par. (b). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1: Pollutant Reduction Standards

| Development Type | TSS Reduction | Phosphorus |
|-------------------------|----------------------|-------------------|
| New development | 80% | 30% |

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| | | |
|---------------------|--|-----|
| In-fill development | 80% | 30% |
| Redevelopment | 60% of load from parking areas and roads | 30% |

2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids or phosphorus reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids or phosphorus reduction performance standard cannot be met and why the pollutant loads will be reduced only to the maximum extent practicable.

3. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) **Peak Runoff.** By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in the table below shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Village may allow the use of TP-40 precipitation depths and the Type II distribution.

| Maximum Pre-Development Runoff Curve Numbers | | | | |
|---|------------------------------|----------|----------|----------|
| Runoff Curve Number | Hydrologic Soil Group | | | |
| | A | B | C | D |
| Woodland | 30 | 55 | 70 | 77 |
| Grassland | 39 | 61 | 71 | 78 |
| Cropland | 55 | 69 | 78 | 83 |

(3) **Runoff management requirements.**

(a) The responsible party shall manage the volume, timing, and peak flow rate of runoff from development or redevelopment approved by the Village after the effective date of this chapter. The responsible party may implement runoff management requirements on a watershed basis or at individual sites.

(b) Standards for development; demolition or construction during redevelopment.

[1] For development, runoff management shall prevent increases in the regional flood and

stream bank erosion rates.

[2] If demolition or construction during redevelopment will disturb an area larger than two acres, then the responsible party shall reduce the runoff release rate by the amount listed in the following table for the one- percent/one-hundred-year and fifty-percent/two-year storms, except as provided in Subsection C(2)(e).

| Area Disturbed by Demolition or Construction | Reduction to the Existing Runoff Release Rate as of October 25, 2010 |
|---|---|
| Between 2 and 3.5 acres | 10% |
| From 3.5 to 5 acres | 15% |
| Greater than 5 acres | 20% |

(c) The responsible party may prepare a watershed or sub- watershed stormwater management plan or a local stormwater management plan for multiple sites considered together. These analyses shall show how runoff volume is distributed over the critical time of the watershed sufficient to comply with Subsection C(2)(b). The responsible party shall analyze runoff and determine the critical time according to guidance provided by the Milwaukee Metropolitan Sewerage District (MMSD). When evaluating how a development will affect the watercourses, the responsible party shall use models and conditions approved by the MMSD. The responsible party shall use 2020 or later land use conditions. The responsible party shall use pre-project channel conditions. The responsible party shall submit these plans and analyses to the MMSD for review and approval. Such plans are subject to approval of the MMSD, in addition to the approval of the Village.

(d) In the absence of an approved watershed management plan that covers development at a particular site, the responsible party shall implement either site-specific maximum runoff release rates that will distribute runoff over the critical time sufficient to comply with Subsection C(2)(b)[1], calculated according to guidance provided by MMSD, or the following uniform rates:

| Storm (Probability/recurrence Interval) | Maximum Runoff Release Rate (cubic feet per second per acre) |
|--|---|
| 1% / 100-year | 0.5 |
| 50% / 2-year | 0.15 |

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(e) Redevelopment may reduce the runoff release rate by an amount less than required by Subsection C(2)(b)[2] when conditions make compliance unreasonable. Relevant conditions include, but are not limited to, soil contamination, groundwater contamination, land use requirements, land availability, opportunities for off-site management, construction delays, marginal costs, and the availability of financing. In this case, redevelopment shall achieve the greatest practicable reduction.

(f) When selecting the runoff management techniques appropriate for a particular development, responsible parties shall consider the following techniques, in order of preference:

[1] Preservation of the natural features of development sites, including natural storage and infiltration characteristics;

[2] Preservation of existing natural streams, channels, and drainageways;

[3] Minimizing new impervious surfaces;

[4] Conveyance of stormwater in open vegetated channels;

[5] Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and

[6] Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

(g) If impervious surface is removed after the effective date of this chapter, then the responsible party may reduce the degree of runoff management necessary for new impervious surface within the same watershed or sub-watershed, to the extent that the net result complies with Subsection C(2)(b). The responsible party shall implement this subsection according to guidance provided by the MMSD.

(h) Runoff management systems may be either public or private.

(i) The responsible party shall ensure that facilities constructed to manage runoff are maintained to preserve their effectiveness.

(j) If a runoff management system is not constructed or maintained according to an approved site development stormwater management plan or otherwise fails to comply with Subsection C(2)(a), then the responsible party shall construct new facilities, expand or correct previously constructed facilities, or implement other remedial action.

(4) 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 Subsection C(3)(e) through (g), or to the maximum extent practicable:

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[1] *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low-density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent 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 of the post-construction site is required as an effective infiltration area.

[2] *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium- and high-density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent 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 2 percent of the post-construction site is required as an effective infiltration area.

[3] *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 2 percent of the post-construction site is required as an effective infiltration area.

(b) For residential developments, one of the following shall be met:

[1] Infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 90% of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

[2] Infiltrate 25% of the postdevelopment runoff from the two-year, twenty-four-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 1% of the project site is required as an effective infiltration area.

(c) For nonresidential development, including commercial, industrial and institutional development, one of the following shall be met:

[1] Infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 60% of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

[2] Infiltrate 10% of the runoff from the two-year, twenty- four-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used

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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 2% of the project site is required as an effective infiltration area.

(d) Predevelopment condition shall be the same as in Subsection C(3)(b).

(e) 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)(g). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(f) Infiltration exclusions. The runoff from the following areas is 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.

[3] Fueling and vehicle maintenance areas.

[4] Areas within 1,000 feet up gradient or within 100 feet down gradient of karst features.

[5] Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection 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 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 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within 100 feet of 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 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-foot soil layer with 20% fines or greater; or at least a five-foot soil layer with 10%

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finer or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection does not prohibit infiltration of roof runoff.

(g) Infiltration 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 inch per hour measured at the site.

[2] Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

[3] Redevelopment postconstruction sites.

[4] Infill development areas less than five 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.

(h) Protection of groundwater quality.

[1] Infiltration systems designed in accordance with this subsection 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 Ch. 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.

[2] Notwithstanding Subsection C(3)(g)[1], the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(1) Protective areas.

(i) "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, 75 feet.

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[2] For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

[3] For lakes, 50 feet.

[4] For wetlands not subject to par. (5) or (6), 50 feet.

[5] For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps and ephemeral ponds.

[6] For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

[7] In pars. (4) through (6), determinations of the extent of the protective area adjacent to wetlands shall be made based on the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wis. Adm. Code.

[8] Wetland boundary delineations shall be made in accordance with s. NR 103.08(1m), Wis. Adm. Code. This paragraph 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. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

[9] For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

[10] Notwithstanding pars. (1) to (9), the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

(j) This subsection applies to postconstruction sites located within a protective area, except those areas exempted pursuant to Subsection C(4)(d) of this section.

(k) 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. The plan shall also include a site plan of the proposed construction including existing trees, proposed landscaping, vegetative cover, and if requested, appropriate elevations, building, and additional landscape information. The site plan should include the relationship between landscaping, drainage, and stormwater management for the site.

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[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 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. Nonvegetative 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.

[3] Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from nonpoint sources may be located in the protective area.

(1) This subsection does not apply to:

[1] Except as provided under S. 07 (C), redevelopment post-construction sites.

[2] In-fill development areas less than 1 acre.

[3] Structures that cross or access surface waters such as boat landings, bridges and culverts.

[4] Structures constructed in accordance with s. 59.692(1v), Wis. Stats.

[5] Areas of post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(2) 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.

(3) Swale treatment for transportation facilities.

(m) Applicability. Except as provided in Subsection C(6)(b), transportation facilities that use swales for runoff conveyance and pollutant removal meet all 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, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

[2] Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second based on a two-year, twenty-four-hour design storm. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

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(n) Exemptions. The administering authority 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 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

[1] An outstanding resource water.

[2] An exceptional resource water.

[3] Waters listed in Section 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.

E. 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.

(a) Parking lots with over 24 stalls shall have a minimum of one tree island not less than 180 square feet for each group of 24 stalls or an equivalent number of perimeter plantings or tree rows that are designed as part of an overall landscape plan acceptable to the Plan Commission.

(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.

(3) BMPs for water quantity management shall use the following techniques, in order of preference:

(a) Preservation of the natural features of development sites, including natural storage and infiltration characteristics;

(b) Preservation of existing natural streams, channels, and drainageways;

(c) Minimizing new impervious surfaces;

(d) Conveyance of stormwater in open vegetated channels;

(e) Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and

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(f) Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

F. 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 within the same watershed.

(2) Postconstruction runoff within a nonnavigable drainage way that flows into a BMP, such as a wet pond, is not required to meet water quality performance standards unless designed to provide treatment. Postconstruction BMPs may be located in nonnavigable surface waters.

(3) Except as allowed under Subsection E(4), postconstruction runoff from new development shall meet the postconstruction performance standards prior to entering a navigable surface water.

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

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

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

(5) Runoff from existing development, redevelopment and infill areas shall meet the postconstruction 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) Postconstruction 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 Ch. NR 103, Wis. Adm. Code, and Ch. 30, Wis. Stats.

(6) The discharge of runoff from a BMP, such as a wet pond, or after a series of such BMPs is subject to this article.

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

(a) The administering authority determines that the postconstruction runoff is covered by a stormwater management system plan that is approved by the Village of Elm Grove and that contains management requirements consistent with the purpose and intent of this article.

(b) The off-site facility meets all 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 article.

[3] The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(8) Where a regional treatment option exists such that the administering authority exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority. In determining the fee for postconstruction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

G. Alternate requirements. The administering authority may establish stormwater management requirements more stringent than those set forth in this section if the administering authority determines that an added level of protection is needed to protect sensitive resources.

§ 325-32. Prohibited discharges; exemptions.

A.

No person shall discharge, spill or otherwise deposit substances or materials which are not entirely composed of stormwater into receiving bodies of surface water, storm sewers or other drainage facilities or onto driveways, sidewalks, parking lots or other impervious or pervious areas that drain into the streams and watercourses of the area. No person shall connect a building wastewater sewer or drain to storm sewers or other stormwater drainage facilities.

B.

The following discharges are exempt from the provision of this article:

(1)

Discharge authorized by a permit issued by the Wisconsin Department of Natural Resources;

(2)

Discharges resulting from fire-fighting activities;

(3)

Discharges from uncontaminated groundwater, potable water sources, roof drains, foundation drains and foundation drain sump pump discharges, air-conditioning condensation, lawn watering, water main and hydrant flushing and swimming pools, if the pool water has been dechlorinated;

(4)

Discharges from individual automobile washing by automobile owners not involving any commercially zoned site;

(5)

Agricultural activities, such activities, however, being subject to good soil and water conservation practices; and

(6)

Facility maintenance activities undertaken by any federal, state, county or municipal agency, such activities, however, being subject to construction erosion control measures.

§ 325-33. Stormwater management plan and facilities required.

[Amended 12-17-2002]

A.

No person shall proceed with any residential, commercial, industrial or institutional land use development or redevelopment or with the division or subdivision of property without providing appropriate stormwater management facilities that adequately control stormwater runoff from such development or redevelopment or subdivided property. A site-specific stormwater management plan must be submitted and approved by the Public Works Director before any required new stormwater management facilities are constructed, unless exempted or waived pursuant to the provisions of this article. An approved site-specific stormwater management plan is also required before an existing drainage system is relocated, deepened, widened, enlarged, filled, obstructed or otherwise altered in preparation for land use development and redevelopment or division or subdivision of property. The plan must be submitted and approved before any land use development and redevelopment is commenced or a land subdivision plat or certified survey map is approved and recorded.

B.

Milwaukee Metropolitan Sewerage District Rules ("MMSD Rules") contained in Chapter 13 on Surface Water and Stormwater Runoff Management (effective January 1, 2002) and all future amendments thereto are hereby adopted by reference. There shall be compliance with all applicable provisions contained in MMSD Rules Chapter 13 as may be amended from time to

time that pertain to stormwater runoff management and plan submittal requirements in addition to the stormwater requirements of the Village of Elm Grove ordinances. This shall include, but not be limited to, plat approval under Chapter 236 Wis. Stats., construction site erosion control and post-construction stormwater quality best management practices to abate pollutant runoff.

C.

The Village Clerk or Village Zoning Administrator shall have available a current copy of MMSD Rules Chapter 13 which shall be open to public inspection.[\[1\]](#)

[\[1\]](#)

NOTE: The MMSD Rules and Stormwater Quality Guidance materials on best management practices for peak stormwater runoff apply to any development adding 0.5 acre or more of impervious surface. They are available to read and print at www.mmsd.com [MMSD website].

§ 325-34. Applicability.

This article applies to land use development, redevelopment and property division or subdivision activities which meet the following criteria:

A.

Residential land use development, redevelopment or property division or subdivision occurring within a gross aggregate area of more than five acres;

B.

Residential land use development or redevelopment occurring within, or property division of, a gross aggregate area of more than three acres, if 1.5 acres or more of impervious surfaces are proposed;

C.

Nonresidential land use development, redevelopment or property division or subdivision occurring within a gross aggregate area of more than 1.5 acres, if 0.5 acre or more of impervious surfaces are proposed; and

D.

Land use development, redevelopment or property division or subdivision of any size area that in the opinion of the Public Works Director is likely to result in stormwater runoff which exceeds the safe capacity of existing drainage facilities or receiving watercourse; which causes undue channel erosion; which increases surface water pollution; or which endangers property or public health and safety.

§ 325-35. Exemptions.

The following development and redevelopment activities are exempt from the requirement of this article:

A.

Maintenance, alteration, improvement or use of an existing structure which does not significantly affect the water quality or hydrologic and hydraulic conditions of the surface water resources of the subwatershed concerned as determined by the Public Works Director in writing;

B.

Maintenance activities undertaken by any federal, state or municipal governmental agency;

C.

Stormwater management facilities to be constructed or measures to be undertaken by the Village when the Public Works Director has determined that a stormwater management plan is not required; and

D.

Agricultural activities not associated with development and redevelopment.

§ 325-36. Waivers.

The Public Works Director may waive the requirements of this article in part or in whole. A request for waiver shall be submitted to the Public Works Director and shall include a narrative description and drawings of the proposed development or redevelopment or subdivision for which the waiver is being requested. The Public Works Director may grant a waiver if the Public Works Director finds that:

A.

The development or redevelopment or subdivision is not likely to:

(1)

Significantly increase or decrease the rate or volume of stormwater runoff from the development, redevelopment or subdivision site;

(2)

Have a significant adverse impact on a wetland or other environmentally sensitive area;

(3)

Significantly contribute to the degradation of surface or ground water quality; or

(4)

Otherwise significantly impair attainment of the purpose of this article; and

B.

The applicable adopted stormwater management system plan does not indicate the need for any site-specific stormwater management measures on the site concerned.

§ 325-37. Site-specific stormwater management plan.

The site-specific stormwater management plan required by this article shall contain the following requirements:

A.

General.

- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and 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) Predevelopment site conditions, including:
 - (a) One or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the regional flood (the 1% probability storm event) floodplain; 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) Postdevelopment site conditions, including:

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- (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 or more site maps at a scale of not less than one inch equals 100 feet showing the following: postconstruction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; postconstruction topographic contours of the site at a scale not to exceed two feet; postconstruction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; 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 drainageway; 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 § 285-31.
 - (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 administering authority to determine compliance of the proposed stormwater management measures with the provisions of this article.
- B. Certification. 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 article.

- C. Alternate requirements. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 285-31E.

§ 325-38. Design methodology.

The site-specific stormwater management system plan required under the provisions of this article shall be designed in accordance with good engineering practice. The specific methods to be used in the calculation of peak rates of discharge, volumes and water quality conditions and of the hydraulic capacities of storage and conveyance facilities shall be left to the judgment of the professional engineer preparing the plan, subject, however, to the approval of the Public Works Director. The site-specific stormwater management system shall be designed such that the natural topography and land cover, including such features as high-quality woodlands, wetlands, swales, natural depressions, native soil infiltration capacity and natural groundwater recharge areas, are protected and preserved to the maximum extent practicable.

§ 325-39. Water quality criteria.

The stormwater management facilities and measures required to serve land use development, redevelopment and property subdivision activities subject to this article shall be designed to meet the following minimum standards:

A.

Stormwater discharges shall be treated to achieve the levels of pollutant removals specified in the adopted Village stormwater management system plan. Unless otherwise specified in the above-noted plans, stormwater management measures shall be designed with the general goal of removing, on an average annual basis, 80% of the suspended solids load that may be expected in the absence of control. To achieve this level of removal, the stormwater management measures shall be designed to accommodate, at a minimum, the runoff volume resulting from 1.5 inches of rainfall.

B.

Discharge of urban stormwater pollutants to wetlands shall be minimized to the extent practicable. Significant degradation of wetland functional values due to stormwater pollutant loading shall be avoided.

C.

Stormwater discharges shall be pretreated prior to infiltration to prolong maintenance of the infiltration capacity and to prevent discharge of stormwater pollutants and concentrations that would result in exceeding groundwater quality standards established by the Wisconsin Department of Natural Resources.

D.

Stormwater detention, retention and infiltration facilities shall not be located closer than allowed by applicable sections of the Wisconsin Administrative Code. The stormwater management plan shall show all wells within the following areas: 100 feet from a well serving a private water system; or 1,200 feet from a well serving a municipal or a community/subdivision water supply system; or within the wellhead protection areas of a well serving a municipal or a community/subdivision water supply system, if such a protection area has been delineated. Copies of any variances to the Administrative Code obtained from the state must be furnished to the Village prior to the start of construction.

E.

In the design of the stormwater facilities and measures, due consideration shall be given to the design criteria and standards set forth in the Wisconsin Stormwater Manual prepared and published by the Wisconsin Department of Natural Resources and as may be revised from time to time.

§ 325-40. Stormwater discharge criteria.

A.

The conveyance and storage facilities incorporated into the site-specific stormwater management system plan required under this article shall be designed as an integral part of existing stormwater systems, provided that there is no downstream flooding. In the event that there is downstream flooding, the Public Works Director may require site-specific measures that will not increase downstream storm flows.

B.

Design criteria and standards for stormwater management measures shall be made available by the Village Clerk in cooperation with the Public Works Director.

C.

Peak flow shaving components of stormwater structures shall be designed in accordance with standard engineering practice.

D.

Runoff volumes and peak flows rates used in designing the water quantity and quality components of stormwater structures shall be based on the principles of the document entitled "Urban Hydrology for Small Watersheds" (Technical Release 55: Engineering Division, United States Department of Agriculture, June 1992), Natural Resources Conservation Service or other methods approved by the Public Works Director.

E.

Unless otherwise specified in the Village stormwater management system plan or where determined by the Public Works Director to be not needed, the peak flow discharge rates of stormwater runoff from the site under post-development conditions shall not exceed the rates under existing conditions, as calculated under § [325-34F](#).

§ 325-41. Stormwater volume criteria.

Stormwater detention and retention control facilities included in the stormwater management system plan required under this article shall be designed in conformance with the adopted Village stormwater management system plan.

§ 325-42. Variation of requirements.

The Public Works Director may establish stormwater management requirements either more or less stringent than those set forth in this article provided that the Public Works Director finds that one or more of the following conditions applies:

A.

A higher level of quality in the stormwater discharge is required to protect sensitive environmental resources.

B.

A higher level of protection from ponding or flooding is required to protect the public health and safety.

C.

Provisions are available to manage the stormwater runoff by off-site facilities, provided that all of the following conditions are met for the off-site facilities: the facilities are in place; the facilities are adequately sized to provide a level of stormwater runoff control equal to or greater than that which would be afforded by on-site facilities and measures meeting the requirements of this article; and a legal entity exists that is responsible for the maintenance of the facilities.

§ 325-43. Financial guaranty.

An irrevocable letter of credit of sufficient duration or certified check shall accompany the plan to guarantee implementation of the proposed stormwater management measures recommended in the plan. The amount of the guaranty shall be based upon the estimated initial construction costs and shall be for 125% of those costs. Upon completion of the recommended measures and submittal of the as-built plan required under § [325-44D\(5\)](#) of this article, any portion of the guaranty not utilized shall be released or returned.

§ 325-44. Maintenance.

If the Public Works Director at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained or if they are altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village Zoning Administrator, upon the recommendation of the Public Works Director, shall issue an order to the owner to undertake the needed maintenance or repair. In the event of noncompliance by the owner within 10 calendar days of actual service of the order or the taking of an appeal, the Village may seek an injunction to compel action by the owner. The cost of such legal enforcement action for maintenance shall be levied as a special charge pursuant to § 66.60(16), Wis. Stats., against the property concerned. The special charge shall be collectible in the manner as provided in § 66.60(16) and (17), Wis. Stats.

§ 325-45. Public nuisances.

The following shall be deemed to constitute public nuisances and may be prosecuted as such by the Village and may be enforced by injunction:

A.

Any development, redevelopment or property subdivision that is commenced without an approved stormwater management plan as required by this article;

B.

Any stormwater drainage facility which is not constructed in accordance with the stormwater management plan required under this article;

C.

Any drainage facility not maintained in accordance with § [325-41](#) of this article; and

D.

Any activity which adversely impacts on surface or ground water quality.

§ 325-46. Compliance order.

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When the Public Works Director finds that a willful violation of the provisions of this article exists, the Public Works Director shall inform the Zoning Administrator, who may order the owner of the site concerned to correct the violation by issuing a notice of violation or stop-work order.

A.

Any person who commences any site improvements without an approved plan as required by this article may be required to restore the land to its original condition within a period of 30 days.

B.

If the owner fails to take corrective action after being noticed, the Village may take all steps necessary to correct the violation, including but not limited to using Village forces or engaging contractors after obtaining an injunction in the absence of consent of the owner.

C.

If the owner concerned has filed an irrevocable letter of credit or certified check under § [325-40](#) of this article, the appropriate guaranty shall be drawn upon.

D.

If the owner has not filed an irrevocable letter of credit or certified check the cost shall be levied as a special charge against the property concerned under § 66.60(16), Wis. Stats.

E.

Any person who does not comply with the provisions of this article shall be subject to a forfeiture of not less than \$100 and not more than \$1,000 for each offense, together with the costs of prosecution. Each day a violation exists shall be deemed to constitute a separate offense.

§ 325-47. Permit requirements.

A.

No person shall undertake a land development, redevelopment or property subdivision activity subject to the requirements of this article without receiving a permit from the Public Works Director prior to commencing the proposed land development, redevelopment or property subdivision activity.

B.

Permit application and fee. Any person desiring a permit shall submit to the Public Works Director a permit application made on a form provided by the Village. The application must be accompanied by the site-specific stormwater management plan required under the provisions of

this article, the financial guarantee required under the provisions of this article and a nonrefundable permit administration fee of \$225.

C.

The Public Works Director shall, within 30 calendar days of the receipt of a permit application, review the application for compliance with the requirements of this article and shall advise the Zoning Administrator, who shall inform the applicant whether the application plan and financial guaranty are approved or disapproved. If the application is approved, the permit shall be issued by the Village Zoning Administrator. If the application is disapproved, the applicant shall be advised in writing of the reasons for disapproval.

D.

Permit conditions. All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Village Zoning Administrator may suspend or revoke a permit for violation of a permit condition following written notification to the permit holder.

(1)

Compliance with a permit issued under this article does not relieve the permit holder of responsibility to comply with other applicable federal, state and municipal laws and regulations.

(2)

The permit holder shall properly install all structural and nonstructural stormwater management measures recommended in the approved site-specific stormwater management plan.

(3)

The permit holder shall notify the Public Works Director at least three working days before commencing any work to implement the approved site-specific stormwater management plan and within the next working day upon completion of the work.

(4)

Upon completion of the stormwater management facilities and other measures required by the approved plan, the Public Works Director shall conduct an inspection of those facilities and measures to determine if they were constructed in accordance with the approved plan and the requirements of this article. The Public Works Director shall inform the Zoning Administrator, who shall notify the permit holder in writing of any changes required in the facilities and measures to bring them into compliance with the approved plan and the requirements of this article.

(5)

Upon final approval of the constructed stormwater management facilities, the developer or subdivider shall have an as-built plan prepared by a licensed professional engineer or registered land surveyor correctly showing the locations, configurations and elevations of the completed facilities and measures. The as-built plan shall be prepared to the same scale, contour interval and vertical datum as the approved site-specific stormwater management plan and shall be subject to the approval of the Public Works Director.

(6)

If so directed by the Village Zoning Administrator, the permit holder shall repair, at the permit holder's own expense, any and all damage to adjoining municipal facilities and drainageways caused by stormwater runoff where such damage was caused by activities not in compliance with the approved site-specific stormwater management plan.

(7)

The permit holder shall permit access to the site and property concerned by the Public Works Director and Zoning Administrator for the purpose of inspecting the stormwater management facilities and measures for compliance with the approved site-specific stormwater management plan.

(8)

Where a site-specific stormwater management plan proposes changes in the direction, in the peak rates or in the total volume of runoff from a site, the Public Works Director shall advise the Zoning Administrator, who may require the permit holder to present written evidence that appropriate legal arrangements have been implemented with adjacent property owners concerning the prevention of damage to property or danger to public health and safety.

E.

Permits issued under this article shall be valid from the date of issue through the date upon which the Village Zoning Administrator notifies the permit holder that all stormwater management facilities and measures have satisfactorily met final inspection by the Public Works Director.

§ 325-48. Appeals.

A.

Any person aggrieved by the administration of this article may appeal the decision to the Board of Appeals established by the Village pursuant to § 62.23(7)(e), Wis. Stats. The Board shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Public Works Director or Zoning Administrator in administering this article and upon appeal 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

provision of this article would result in unnecessary hardship and shall use the rules, procedures, duties, and powers authorized by state statute in hearing and deciding appeals and authorizing variances.

B.

The owner may appeal to the Board of Appeals within 10 calendar days of actual service of the order. If an appeal is not taken by filing in writing with the Village Clerk within such 10 days, the order shall be final. Hearings before the Board of Appeals shall be conducted pursuant to § 62.23(7)(e), Wis. Stats.

Article IV. Stormwater and Sewer Illicit Discharge Connections.

[Adopted 7-28-2009]

§ 325-49. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Elm Grove through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

A.

To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

B.

To prohibit illicit connections and Discharges to the municipal separate storm sewer system.

C.

To delegate authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

§ 325-50. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTERING AUTHORITY — The Village Manager or the Director of Public Works.

AGRICULTURAL FACILITIES AND PRACTICES — Has the meaning given in § 281.16, Wis. Stats.

ATLAS 14 – The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

AVERAGE ANNUAL RAINFALL — A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality., excluding snow, which is considered typical.

BEST MANAGEMENT PRACTICE or BMP — Structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

BUSINESS DAY — A day the office of the administering authority is routinely and customarily open for business.

CEASE-AND-DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village of Fox Point.

COMBINED SEWER SYSTEM — A system for conveying both sanitary sewage and stormwater runoff.

CONNECTED IMPERVIOUSNESS — An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

CRITICAL TIME — The period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.

DESIGN STORM — A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

DEVELOPMENT — The construction of buildings, roads, parking lots, and paved or unpaved storage areas.

DIVISION OF LAND — The creation from one parcel of two or more parcels of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a five-year period.

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.

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

EXCEPTIONAL RESOURCE WATERS — Waters listed in § NR 102.11, Wis. Adm. Code.

EXTRATERRITORIAL — The unincorporated area within three miles of the corporate limits of a first, second, or third class city or within 1.5 miles of a fourth class city or village.

FINAL STABILIZATION — All land disturbing construction activities at the construction site have been completed and a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

FINANCIAL GUARANTEE — An irrevocable letter of credit, in a form approved by the Village Attorney, or similar guarantees that are approved by the Director of Public Works as to amount, and by the Village Attorney as to form, submitted to the administering authority by the responsible party to assure that requirements of this article are carried out in compliance with the stormwater management plan.

FILTERING LAYER — Soil that has at least a three-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the Director of Public Works.

ILLEGAL DISCHARGE

Any direct or indirect Non-stormwater Discharge to the storm drainage system, except as exempted elsewhere in these ordinances. This includes, but is not limited to, activities related to spills, dumping and disposal of any substance or material.

ILLICIT CONNECTIONS

An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any Non-stormwater Discharge, including sewage, processed wastewater, and wash water, to enter the storm drain system and any connections to the storm drainage system from indoor drains and sinks, provided that said drain or connection had not been previously allowed, permitted, or approved in writing by the Village of Elm Grove; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by the Village of Elm Grove.

IMPERVIOUS SURFACE — Any pavement or structural element that prevents rain, surface water runoff, or melting snow from infiltrating into the ground below, including, but not limited to, roofs and paved roads, driveways, and parking lots.

INFILL AREA — An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where

development cannot occur.

INFILTRATION — The entry of precipitation or runoff into or through the soil.

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.

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.

LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative 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.

MAINTENANCE AGREEMENT — A legal document that provides for long-term maintenance of stormwater management practices.

MEP or MAXIMUM EXTENT PRACTICABLE — The highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with S. 285-29 of this ordinance. 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.

NEW DEVELOPMENT — Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE4 DISTRIBUTION – A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

OFF-SITE — Located outside the property boundary described in the permit application.

ON-SITE — Located within the property boundary described in the permit application.

ORDINARY HIGH-WATER MARK — The meaning given in § NR 115.03(6), Wis. Adm. Code.

OUTSTANDING RESOURCE WATERS — Waters listed in § NR 102.10, Wis. Adm. Code.

PERCENT FINES — The percentage of a given sample of soil which passes through a No. 200 sieve.

PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT — A written authorization made by the administering authority to the applicant to conduct land-disturbing construction activity or to discharge postconstruction runoff to waters of the state.

PERMIT ADMINISTRATION FEE — A sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

PERVIOUS SURFACE — An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT — The meaning given in § 283.01(13), Wis. Stats.

POLLUTION — The meaning given in § 281.01(10), Wis. Stats.

POSTCONSTRUCTION SITE — A construction site following the completion of land disturbing construction activity and final site stabilization.

PREDEVELOPMENT 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.

PREVENTIVE ACTION LIMIT — The meaning given in § NR 140.05(17), Wis. Adm. Code.

PROTECTIVE AREA — 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.

PUBLIC RIGHT-OF-WAY — Any road, alley, street, parking lot, sidewalk, plaza, mall, or pathway owned by or dedicated to a governmental unit.

RECREATIONAL TRAIL — A path that is:

A. Distinctly set apart from a roadway, street, or sidewalk;

- B. Designed for activities such as jogging, walking, hiking, bird watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and
- C. Not a sidewalk according to § 340.01(58), Wis. Stats.

REDEVELOPMENT — New development that replaces older development.

REGIONAL FLOOD — The peak flow and peak elevation of water with a one-percent probability of occurring during any one year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt. The common misnomer, "one-hundred-year flood or floodplain" implies a temporal element rather than a one in 100 random probability of the event.

RESPONSIBLE PARTY — Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain postconstruction stormwater BMPs.

RUNOFF — Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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 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; and
- D. Discharges directly or indirectly to waters of the state.

SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE — The entire area included in the legal description of the land on which the land disturbing construction activity occurred.

STOP-WORK ORDER — An order issued by the administering authority which requires that all construction activity on the site be stopped.

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.

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.

TECHNICAL STANDARD — A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

TIME OF CONCENTRATION — The time period for the furthest runoff from the outlet of a watershed to contribute to flow at the watershed outlet.

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 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high- water mark, the top of the channel is the ordinary high-water mark.

TOTAL MAXIMUM DAILY LOAD (TMDL) — The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 — Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

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

TSS — Total suspended solids.

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.

VILLAGE OF ELM GROVE — When referring to the governing body and not the geographical area, means Village Board of Trustees.

WATER QUALITY MANAGEMENT — The stormwater standards and duties established under the Clean Water Act, 33 U.S.C. § 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.

WATER QUANTITY MANAGEMENT — Runoff management requirements to manage the volume, timing, and peak flow rate from development or redevelopment pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District (MMSD) rules as implemented and enforced by this municipality.

WATERS OF THE STATE — The meaning given in § 281.01(18), Wis. Stats.

§ 325-51. Applicability.

This article shall apply to all water entering the storm drainage system or MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Elm Grove Public Works Director.

§ 325-52. Responsibility for administration.

The Elm Grove Public Works Director shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon Elm Grove may be delegated in writing by the Elm Grove Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the Village of Elm Grove or as otherwise directed by the Elm Grove Board of Trustees.

§ 325-53. Ultimate responsibility.

The standards set forth herein and incorporated by reference from the Wisconsin Statutes and the Wisconsin Administrative Code as they may relate to point and nonpoint sources of pollution and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

§ 325-54. Discharge prohibitions; exemptions.

A.

Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the storm drainage system or MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards as referenced in § [325-50](#), above, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1)

The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration into storm drains, uncontaminated pumped groundwater, foundation or footing drains or sump pump (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, individual residential washing of vehicles, natural riparian habitat or wetland flows,

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swimming pools (if dechlorinated, typically less than one ppm chlorine), fire-fighting activities, and any other water source not containing pollutants.

(2)

Discharges specified in writing by the Elm Grove Public Works Director as being necessary to protect public health and safety.

(3)

Dye testing is an allowable discharge, but requires notification to the Elm Grove Public Works Department prior to the time of the test.

(4)

The prohibition shall not apply to any nonstormwater discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B.

Prohibition of illicit connections.

(1)

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2)

This prohibition expressly includes, without limitation, illicit connections made in the past, unless the connection:

(a)

was permissible under law or practices applicable or prevailing at the time of connection; and

(b)

Was documented as allowable contemporaneously with the installation of each connection; and

(c)

Does not currently allow any pollutant to enter the MS4.

(3)

A person shall be deemed to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue. In the event there is any modification of a property or structure that requires a permit of any kind, all connections that may otherwise presently be illicit connections shall be corrected even if they have a documented allowable prior status.

§ 325-55. Suspension of MS4 access.

A.

Suspension due to illicit discharges in emergency situations. The Public Works Director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the MS4 or navigable waters of the State of Wisconsin, as defined by Wisconsin case law. If the violator fails to comply with a suspension order issued in an emergency, the Elm Grove Public Works Director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or navigable waters of the State of Wisconsin or to minimize danger to persons.

B.

Suspension due to the detection of illicit discharge.

(1)

Any person discharging to the MS4 in violation of this article may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The Elm Grove Public Works Director or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Elm Grove Public Works Director or his designee for a reconsideration and hearing.

(2)

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior written approval of the Elm Grove Public Works Director.

§ 325-56. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity WPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to the allowing of discharges to the MS4.

§ 325-57. Monitoring of discharges.

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A.

Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including, but not limited to, construction activity.

B.

Access to facilities.

(1)

The Public Works Director or his designee, having reasonable cause, shall be permitted to enter and inspect facilities subject to this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Elm Grove Public Works Director.

(2)

Owners or their agent(s) shall allow the Public Works Director access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3)

The Public Works Director, having reasonable cause, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Elm Grove Public Works Director to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4)

The Public Works Director, having reasonable cause, shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5)

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6)

Unreasonable delays in allowing the Public Works Director access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Elm Grove Public Works Director or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7)

If the Public Works Director or his designee has been refused access to any part of the premises from which stormwater is discharged, and he is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Elm Grove Public Works Director or his designee may seek issuance of a special inspection warrant pursuant to § 66.0119, Wis. Stats., from any court of competent jurisdiction.

§ 325-58. Prevention, control and reduction of stormwater pollutants by use of best management practices.

The Public Works Director may provide requirements identifying best management practices (BMP) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the State of Wisconsin. The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the WPDES permit.

§ 325-59. Waters of the State of Wisconsin protection.

Every person owning or occupying property through which waters of the State of Wisconsin passes shall keep and maintain that part of the waters of the State of Wisconsin within the property free of pollution.

§ 325-60. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the State of Wisconsin, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify the Elm Grove Police Department of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Village of Elm Grove in person or by phone or facsimile within 24 hours of becoming aware of the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 325-61. Enforcement.

A.

Notice of violation. Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this article, he may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(1)

The performance of monitoring, analyses, and reporting;

(2)

The elimination of illicit connections or discharges;

(3)

That violating discharges, practices, or operations shall cease and desist;

(4)

The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5)

Payment of administrative and remediation costs; and

(6)

The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a subcontractor and the expense thereof shall be imposed as a special charge under § 66.0627, Wis. Stats., and § [325-61](#) hereafter.

§ 325-62. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the Elm Grove Public Works Director. The notice of appeal must be received within 90 days from the date of the notice of violation. Hearing on the appeal before the Elm Grove Board of Appeals shall take place within a reasonable time from the date of receipt of the notice of appeal.

§ 325-63. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 30 days following the decision of the Elm Grove Board of Appeals upholding the decision of the Elm Grove Public Works Director, then representatives of the Elm Grove Public Works Director may, upon prior notice, enter upon the subject property, unless the property owner presents a compliance plan with specific and prompt implementation dates, and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the representatives of the Village of Elm Grove or its designated contractor to enter upon the premises for the purposes set forth above.

§ 325-64. Cost of abatement of the violation.

Cost recovery. Upon notification from the Director of Public Works that a violation of this article has been identified, the Village Clerk shall charge the property owner found to be in violation of this article the costs associated with abatement and correction, including administrative in full. The Village of Elm Grove may recover all attorney's fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses. Such costs shall be imposed as a special charge pursuant to § 66.0627, Wis. Stats. Such costs shall be due in full within 35 days upon mailing of invoice. Pursuant to § 66.0627, Wis. Stats., all costs so charged and not paid when due shall constitute a lien upon such property and may be assessed and collected as a special charge on the next property tax bill if not paid within the thirty-day period upon invoicing. Interest at 1% per month shall be assessed on any unpaid balance. The Village shall establish a reasonable charge for the costs of administration and enforcement imposed hereunder.

§ 325-65. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Village Attorney, upon the concurrence of the Director of Public Works and the Village Manager, may petition for a preliminary or permanent injunction from the Circuit Court of Waukesha County restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The seeking of injunctive relief shall not preclude the seeking of any other enforcement or cause of action allowable by law.

§ 325-66. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare and is declared and deemed a public nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken. The bringing of a public nuisance action shall not preclude the seeking of any other enforcement or cause of action allowable by law.

§ 325-67. Fine.

Violation of Article [IV](#) of Chapter [325](#), Stormwater and Sewer Illicit Discharge Connection, shall result in a fine as in [§ 1-16](#) of the Village of Elm Grove Code of Ordinances, as amended from time to time by the Village of Elm Grove Board of Trustees.

§ 325-68. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Director of Public Works to seek cumulative remedies.

Chapter 325. Water Control

[HISTORY: Adopted by the Village Board of the Village of Elm Grove as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. [106](#).

Plumbing — See Ch. [212](#).

Sewers — See Ch. [232](#).

Land division — See Ch. [305](#).

Article I. Construction Site Erosion and Sediment Control

[Adopted 8-10-1987]

§ 325-1. Intent.

The intent of this article is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This article applies to all land disturbing construction activities.

§ 325-2. Statutory authority.

This article is adopted under the authority granted by § 61.354, Wis. Stats.

§ 325-3. Findings and purpose.

A.

Findings. The Village of Elm Grove finds that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.

B.

Purpose. It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village.

§ 325-4. Applicability.

This article applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village. All state-funded or state-conducted construction is exempt from this article.

(a) Except as provided under par. (b), this ordinance applies to any construction site as defined in S. 325-5.

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the Village, 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, or that increases water pollution by scouring or transporting of particulate.

§ 325-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTERING AUTHORITY

A governmental employee or a regional planning commission empowered under s. 62.234, Wis. Stats. that is designated by the Village to administer this ordinance.

AGRICULTURAL FACILITIES AND PRACTICES

Has the meaning in s. 281.16 (1), Wis. Stats.

BEST MANAGEMENT PRACTICE OR BMP

Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

COMMERCIAL LAND USE

Use of land for the retail or wholesale sale of goods or services.

CONSTRUCTION SITE

An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

DESIGN STORM

A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

EROSION

The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN

A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

FINAL STABILIZATION

All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

LAND DEVELOPING ACTIVITY

The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

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.

LANDOWNER

Any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

PERFORMANCE STANDARD

A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT

A written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

POLLUTANT

Has the meaning given in s. 283.01 (13), Wis. Stats.

POLLUTION

Has the meaning given in s. 281.01 (10), Wis. Stats.

RUNOFF

Storm water or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

SILVICULTURE ACTIVITY

Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE

The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

TECHNICAL STANDARD

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

TRANSPORTATION FACILITY

A highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

WATERS OF THE STATE

Includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

§ 325-6 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

§ 325-7. Technical Standards

All BMPs required for compliance with this ordinance shall meet 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) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(3) Technical standards and methods approved by the Village.

§ 325-8 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with § 325-10.

(2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with § 325-10 of this ordinance and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all 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 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. 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.
9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

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1. BMPs that, by design, discharge no more than 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.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
4. Development of spill prevention and response procedures.

(d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in S. § 325-8 (2).

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

§ 325-9 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village.

(2) **PERMIT APPLICATION AND FEES.** The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of § 325-10 and shall pay an application fee to the Village in the amount specified in § 325-11. By submitting an application, the applicant is authorizing the Village to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The Village shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within thirty business days of the receipt of a complete permit application, as required by sub. (2), the Village shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and erosion and sediment control plan are approved, the Village shall issue the permit.

(c) If the permit application or erosion and sediment control plan is disapproved, the Village shall state in writing the reasons for disapproval.

(d) The Village may request additional information from the applicant. If additional information is submitted, the Village shall have thirty business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

(e) Failure by the Village to inform the permit applicant of a decision within thirty 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.

(4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Village may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.

(5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:

(a) Notify the Village within 48 hours of commencing any land disturbing construction activity.

(b) Notify the Village of completion of any BMPs within 14 days after their installation.

- (c) Obtain permission in writing from the Village prior to any modification pursuant to § 325-10 (3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Village to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Village in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in § 325-7 or § 325-8.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village may grant one or more extensions not to exceed 180 days cumulatively. The Village may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

§ 325-10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under § 325-04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be

used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

- (a) An erosion and sediment control plan shall be prepared and submitted to the Village.
- (b) The erosion and sediment control plan shall be designed to meet the performance standards in § 325-7, § 325-8 and other requirements of this ordinance.
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 5. Calculations to show the compliance with the performance standard in § 325-8 (3)(b)1.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

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1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
6. Location of areas where stabilization BMPs will be employed.
7. Areas which will be vegetated following land disturbing construction activities.
8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Areas(s) used for infiltration of post-construction storm water runoff.
10. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented.

The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. 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 Village, structural measures shall be installed on upland soils.
3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

4. Trapping of sediment in channelized flow.
5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Installation of permanent stabilization practices as soon as possible after final grading.
12. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occur:

- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
- (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The Village notifies the applicant of changes needed in the erosion and sediment control plan.

§ 325-11 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Village and may from time to time be modified by resolution. A schedule of the fees established by the Village shall be available for review in [location].

§ 325-12 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the Village may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

§ 325-13 ENFORCEMENT.

(1) The Village may post a stop work order if any of the following occurs:

(a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.

(b) The erosion and sediment control plan is not being implemented in good faith.

(c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village, or if a responsible party violates a stop work order posted under sub. (1), the Village may request the village attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Village may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

(5) After posting a stop work order under sub. (1), the Village may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats. (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than [amount] nor more than [amount] and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

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

§ 325-14 APPEALS.

(1) BOARD OF APPEALS. The board of appeals created pursuant to section [number] of the Village's ordinance pursuant to s. [59.694, 60.65, 61.354 (4)(b) or 62.23 (7)(e)], Wis. Stats.:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or

determination made by the Village in administering this ordinance except for cease and desist orders obtained under **§ 325-13** (3).

(b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Elm Grove affected by any decision of the Village.

§ 325-15 SEVERABILITY.

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

Article II. Surface Drainage Management

[Adopted 5-13-1991]

§ 325-16. Findings; purpose.

The Village of Elm Grove is reliant upon roadside drainage ditches, driveway culverts and storm sewers at limited locations for management of surface drainage. The purpose of this article is to promote the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control the adverse effects of stormwater; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

§ 325-17. Drains.

A.

"Drain" means any device for the drainage of water from land or protection of land from water, including without limitation any open ditch, channel, swale, creek, tiles or pipeline, whether natural or man-made.

B.

No person shall deliberately or by negligence obstruct or fill a drain without first obtaining a permit from the Public Works Director.^[1] Such permit may be withheld for a period not to exceed 90 days for the purpose of providing alternative drainage, by storm sewers or other means.

^[1]

Editor's Note: Throughout this article, references to the "Public Works Director" were amended to read "Public Works Director" at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

C.

The Public Works Director may remove from drains any obstructions or fill installed without a permit.

D.

No person shall construct, reconstruct, alter, repair or install any drainage structure in any drain without obtaining a permit from the Public Works Director. Issuance of such permit shall be predicated upon a finding by the Public Works Director that such drainage structure does not substantially retard the flow of water and does not adversely affect the public health, safety or welfare.

§ 325-18. Application for permit.

A.

Any person seeking a permit to alter or install a drainage structure or to fill or obstruct a drain or to construct, reconstruct, alter, repair or install any drainage structure in any drain shall fill out a written application with the Public Works Director containing the following information:

(1)

The name and address of the applicant and, if a corporation, the names and addresses of the officers thereof.

(2)

The location of the proposed work.

(3)

The plans and specifications for such work in triplicate. This shall include the drainage area and the design of the structures or alteration and such other information as the Public Works Director shall determine to be necessary to process the application.

B.

The permit fee shall be \$25.

§ 325-19. Enforcement; violations and penalties.

A.

Whenever a drain is obstructed by the negligence or deliberate action of the owner without a permit or when a drainage structure is constructed, reconstructed, altered, repaired or installed without a permit in either a natural watercourse or a drain, the Public Works Director shall serve a written order by certified mail on the owner demanding removal within a reasonable time, as specified within the letter.

[Amended 4-10-2000]

(1)

Any person aggrieved by the administration of this article may appeal the decision to the Board of Appeals established by the Village pursuant to § 62.23(7)(e), Wis. Stats. The Board shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Public Works Director or Zoning Administrator in administering this article.

(2)

The owner may appeal to the Board of Appeals within 10 calendar days of actual service of the order. If an appeal is not taken by filing in writing with the Village Clerk within such 10 days, the order shall be final. Hearings before the Board of Appeals shall be conducted pursuant to § 62.23(7)(e), Wis. Stats.

B.

If the owner neglects or refuses to comply with a removal order after his or her appeal period has expired, the Public Works Director shall promptly refer the matter to the Village Attorney's office for prosecution.

C.

Any person who shall violate any provision of this article or any rule or regulation made under this article shall be subject to a penalty as provided in § 1-16 of this Code, except that the forfeiture shall not be less than \$100.

[Amended 4-10-2000; 7-26-2005]

§ 325-20. Right of entry; recovery of costs.

Pursuant to § 88.87(3)(c), Wis. Stats., the Public Works Director may enter onto any property for the purpose of removing an obstruction in a drain which is in violation of § 88.87(3)(a), Wis. Stats., and which is flooding or causing damage to a Village highway. The reasonable cost of removal of an obstruction under this article shall be charged to the property owner without further notice by a special charge pursuant to § 66.60(16), Wis. Stats. In the event any special charge remains unpaid for longer than 30 days, a lien against the property shall be created in accordance with the provisions of § 66.60(16)(b), Wis. Stats.

§ 325-21. Interference with Village officers prohibited.

No person shall interfere with or impede any Village officer, employee or contractor in removing an obstruction.

§ 325-22. Emergencies.

Where a drainage obstruction in a natural watercourse or drain is determined by the Public Works Director to constitute an immediate danger to the public health, safety or welfare, the Public Works Director shall proceed forthwith to enter upon the lands involved and have the obstruction removed, either by public agency or by contract. If such obstruction was caused by the negligence or deliberate act of the owner and not by natural causes, the reasonable cost of removal shall be charged and assessed as provided in § [325-18](#) of this article.

Article III. Stormwater Management

[Adopted 4-10-2000]

§ 325-23. Authority.

This article is adopted under the authority granted by §§ 61.34(1), 61.354 and 62.234, Wis. Stats.

§ 325-24. Purpose.

The Village acknowledges that uncontrolled, post-construction runoff 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 post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens 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

PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (a) Further the maintenance of safe and healthful conditions.
- (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
- (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

§ 325-25. Intent.

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

§ 325-26 Applicability and Jurisdiction.

(1) Applicability.

- (a) Except as provided under par. (b), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.
- (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:

1. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
2. Agricultural facilities and practices.
3. Underground utility construction, but not including the construction of any aboveground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to postconstruction sites of any size that, as determined by the Village, are likely to result in runoff that exceeds the

safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(2) Exclusions.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

§ 325-27. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

§ 325-28. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 325-29. Title.

This article shall be known as, referred to or cited as the "Stormwater Management Ordinance, Village of Elm Grove, Wisconsin."

§ 325-30 Jurisdiction.

The jurisdiction of this article shall include all lands or waters within the corporate limits of the Village of Elm Grove.

§ 325-31. Definitions.

The definitions used in this article are as follows:

ADEQUATE SOD, OR SELF-SUSTAINING VEGETATIVE COVER – Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved.

Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

ADMINISTERING AUTHORITY – A governmental employee, or a regional planning commission

empowered under s. 62.234, Wis. Stats., that is designated by the Village to administer this ordinance.

AGRICULTURAL FACILITIES AND PRACTICES – has the meaning given in s. 281.16 (1), Wis. Stats.

ATLAS 14 – The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

AVERAGE ANNUAL RAINFALL – A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

BEST MANAGEMENT PRACTICE OR 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.

BUSINESS DAY – A day the office of the Village is routinely and customarily open for business.

CEASE AND DESIST ORDER – A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village.

COMBINED SEWER SYSTEM – A system for conveying both sanitary sewage and storm water runoff.

CONNECTED IMPERVIOUSNESS – An impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

DESIGN STORM – a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

DEVELOPMENT – Residential, commercial, industrial or institutional land uses and associated roads.

DIRECT CONDUITS TO GROUNDWATER – Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

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.

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

EXCEPTIONAL RESOURCE WATERS – Waters listed in s. NR 102.11, Wis. Adm. Code.

FILTERING LAYER – Soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

FINAL STABILIZATION – All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

FINANCIAL GUARANTEE – A performance bond, maintenance bond, surety bond, irrevocable

letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

GOVERNING BODY – Town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

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, gravel or paved parking lots and streets are examples of areas that typically are impervious.

IN-FILL – An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

INFILTRATION – The entry of precipitation or runoff into or through the soil.

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 road side channels designed for conveyance and pollutant removal only.

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.

LANDOWNER – Any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

MAINTENANCE AGREEMENT – A legal document that provides for long-term maintenance of storm water management practices.

MAXIMUM EXTENT PRACTICABLE – The highest level of performance that is achievable but is

not equivalent to a performance standard identified in this ordinance as determined in accordance with § 325-6 of this ordinance.

NEW DEVELOPMENT – Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE3 OR MSE4 DISTRIBUTION – A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

OFF-SITE – Located outside the property boundary described in the permit application.

ON-SITE – Located within the property boundary described in the permit application.

ORDINARY HIGH-WATER MARK – has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.

OUTSTANDING RESOURCE WATERS – Waters listed in s. NR 102.10, Wis. Adm. Code.

PERCENT FINES – The percentage of a given sample of soil, which passes through a # 200 sieve.

PERFORMANCE STANDARD – A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT – A written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

PERMIT ADMINISTRATION FEE – A sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

PERVIOUS SURFACE – An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT – has the meaning given in s. 283.01 (13), Wis. Stats.

POLLUTION – has the meaning given in s. 281.01 (10), Wis. Stats.

POST-CONSTRUCTION SITE – A construction site following the completion of land disturbing construction activity and final site stabilization.

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.

PREVENTIVE ACTION LIMIT – has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.

PROTECTIVE AREA – 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.

REDEVELOPMENT – Areas where development is replacing older development.

RESPONSIBLE PARTY – The landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

RUNOFF – Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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 part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

SILVICULTURE ACTIVITY – activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE – The entire area included in the legal description of the land on which the land disturbing construction activity occurred.

STOP WORK ORDER – An order issued by the Village which requires that all construction activity on the site be stopped.

STORM WATER MANAGEMENT PLAN – A comprehensive plan designed to reduce the discharge

of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.

STORM WATER MANAGEMENT SYSTEM PLAN – A comprehensive plan designed to reduce the

discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

TECHNICAL STANDARD – A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

TOP OF THE CHANNEL – An edge, or point on the landscape landward from the ordinary highwater

mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

TOTAL MAXIMUM DAILY LOAD OR TMDL – The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 – Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 – the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

TRANSPORTATION FACILITY – A highway, a railroad, a public mass transit facility, a public-use

airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

TSS – Total suspended solids.

TYPE II DISTRIBUTION – A rainfall type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973.

WATERS OF THE STATE – includes those portions of Lake Michigan and Lake Superior within the

boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

§ 285-32. Applicability of maximum extent practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrate to the Village's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into

account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

§ 285-33. **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 requirements of this article:

- A. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- B. 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 administering authority.
- C. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance. The most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this article.

§ 285-34. **Performance standards.**

- A. Responsible party. The responsible party shall implement a postconstruction stormwater management plan that incorporates the requirements of this section.
- B. Plan. A written stormwater quality and quantity management plan in accordance with § 285-33 shall be developed and implemented for each postconstruction site.
- C. Maintenance of Effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- D. Requirements. The water quality 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 postconstruction site as follows:
 - (a) For new development, by design, reduce to the maximum extent practicable the total

suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 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 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subsection.

(c) For infill development under five acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subsection.

(d) For infill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subsection.

(e) **Maximum Extent Practicable.** If the design cannot meet a total suspended solids or phosphorus reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids or phosphorus reduction performance standard cannot be met and why the pollutant loads will be reduced only to the maximum extent practicable.

(f) **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(1) **REQUIREMENTS.** The plan required under par. (B) shall include the following:

(a) **POLLUTANT CONTROL.** BMPs shall be designed, installed and maintained to control total suspended solids and phosphorus carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1 or to the maximum extent practicable as provided in par. (b). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1: Pollutant Reduction Standards

| Development Type | TSS Reduction | Phosphorus |
|-------------------------|----------------------|-------------------|
| New development | 80% | 30% |

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| | | |
|---------------------|--|-----|
| In-fill development | 80% | 30% |
| Redevelopment | 60% of load from parking areas and roads | 30% |

2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids or phosphorus reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids or phosphorus reduction performance standard cannot be met and why the pollutant loads will be reduced only to the maximum extent practicable.

3. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) **Peak Runoff.** By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in the table below shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Village may allow the use of TP-40 precipitation depths and the Type II distribution.

| Maximum Pre-Development Runoff Curve Numbers | | | | |
|---|------------------------------|----|----|----|
| Runoff Curve Number | Hydrologic Soil Group | | | |
| | A | B | C | D |
| Woodland | 30 | 55 | 70 | 77 |
| Grassland | 39 | 61 | 71 | 78 |
| Cropland | 55 | 69 | 78 | 83 |

(3) **Runoff management requirements.**

(a) The responsible party shall manage the volume, timing, and peak flow rate of runoff from development or redevelopment approved by the Village after the effective date of this chapter. The responsible party may implement runoff management requirements on a watershed basis or at individual sites.

(b) Standards for development; demolition or construction during redevelopment.

[1] For development, runoff management shall prevent increases in the regional flood and

stream bank erosion rates.

[2] If demolition or construction during redevelopment will disturb an area larger than two acres, then the responsible party shall reduce the runoff release rate by the amount listed in the following table for the one-percent/one-hundred-year and fifty-percent/two-year storms, except as provided in Subsection C(2)(e).

| Area Disturbed by Demolition or Construction | Reduction to the Existing Runoff Release Rate as of October 25, 2010 |
|---|---|
| Between 2 and 3.5 acres | 10% |
| From 3.5 to 5 acres | 15% |
| Greater than 5 acres | 20% |

(c) The responsible party may prepare a watershed or sub-watershed stormwater management plan or a local stormwater management plan for multiple sites considered together. These analyses shall show how runoff volume is distributed over the critical time of the watershed sufficient to comply with Subsection C(2)(b). The responsible party shall analyze runoff and determine the critical time according to guidance provided by the Milwaukee Metropolitan Sewerage District (MMSD). When evaluating how a development will affect the watercourses, the responsible party shall use models and conditions approved by the MMSD. The responsible party shall use 2020 or later land use conditions. The responsible party shall use pre-project channel conditions. The responsible party shall submit these plans and analyses to the MMSD for review and approval. Such plans are subject to approval of the MMSD, in addition to the approval of the Village.

(d) In the absence of an approved watershed management plan that covers development at a particular site, the responsible party shall implement either site-specific maximum runoff release rates that will distribute runoff over the critical time sufficient to comply with Subsection C(2)(b)[1], calculated according to guidance provided by MMSD, or the following uniform rates:

| Storm (Probability/recurrence Interval) | Maximum Runoff Release Rate (cubic feet per second per acre) |
|--|---|
| 1% / 100-year | 0.5 |
| 50% / 2-year | 0.15 |

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(e) Redevelopment may reduce the runoff release rate by an amount less than required by Subsection C(2)(b)[2] when conditions make compliance unreasonable. Relevant conditions include, but are not limited to, soil contamination, groundwater contamination, land use requirements, land availability, opportunities for off-site management, construction delays, marginal costs, and the availability of financing. In this case, redevelopment shall achieve the greatest practicable reduction.

(f) When selecting the runoff management techniques appropriate for a particular development, responsible parties shall consider the following techniques, in order of preference:

[1] Preservation of the natural features of development sites, including natural storage and infiltration characteristics;

[2] Preservation of existing natural streams, channels, and drainageways;

[3] Minimizing new impervious surfaces;

[4] Conveyance of stormwater in open vegetated channels;

[5] Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and

[6] Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

(g) If impervious surface is removed after the effective date of this chapter, then the responsible party may reduce the degree of runoff management necessary for new impervious surface within the same watershed or sub-watershed, to the extent that the net result complies with Subsection C(2)(b). The responsible party shall implement this subsection according to guidance provided by the MMSD.

(h) Runoff management systems may be either public or private.

(i) The responsible party shall ensure that facilities constructed to manage runoff are maintained to preserve their effectiveness.

(j) If a runoff management system is not constructed or maintained according to an approved site development stormwater management plan or otherwise fails to comply with Subsection C(2)(a), then the responsible party shall construct new facilities, expand or correct previously constructed facilities, or implement other remedial action.

(4) 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 Subsection C(3)(e) through (g), or to the maximum extent practicable:

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[1] *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low-density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent 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 of the post-construction site is required as an effective infiltration area.

[2] *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium- and high-density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent 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 2 percent of the post-construction site is required as an effective infiltration area.

[3] *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 2 percent of the post-construction site is required as an effective infiltration area.

(b) For residential developments, one of the following shall be met:

[1] Infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 90% of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

[2] Infiltrate 25% of the postdevelopment runoff from the two-year, twenty-four-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 1% of the project site is required as an effective infiltration area.

(c) For nonresidential development, including commercial, industrial and institutional development, one of the following shall be met:

[1] Infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 60% of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

[2] Infiltrate 10% of the runoff from the two-year, twenty- four-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used

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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 2% of the project site is required as an effective infiltration area.

(d) Predevelopment condition shall be the same as in Subsection C(3)(b).

(e) 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)(g). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(f) Infiltration exclusions. The runoff from the following areas is 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.

[3] Fueling and vehicle maintenance areas.

[4] Areas within 1,000 feet up gradient or within 100 feet down gradient of karst features.

[5] Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection 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 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 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within 100 feet of 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 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-foot soil layer with 20% fines or greater; or at least a five-foot soil layer with 10%

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finer or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection does not prohibit infiltration of roof runoff.

(g) Infiltration 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 inch per hour measured at the site.

[2] Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

[3] Redevelopment postconstruction sites.

[4] Infill development areas less than five 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.

(h) Protection of groundwater quality.

[1] Infiltration systems designed in accordance with this subsection 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 Ch. 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.

[2] Notwithstanding Subsection C(3)(g)[1], the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(1) Protective areas.

(i) "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, 75 feet.

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[2] For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

[3] For lakes, 50 feet.

[4] For wetlands not subject to par. (5) or (6), 50 feet.

[5] For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps and ephemeral ponds.

[6] For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

[7] In pars. (4) through (6), determinations of the extent of the protective area adjacent to wetlands shall be made based on the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wis. Adm. Code.

[8] Wetland boundary delineations shall be made in accordance with s. NR 103.08(1m), Wis. Adm. Code. This paragraph 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. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

[9] For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

[10] Notwithstanding pars. (1) to (9), the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

(j) This subsection applies to postconstruction sites located within a protective area, except those areas exempted pursuant to Subsection C(4)(d) of this section.

(k) 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. The plan shall also include a site plan of the proposed construction including existing trees, proposed landscaping, vegetative cover, and if requested, appropriate elevations, building, and additional landscape information. The site plan should include the relationship between landscaping, drainage, and stormwater management for the site.

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[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 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. Nonvegetative 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.

[3] Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from nonpoint sources may be located in the protective area.

(1) This subsection does not apply to:

[1] Except as provided under S. 07 (C), redevelopment post-construction sites.

[2] In-fill development areas less than 1 acre.

[3] Structures that cross or access surface waters such as boat landings, bridges and culverts.

[4] Structures constructed in accordance with s. 59.692(1v), Wis. Stats.

[5] Areas of post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(2) 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.

(3) Swale treatment for transportation facilities.

(m) Applicability. Except as provided in Subsection C(6)(b), transportation facilities that use swales for runoff conveyance and pollutant removal meet all 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, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

[2] Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second based on a two-year, twenty-four-hour design storm. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

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(n) Exemptions. The administering authority 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 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

[1] An outstanding resource water.

[2] An exceptional resource water.

[3] Waters listed in Section 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.

E. 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.

(a) Parking lots with over 24 stalls shall have a minimum of one tree island not less than 180 square feet for each group of 24 stalls or an equivalent number of perimeter plantings or tree rows that are designed as part of an overall landscape plan acceptable to the Plan Commission.

(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.

(3) BMPs for water quantity management shall use the following techniques, in order of preference:

(a) Preservation of the natural features of development sites, including natural storage and infiltration characteristics;

(b) Preservation of existing natural streams, channels, and drainageways;

(c) Minimizing new impervious surfaces;

(d) Conveyance of stormwater in open vegetated channels;

(e) Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and

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(f) Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

F. 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 within the same watershed.

(2) Postconstruction runoff within a nonnavigable drainage way that flows into a BMP, such as a wet pond, is not required to meet water quality performance standards unless designed to provide treatment. Postconstruction BMPs may be located in nonnavigable surface waters.

(3) Except as allowed under Subsection E(4), postconstruction runoff from new development shall meet the postconstruction performance standards prior to entering a navigable surface water.

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

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

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

(5) Runoff from existing development, redevelopment and infill areas shall meet the postconstruction 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) Postconstruction 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 Ch. NR 103, Wis. Adm. Code, and Ch. 30, Wis. Stats.

(6) The discharge of runoff from a BMP, such as a wet pond, or after a series of such BMPs is subject to this article.

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

(a) The administering authority determines that the postconstruction runoff is covered by a stormwater management system plan that is approved by the Village of Elm Grove and that contains management requirements consistent with the purpose and intent of this article.

(b) The off-site facility meets all 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 article.

[3] The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(8) Where a regional treatment option exists such that the administering authority exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority. In determining the fee for postconstruction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

G. Alternate requirements. The administering authority may establish stormwater management requirements more stringent than those set forth in this section if the administering authority determines that an added level of protection is needed to protect sensitive resources.

§ 325-32. Prohibited discharges; exemptions.

A.

No person shall discharge, spill or otherwise deposit substances or materials which are not entirely composed of stormwater into receiving bodies of surface water, storm sewers or other drainage facilities or onto driveways, sidewalks, parking lots or other impervious or pervious areas that drain into the streams and watercourses of the area. No person shall connect a building wastewater sewer or drain to storm sewers or other stormwater drainage facilities.

B.

The following discharges are exempt from the provision of this article:

(1)

Discharge authorized by a permit issued by the Wisconsin Department of Natural Resources;

(2)

Discharges resulting from fire-fighting activities;

(3)

Discharges from uncontaminated groundwater, potable water sources, roof drains, foundation drains and foundation drain sump pump discharges, air-conditioning condensation, lawn watering, water main and hydrant flushing and swimming pools, if the pool water has been dechlorinated;

(4)

Discharges from individual automobile washing by automobile owners not involving any commercially zoned site;

(5)

Agricultural activities, such activities, however, being subject to good soil and water conservation practices; and

(6)

Facility maintenance activities undertaken by any federal, state, county or municipal agency, such activities, however, being subject to construction erosion control measures.

§ 325-33. Stormwater management plan and facilities required.

[Amended 12-17-2002]

A.

No person shall proceed with any residential, commercial, industrial or institutional land use development or redevelopment or with the division or subdivision of property without providing appropriate stormwater management facilities that adequately control stormwater runoff from such development or redevelopment or subdivided property. A site-specific stormwater management plan must be submitted and approved by the Public Works Director before any required new stormwater management facilities are constructed, unless exempted or waived pursuant to the provisions of this article. An approved site-specific stormwater management plan is also required before an existing drainage system is relocated, deepened, widened, enlarged, filled, obstructed or otherwise altered in preparation for land use development and redevelopment or division or subdivision of property. The plan must be submitted and approved before any land use development and redevelopment is commenced or a land subdivision plat or certified survey map is approved and recorded.

B.

Milwaukee Metropolitan Sewerage District Rules ("MMSD Rules") contained in Chapter 13 on Surface Water and Stormwater Runoff Management (effective January 1, 2002) and all future amendments thereto are hereby adopted by reference. There shall be compliance with all applicable provisions contained in MMSD Rules Chapter 13 as may be amended from time to

time that pertain to stormwater runoff management and plan submittal requirements in addition to the stormwater requirements of the Village of Elm Grove ordinances. This shall include, but not be limited to, plat approval under Chapter 236 Wis. Stats., construction site erosion control and post-construction stormwater quality best management practices to abate pollutant runoff.

C.

The Village Clerk or Village Zoning Administrator shall have available a current copy of MMSD Rules Chapter 13 which shall be open to public inspection.[\[1\]](#)

[\[1\]](#)

NOTE: The MMSD Rules and Stormwater Quality Guidance materials on best management practices for peak stormwater runoff apply to any development adding 0.5 acre or more of impervious surface. They are available to read and print at www.mmsd.com [MMSD website].

§ 325-34. Applicability.

This article applies to land use development, redevelopment and property division or subdivision activities which meet the following criteria:

A.

Residential land use development, redevelopment or property division or subdivision occurring within a gross aggregate area of more than five acres;

B.

Residential land use development or redevelopment occurring within, or property division of, a gross aggregate area of more than three acres, if 1.5 acres or more of impervious surfaces are proposed;

C.

Nonresidential land use development, redevelopment or property division or subdivision occurring within a gross aggregate area of more than 1.5 acres, if 0.5 acre or more of impervious surfaces are proposed; and

D.

Land use development, redevelopment or property division or subdivision of any size area that in the opinion of the Public Works Director is likely to result in stormwater runoff which exceeds the safe capacity of existing drainage facilities or receiving watercourse; which causes undue channel erosion; which increases surface water pollution; or which endangers property or public health and safety.

§ 325-35. Exemptions.

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The following development and redevelopment activities are exempt from the requirement of this article:

A.

Maintenance, alteration, improvement or use of an existing structure which does not significantly affect the water quality or hydrologic and hydraulic conditions of the surface water resources of the subwatershed concerned as determined by the Public Works Director in writing;

B.

Maintenance activities undertaken by any federal, state or municipal governmental agency;

C.

Stormwater management facilities to be constructed or measures to be undertaken by the Village when the Public Works Director has determined that a stormwater management plan is not required; and

D.

Agricultural activities not associated with development and redevelopment.

§ 325-36. Waivers.

The Public Works Director may waive the requirements of this article in part or in whole. A request for waiver shall be submitted to the Public Works Director and shall include a narrative description and drawings of the proposed development or redevelopment or subdivision for which the waiver is being requested. The Public Works Director may grant a waiver if the Public Works Director finds that:

A.

The development or redevelopment or subdivision is not likely to:

(1)

Significantly increase or decrease the rate or volume of stormwater runoff from the development, redevelopment or subdivision site;

(2)

Have a significant adverse impact on a wetland or other environmentally sensitive area;

(3)

Significantly contribute to the degradation of surface or ground water quality; or

(4)

Otherwise significantly impair attainment of the purpose of this article; and

B.

The applicable adopted stormwater management system plan does not indicate the need for any site-specific stormwater management measures on the site concerned.

§ 325-37. Site-specific stormwater management plan.

The site-specific stormwater management plan required by this article shall contain the following requirements:

A.

General.

- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and 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) Predevelopment site conditions, including:
 - (a) One or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the regional flood (the 1% probability storm event) floodplain; 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) Postdevelopment site conditions, including:

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- (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 or more site maps at a scale of not less than one inch equals 100 feet showing the following: postconstruction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; postconstruction topographic contours of the site at a scale not to exceed two feet; postconstruction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; 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 drainageway; 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 § 285-31.
 - (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 administering authority to determine compliance of the proposed stormwater management measures with the provisions of this article.
- B. Certification. 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 article.

- C. Alternate requirements. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 285-31E.

§ 325-38. Design methodology.

The site-specific stormwater management system plan required under the provisions of this article shall be designed in accordance with good engineering practice. The specific methods to be used in the calculation of peak rates of discharge, volumes and water quality conditions and of the hydraulic capacities of storage and conveyance facilities shall be left to the judgment of the professional engineer preparing the plan, subject, however, to the approval of the Public Works Director. The site-specific stormwater management system shall be designed such that the natural topography and land cover, including such features as high-quality woodlands, wetlands, swales, natural depressions, native soil infiltration capacity and natural groundwater recharge areas, are protected and preserved to the maximum extent practicable.

§ 325-39. Water quality criteria.

The stormwater management facilities and measures required to serve land use development, redevelopment and property subdivision activities subject to this article shall be designed to meet the following minimum standards:

A.

Stormwater discharges shall be treated to achieve the levels of pollutant removals specified in the adopted Village stormwater management system plan. Unless otherwise specified in the above-noted plans, stormwater management measures shall be designed with the general goal of removing, on an average annual basis, 80% of the suspended solids load that may be expected in the absence of control. To achieve this level of removal, the stormwater management measures shall be designed to accommodate, at a minimum, the runoff volume resulting from 1.5 inches of rainfall.

B.

Discharge of urban stormwater pollutants to wetlands shall be minimized to the extent practicable. Significant degradation of wetland functional values due to stormwater pollutant loading shall be avoided.

C.

Stormwater discharges shall be pretreated prior to infiltration to prolong maintenance of the infiltration capacity and to prevent discharge of stormwater pollutants and concentrations that would result in exceeding groundwater quality standards established by the Wisconsin Department of Natural Resources.

D.

Stormwater detention, retention and infiltration facilities shall not be located closer than allowed by applicable sections of the Wisconsin Administrative Code. The stormwater management plan shall show all wells within the following areas: 100 feet from a well serving a private water system; or 1,200 feet from a well serving a municipal or a community/subdivision water supply system; or within the wellhead protection areas of a well serving a municipal or a community/subdivision water supply system, if such a protection area has been delineated. Copies of any variances to the Administrative Code obtained from the state must be furnished to the Village prior to the start of construction.

E.

In the design of the stormwater facilities and measures, due consideration shall be given to the design criteria and standards set forth in the Wisconsin Stormwater Manual prepared and published by the Wisconsin Department of Natural Resources and as may be revised from time to time.

§ 325-40. Stormwater discharge criteria.

A.

The conveyance and storage facilities incorporated into the site-specific stormwater management system plan required under this article shall be designed as an integral part of existing stormwater systems, provided that there is no downstream flooding. In the event that there is downstream flooding, the Public Works Director may require site-specific measures that will not increase downstream storm flows.

B.

Design criteria and standards for stormwater management measures shall be made available by the Village Clerk in cooperation with the Public Works Director.

C.

Peak flow shaving components of stormwater structures shall be designed in accordance with standard engineering practice.

D.

Runoff volumes and peak flows rates used in designing the water quantity and quality components of stormwater structures shall be based on the principles of the document entitled "Urban Hydrology for Small Watersheds" (Technical Release 55: Engineering Division, United States Department of Agriculture, June 1992), Natural Resources Conservation Service or other methods approved by the Public Works Director.

E.

Unless otherwise specified in the Village stormwater management system plan or where determined by the Public Works Director to be not needed, the peak flow discharge rates of stormwater runoff from the site under post-development conditions shall not exceed the rates under existing conditions, as calculated under § [325-34F](#).

§ 325-41. Stormwater volume criteria.

Stormwater detention and retention control facilities included in the stormwater management system plan required under this article shall be designed in conformance with the adopted Village stormwater management system plan.

§ 325-42. Variation of requirements.

The Public Works Director may establish stormwater management requirements either more or less stringent than those set forth in this article provided that the Public Works Director finds that one or more of the following conditions applies:

A.

A higher level of quality in the stormwater discharge is required to protect sensitive environmental resources.

B.

A higher level of protection from ponding or flooding is required to protect the public health and safety.

C.

Provisions are available to manage the stormwater runoff by off-site facilities, provided that all of the following conditions are met for the off-site facilities: the facilities are in place; the facilities are adequately sized to provide a level of stormwater runoff control equal to or greater than that which would be afforded by on-site facilities and measures meeting the requirements of this article; and a legal entity exists that is responsible for the maintenance of the facilities.

§ 325-43. Financial guaranty.

An irrevocable letter of credit of sufficient duration or certified check shall accompany the plan to guarantee implementation of the proposed stormwater management measures recommended in the plan. The amount of the guaranty shall be based upon the estimated initial construction costs and shall be for 125% of those costs. Upon completion of the recommended measures and submittal of the as-built plan required under § [325-44D\(5\)](#) of this article, any portion of the guaranty not utilized shall be released or returned.

§ 325-44. Maintenance.

If the Public Works Director at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained or if they are altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village Zoning Administrator, upon the recommendation of the Public Works Director, shall issue an order to the owner to undertake the needed maintenance or repair. In the event of noncompliance by the owner within 10 calendar days of actual service of the order or the taking of an appeal, the Village may seek an injunction to compel action by the owner. The cost of such legal enforcement action for maintenance shall be levied as a special charge pursuant to § 66.60(16), Wis. Stats., against the property concerned. The special charge shall be collectible in the manner as provided in § 66.60(16) and (17), Wis. Stats.

§ 325-45. Public nuisances.

The following shall be deemed to constitute public nuisances and may be prosecuted as such by the Village and may be enforced by injunction:

A.

Any development, redevelopment or property subdivision that is commenced without an approved stormwater management plan as required by this article;

B.

Any stormwater drainage facility which is not constructed in accordance with the stormwater management plan required under this article;

C.

Any drainage facility not maintained in accordance with § [325-41](#) of this article; and

D.

Any activity which adversely impacts on surface or ground water quality.

§ 325-46. Compliance order.

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When the Public Works Director finds that a willful violation of the provisions of this article exists, the Public Works Director shall inform the Zoning Administrator, who may order the owner of the site concerned to correct the violation by issuing a notice of violation or stop-work order.

A.

Any person who commences any site improvements without an approved plan as required by this article may be required to restore the land to its original condition within a period of 30 days.

B.

If the owner fails to take corrective action after being noticed, the Village may take all steps necessary to correct the violation, including but not limited to using Village forces or engaging contractors after obtaining an injunction in the absence of consent of the owner.

C.

If the owner concerned has filed an irrevocable letter of credit or certified check under § [325-40](#) of this article, the appropriate guaranty shall be drawn upon.

D.

If the owner has not filed an irrevocable letter of credit or certified check the cost shall be levied as a special charge against the property concerned under § 66.60(16), Wis. Stats.

E.

Any person who does not comply with the provisions of this article shall be subject to a forfeiture of not less than \$100 and not more than \$1,000 for each offense, together with the costs of prosecution. Each day a violation exists shall be deemed to constitute a separate offense.

§ 325-47. Permit requirements.

A.

No person shall undertake a land development, redevelopment or property subdivision activity subject to the requirements of this article without receiving a permit from the Public Works Director prior to commencing the proposed land development, redevelopment or property subdivision activity.

B.

Permit application and fee. Any person desiring a permit shall submit to the Public Works Director a permit application made on a form provided by the Village. The application must be accompanied by the site-specific stormwater management plan required under the provisions of

this article, the financial guarantee required under the provisions of this article and a nonrefundable permit administration fee of \$225.

C.

The Public Works Director shall, within 30 calendar days of the receipt of a permit application, review the application for compliance with the requirements of this article and shall advise the Zoning Administrator, who shall inform the applicant whether the application plan and financial guaranty are approved or disapproved. If the application is approved, the permit shall be issued by the Village Zoning Administrator. If the application is disapproved, the applicant shall be advised in writing of the reasons for disapproval.

D.

Permit conditions. All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Village Zoning Administrator may suspend or revoke a permit for violation of a permit condition following written notification to the permit holder.

(1)

Compliance with a permit issued under this article does not relieve the permit holder of responsibility to comply with other applicable federal, state and municipal laws and regulations.

(2)

The permit holder shall properly install all structural and nonstructural stormwater management measures recommended in the approved site-specific stormwater management plan.

(3)

The permit holder shall notify the Public Works Director at least three working days before commencing any work to implement the approved site-specific stormwater management plan and within the next working day upon completion of the work.

(4)

Upon completion of the stormwater management facilities and other measures required by the approved plan, the Public Works Director shall conduct an inspection of those facilities and measures to determine if they were constructed in accordance with the approved plan and the requirements of this article. The Public Works Director shall inform the Zoning Administrator, who shall notify the permit holder in writing of any changes required in the facilities and measures to bring them into compliance with the approved plan and the requirements of this article.

(5)

Upon final approval of the constructed stormwater management facilities, the developer or subdivider shall have an as-built plan prepared by a licensed professional engineer or registered land surveyor correctly showing the locations, configurations and elevations of the completed facilities and measures. The as-built plan shall be prepared to the same scale, contour interval and vertical datum as the approved site-specific stormwater management plan and shall be subject to the approval of the Public Works Director.

(6)

If so directed by the Village Zoning Administrator, the permit holder shall repair, at the permit holder's own expense, any and all damage to adjoining municipal facilities and drainageways caused by stormwater runoff where such damage was caused by activities not in compliance with the approved site-specific stormwater management plan.

(7)

The permit holder shall permit access to the site and property concerned by the Public Works Director and Zoning Administrator for the purpose of inspecting the stormwater management facilities and measures for compliance with the approved site-specific stormwater management plan.

(8)

Where a site-specific stormwater management plan proposes changes in the direction, in the peak rates or in the total volume of runoff from a site, the Public Works Director shall advise the Zoning Administrator, who may require the permit holder to present written evidence that appropriate legal arrangements have been implemented with adjacent property owners concerning the prevention of damage to property or danger to public health and safety.

E.

Permits issued under this article shall be valid from the date of issue through the date upon which the Village Zoning Administrator notifies the permit holder that all stormwater management facilities and measures have satisfactorily met final inspection by the Public Works Director.

§ 325-48. Appeals.

A.

Any person aggrieved by the administration of this article may appeal the decision to the Board of Appeals established by the Village pursuant to § 62.23(7)(e), Wis. Stats. The Board shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Public Works Director or Zoning Administrator in administering this article and upon appeal 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

provision of this article would result in unnecessary hardship and shall use the rules, procedures, duties, and powers authorized by state statute in hearing and deciding appeals and authorizing variances.

B.

The owner may appeal to the Board of Appeals within 10 calendar days of actual service of the order. If an appeal is not taken by filing in writing with the Village Clerk within such 10 days, the order shall be final. Hearings before the Board of Appeals shall be conducted pursuant to § 62.23(7)(e), Wis. Stats.

Article IV. Stormwater and Sewer Illicit Discharge Connections.

[Adopted 7-28-2009]

§ 325-49. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Elm Grove through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

A.

To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

B.

To prohibit illicit connections and Discharges to the municipal separate storm sewer system.

C.

To delegate authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

§ 325-50. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTERING AUTHORITY — The Village Manager or the Director of Public Works.

AGRICULTURAL FACILITIES AND PRACTICES — Has the meaning given in § 281.16, Wis. Stats.

ATLAS 14 – The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

AVERAGE ANNUAL RAINFALL — A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality., excluding snow, which is considered typical.

BEST MANAGEMENT PRACTICE or BMP — Structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

BUSINESS DAY — A day the office of the administering authority is routinely and customarily open for business.

CEASE-AND-DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village of Fox Point.

COMBINED SEWER SYSTEM — A system for conveying both sanitary sewage and stormwater runoff.

CONNECTED IMPERVIOUSNESS — An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

CRITICAL TIME — The period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.

DESIGN STORM — A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

DEVELOPMENT — The construction of buildings, roads, parking lots, and paved or unpaved storage areas.

DIVISION OF LAND — The creation from one parcel of two or more parcels of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a five-year period.

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.

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

EXCEPTIONAL RESOURCE WATERS — Waters listed in § NR 102.11, Wis. Adm. Code.

EXTRATERRITORIAL — The unincorporated area within three miles of the corporate limits of a first, second, or third class city or within 1.5 miles of a fourth class city or village.

FINAL STABILIZATION — All land disturbing construction activities at the construction site have been completed and a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

FINANCIAL GUARANTEE — An irrevocable letter of credit, in a form approved by the Village Attorney, or similar guarantees that are approved by the Director of Public Works as to amount, and by the Village Attorney as to form, submitted to the administering authority by the responsible party to assure that requirements of this article are carried out in compliance with the stormwater management plan.

FILTERING LAYER — Soil that has at least a three-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the Director of Public Works.

ILLEGAL DISCHARGE

Any direct or indirect Non-stormwater Discharge to the storm drainage system, except as exempted elsewhere in these ordinances. This includes, but is not limited to, activities related to spills, dumping and disposal of any substance or material.

ILLICIT CONNECTIONS

An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any Non-stormwater Discharge, including sewage, processed wastewater, and wash water, to enter the storm drain system and any connections to the storm drainage system from indoor drains and sinks, provided that said drain or connection had not been previously allowed, permitted, or approved in writing by the Village of Elm Grove; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by the Village of Elm Grove.

IMPERVIOUS SURFACE — Any pavement or structural element that prevents rain, surface water runoff, or melting snow from infiltrating into the ground below, including, but not limited to, roofs and paved roads, driveways, and parking lots.

INFILL AREA — An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where

development cannot occur.

INFILTRATION — The entry of precipitation or runoff into or through the soil.

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.

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.

LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative 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.

MAINTENANCE AGREEMENT — A legal document that provides for long-term maintenance of stormwater management practices.

MEP or MAXIMUM EXTENT PRACTICABLE — The highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with S. 285-29 of this ordinance. 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.

NEW DEVELOPMENT — Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE4 DISTRIBUTION – A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

OFF-SITE — Located outside the property boundary described in the permit application.

ON-SITE — Located within the property boundary described in the permit application.

ORDINARY HIGH-WATER MARK — The meaning given in § NR 115.03(6), Wis. Adm. Code.

OUTSTANDING RESOURCE WATERS — Waters listed in § NR 102.10, Wis. Adm. Code.

PERCENT FINES — The percentage of a given sample of soil which passes through a No. 200 sieve.

PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT — A written authorization made by the administering authority to the applicant to conduct land-disturbing construction activity or to discharge postconstruction runoff to waters of the state.

PERMIT ADMINISTRATION FEE — A sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

PERVIOUS SURFACE — An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT — The meaning given in § 283.01(13), Wis. Stats.

POLLUTION — The meaning given in § 281.01(10), Wis. Stats.

POSTCONSTRUCTION SITE — A construction site following the completion of land disturbing construction activity and final site stabilization.

PREDEVELOPMENT 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.

PREVENTIVE ACTION LIMIT — The meaning given in § NR 140.05(17), Wis. Adm. Code.

PROTECTIVE AREA — 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.

PUBLIC RIGHT-OF-WAY — Any road, alley, street, parking lot, sidewalk, plaza, mall, or pathway owned by or dedicated to a governmental unit.

RECREATIONAL TRAIL — A path that is:

A. Distinctly set apart from a roadway, street, or sidewalk;

- B. Designed for activities such as jogging, walking, hiking, bird watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and
- C. Not a sidewalk according to § 340.01(58), Wis. Stats.

REDEVELOPMENT — New development that replaces older development.

REGIONAL FLOOD — The peak flow and peak elevation of water with a one-percent probability of occurring during any one year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt. The common misnomer, "one-hundred-year flood or floodplain" implies a temporal element rather than a one in 100 random probability of the event.

RESPONSIBLE PARTY — Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain postconstruction stormwater BMPs.

RUNOFF — Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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 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; and
- D. Discharges directly or indirectly to waters of the state.

SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE — The entire area included in the legal description of the land on which the land disturbing construction activity occurred.

STOP-WORK ORDER — An order issued by the administering authority which requires that all construction activity on the site be stopped.

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.

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.

TECHNICAL STANDARD — A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

TIME OF CONCENTRATION — The time period for the furthest runoff from the outlet of a watershed to contribute to flow at the watershed outlet.

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 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high- water mark, the top of the channel is the ordinary high-water mark.

TOTAL MAXIMUM DAILY LOAD (TMDL) — The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 — Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

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

TSS — Total suspended solids.

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.

VILLAGE OF ELM GROVE — When referring to the governing body and not the geographical area, means Village Board of Trustees.

WATER QUALITY MANAGEMENT — The stormwater standards and duties established under the Clean Water Act, 33 U.S.C. § 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.

WATER QUANTITY MANAGEMENT — Runoff management requirements to manage the volume, timing, and peak flow rate from development or redevelopment pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District (MMSD) rules as implemented and enforced by this municipality.

WATERS OF THE STATE — The meaning given in § 281.01(18), Wis. Stats.

§ 325-51. Applicability.

This article shall apply to all water entering the storm drainage system or MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Elm Grove Public Works Director.

§ 325-52. Responsibility for administration.

The Elm Grove Public Works Director shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon Elm Grove may be delegated in writing by the Elm Grove Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the Village of Elm Grove or as otherwise directed by the Elm Grove Board of Trustees.

§ 325-53. Ultimate responsibility.

The standards set forth herein and incorporated by reference from the Wisconsin Statutes and the Wisconsin Administrative Code as they may relate to point and nonpoint sources of pollution and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

§ 325-54. Discharge prohibitions; exemptions.

A.

Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the storm drainage system or MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards as referenced in § [325-50](#), above, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1)

The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration into storm drains, uncontaminated pumped groundwater, foundation or footing drains or sump pump (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, individual residential washing of vehicles, natural riparian habitat or wetland flows,

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swimming pools (if dechlorinated, typically less than one ppm chlorine), fire-fighting activities, and any other water source not containing pollutants.

(2)

Discharges specified in writing by the Elm Grove Public Works Director as being necessary to protect public health and safety.

(3)

Dye testing is an allowable discharge, but requires notification to the Elm Grove Public Works Department prior to the time of the test.

(4)

The prohibition shall not apply to any nonstormwater discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B.

Prohibition of illicit connections.

(1)

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2)

This prohibition expressly includes, without limitation, illicit connections made in the past, unless the connection:

(a)

was permissible under law or practices applicable or prevailing at the time of connection; and

(b)

Was documented as allowable contemporaneously with the installation of each connection; and

(c)

Does not currently allow any pollutant to enter the MS4.

(3)

A person shall be deemed to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue. In the event there is any modification of a property or structure that requires a permit of any kind, all connections that may otherwise presently be illicit connections shall be corrected even if they have a documented allowable prior status.

§ 325-55. Suspension of MS4 access.

A.

Suspension due to illicit discharges in emergency situations. The Public Works Director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the MS4 or navigable waters of the State of Wisconsin, as defined by Wisconsin case law. If the violator fails to comply with a suspension order issued in an emergency, the Elm Grove Public Works Director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or navigable waters of the State of Wisconsin or to minimize danger to persons.

B.

Suspension due to the detection of illicit discharge.

(1)

Any person discharging to the MS4 in violation of this article may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The Elm Grove Public Works Director or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Elm Grove Public Works Director or his designee for a reconsideration and hearing.

(2)

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior written approval of the Elm Grove Public Works Director.

§ 325-56. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity WPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to the allowing of discharges to the MS4.

§ 325-57. Monitoring of discharges.

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A.

Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including, but not limited to, construction activity.

B.

Access to facilities.

(1)

The Public Works Director or his designee, having reasonable cause, shall be permitted to enter and inspect facilities subject to this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Elm Grove Public Works Director.

(2)

Owners or their agent(s) shall allow the Public Works Director access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3)

The Public Works Director, having reasonable cause, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Elm Grove Public Works Director to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4)

The Public Works Director, having reasonable cause, shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5)

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6)

Unreasonable delays in allowing the Public Works Director access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Elm Grove Public Works Director or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7)

If the Public Works Director or his designee has been refused access to any part of the premises from which stormwater is discharged, and he is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Elm Grove Public Works Director or his designee may seek issuance of a special inspection warrant pursuant to § 66.0119, Wis. Stats., from any court of competent jurisdiction.

§ 325-58. Prevention, control and reduction of stormwater pollutants by use of best management practices.

The Public Works Director may provide requirements identifying best management practices (BMP) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the State of Wisconsin. The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the WPDES permit.

§ 325-59. Waters of the State of Wisconsin protection.

Every person owning or occupying property through which waters of the State of Wisconsin passes shall keep and maintain that part of the waters of the State of Wisconsin within the property free of pollution.

§ 325-60. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the State of Wisconsin, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify the Elm Grove Police Department of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Village of Elm Grove in person or by phone or facsimile within 24 hours of becoming aware of the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 325-61. Enforcement.

A.

Notice of violation. Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this article, he may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(1)

The performance of monitoring, analyses, and reporting;

(2)

The elimination of illicit connections or discharges;

(3)

That violating discharges, practices, or operations shall cease and desist;

(4)

The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5)

Payment of administrative and remediation costs; and

(6)

The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a subcontractor and the expense thereof shall be imposed as a special charge under § 66.0627, Wis. Stats., and § [325-61](#) hereafter.

§ 325-62. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the Elm Grove Public Works Director. The notice of appeal must be received within 90 days from the date of the notice of violation. Hearing on the appeal before the Elm Grove Board of Appeals shall take place within a reasonable time from the date of receipt of the notice of appeal.

§ 325-63. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 30 days following the decision of the Elm Grove Board of Appeals upholding the decision of the Elm Grove Public Works Director, then representatives of the Elm Grove Public Works Director may, upon prior notice, enter upon the subject property, unless the property owner presents a compliance plan with specific and prompt implementation dates, and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the representatives of the Village of Elm Grove or its designated contractor to enter upon the premises for the purposes set forth above.

§ 325-64. Cost of abatement of the violation.

Cost recovery. Upon notification from the Director of Public Works that a violation of this article has been identified, the Village Clerk shall charge the property owner found to be in violation of this article the costs associated with abatement and correction, including administrative in full. The Village of Elm Grove may recover all attorney's fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses. Such costs shall be imposed as a special charge pursuant to § 66.0627, Wis. Stats. Such costs shall be due in full within 35 days upon mailing of invoice. Pursuant to § 66.0627, Wis. Stats., all costs so charged and not paid when due shall constitute a lien upon such property and may be assessed and collected as a special charge on the next property tax bill if not paid within the thirty-day period upon invoicing. Interest at 1% per month shall be assessed on any unpaid balance. The Village shall establish a reasonable charge for the costs of administration and enforcement imposed hereunder.

§ 325-65. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Village Attorney, upon the concurrence of the Director of Public Works and the Village Manager, may petition for a preliminary or permanent injunction from the Circuit Court of Waukesha County restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The seeking of injunctive relief shall not preclude the seeking of any other enforcement or cause of action allowable by law.

§ 325-66. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare and is declared and deemed a public nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken. The bringing of a public nuisance action shall not preclude the seeking of any other enforcement or cause of action allowable by law.

§ 325-67. Fine.

Violation of Article [IV](#) of Chapter [325](#), Stormwater and Sewer Illicit Discharge Connection, shall result in a fine as in § [1-16](#) of the Village of Elm Grove Code of Ordinances, as amended from time to time by the Village of Elm Grove Board of Trustees.

§ 325-68. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Director of Public Works to seek cumulative remedies.