

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

PUBLIC WORKS UTILITIES COMMITTEE

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

AGENDA

1. Call meeting to order.

Documents:

[*Meeting Memo March 2026.pdf*](#)

2. Review and act on minutes from February 9th, 2026

Documents:

[*PW2092026md.pdf*](#)

3. Update and review of 90% plans for Highland Dr Pathway Project 2026

Documents:

[*2026 Highland Pathway 90 percent Plans.pdf*](#)
[*2026 Highland Pathway Estimate 90 percent.pdf*](#)
[*2026 Highland Pathway_90 percent Design Narrative.pdf*](#)

4. Review and act on request by John Kannall, 1045 Highland Drive, for a consideration of a modification to the Highland Drive Pathway plans as it relates to his driveway access and safety concerns

Documents:

[*John Kannall request for modification to Highland Pathway Plan at 1045 Highland Dr..pdf*](#)

5. Review and possible action on Intergovernmental Cooperative Agreement (ICA) with MMSD for tree planting

Documents:

[*Elm Grove Trees ICA.pdf*](#)

6. Review and possible action on ordinance revisions as it relates to CH 325 Water Control

Documents:

Chapter 325 - Tracked Changes.pdf
Chapter 325- Changes Accepted.pdf
LC Memo 02.12.26.pdf

7. Update on Public Works Projects

Documents:

Cloverhill Rd - Brookfield Portion.pdf

8. Other Business

9. 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.

Members of the public wishing to participate in a meeting virtually must submit a Virtual Meeting Access Request form no later than 3:00pm on the Friday preceding the scheduled meeting

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: March 6, 2026
Re: Public Works Agenda March Meeting

Item 3: Update and review of 90% plans for Highland Dr Pathway Project 2026

Included in the packet are the 90% plans, updated estimate and a plan narrative. The committee shall share any comments relative to the design

Thus far Mr. Brush and Village Staff have completed numerous site visits with residents along the project with a couple more to finish up early this week. MMSD has confirmed that this project can proceed and they will work with the Village on future projects.

Please see notes on other details highlighted on the Plan Narrative attachment. A schedule is also included for reference.

The committee shall review and provide comments to allow Mr. Brush the opportunity to complete the plans so it can get out to bid.

Item 4: Review and act on request by John Kannall, 1045 Highland Drive, for a consideration of a modification to the Highland Drive Pathway plans as it relates to his driveway access and safety concerns

Included in your packet is Mr. Kannall's request for consideration of a modification in the pathway plans to accommodate his concerns for safe navigation out of his driveway. Mr. Brush and Village staff have conducted multiple meetings with Mr. Kannall over the last month. The conflict on the Village's behalf is also in consideration of the safety of pathway users.

Mr. Kannall is planning to attend the meeting and will be available to highlight his concerns and request with an additional drawing he will provide to committee members per his e-mail included.

The committee shall take action on the request to ensure Mr. Brush has clear direction on how to complete the plans before bidding.

Item 5: Review and possible action on Intergovernmental Cooperation Agreement (ICA) with MMSD for tree planting.

Included in your packet is a draft Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District and the Village of Elm Grove to enter into an agreement to plant 900 trees in Village Park at no upfront cost to the Village. An 11-year conservation easement and maintenance responsibilities as it relates to watering is what will be required by the Village.

Through its Reforestation and Wetland Restoration Program, the District seeks to plant six million trees and restore 4,000 acres of wetlands to help manage stormwater and bring additional local benefits of water and air quality improvement, reduction in the urban heat island effect, and habitat restoration.

The committee shall review and consider taking action on a recommendation of approval to the Board of Trustees.

Item 6: Review and possible action on ordinance revisions as they relate to Ch 325 Water Control

Included in your packet are copies of the ordinance revision draft with tracked changes and the memo to the Legislative Committee. The Legislative Committee reviewed the changes and remanded back to the Public Works Utilities Committee for final review and action to the Board with no changes made.

The committee can take action on the revision for possible recommendation to the Board of Trustees.

Item 7: Update on Public Works Projects

Mr. Paul is working with Dan Erickson, City Engineer of Brookfield, to possibly include a 225-foot segment of Cloverhill Rd located in the City of Brookfield that connects the Village Limits with North Ave. The intent is to include this segment in the pave bid to provide a consistent transition of roadway while equipment is mobilized for work in the Village. If the City decides to move forward, the Village will draft an agreement that will require the City of Brookfield pay for work done in their jurisdiction based upon the awarded unit bid prices. A map of the segment is included in the packet.

Any updates regarding the Underwood Creek Daylighting Project will be shared.

**PUBLIC WORKS/UTILITIES (PWUC) COMMITTEE
REGULAR MEETING MINUTES
Monday, February 9th, 2026 5:30 pm, Parkview Room**

1. Roll call

The Public Works Utilities Committee meeting was called to order on Monday, February 9th, 2026, at 5:30 PM by Mr. Schindler.

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

Absent: None

Also Present: Mr. Harrigan & Mr. Paul, Mr. Travis Brush of KL Engineering and some residents whom reside adjacent to the Highland Pathway project.

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

Mr. Schindler identified a correction needed in Item 8, paragraph 3 regarding the criteria for existing concrete driveway approaches. He noted that the minutes incorrectly stated the criteria was "if they are less than 2 years old" when the actual consensus was that driveways would remain if "in good condition and met the slope requirements for the engineer."

Ms. Schneider questioned whether fire trucks were under the purview of DPW, which was clarified as not being the case.

Motion to approve the minutes as amended was made by Mr. Zwirlein, seconded by Mr. Olson, and passed unanimously.

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

Mr. Travis Brush of KL Engineering presented the 60% pathway plans. He reported on a February 5th site walk with Richard Paul Jr. to review the revised alignment's impact on trees. The team used GPS units to evaluate trees based on type, condition, impacts from grading, and safety features such as sight lines. Trees marked for removal were indicated with red X's on the plans.

A significant discussion occurred regarding MMSD Chapter 13 requirements. Mr. Brush explained that MMSD is currently classifying the pathway project as a "sidewalk" rather than a "recreational trail," which could trigger stormwater management requirements since the project exceeds 0.5 acres of new impervious area. This classification could add significant costs to the project if pervious asphalt pavement (2-2.5 times the cost of standard pavement) or other stormwater management solutions would be required.

Mr. Brush and village staff have been in communication with MMSD, including Kevin Shafer, arguing that the pathway should qualify as a recreational trail based on setback from the roadway and existing ditch lines. The village is awaiting MMSD's determination, as this issue has broader implications for future pathway projects.

The committee also discussed:

- Utility pole conflicts between Victoria Circle North and South that require coordination with We Energies and AT&T to potentially relocate poles in conflict with the retaining wall.
- A proposed easement at 1255 Highland Drive to save a group of large spruce trees. Property owner Mr. Levenson, who was in attendance, confirmed his willingness to provide the easement to allow the path to curve around the trees, noting it would likely be less expensive than removing the large trees. The committee supported pursuing this easement.
- Retaining walls, including an additional wall needed near Victoria Circle North to maintain proper pathway slope per accessibility guidelines. The committee discussed railing requirements for the retaining walls and agreed to maintain consistency with existing wooden railings used elsewhere on Highland Drive.
- Traffic control options during construction. Mr. Brush presented two alternatives: a one-way traffic operation or a road closed to through traffic approach. He estimated the one-way option would increase traffic control costs by 30-50% and could create safety hazards from wrong-way drivers. The committee reached consensus supporting the full road closure option, which would still maintain access for residents, mail delivery, and garbage collection. Construction is anticipated to take approximately 3-3.5 months, likely June through August 2026.
- Project cost updates showing an increase of approximately \$200,000 from the 30% plans, partly due to earthwork adjustments, storm sewer requirements, and the additional retaining wall. The estimate includes a 20% contingency.

4. Review and possible action on Underwood Creek Daylighting Bids

Village staff reported that the bid opening for the Underwood Creek Daylighting Project took place on January 27th, with CW Purpero being the low bidder. The rebid resulted in significant cost savings of approximately \$1.3 million compared to the previous bid, with the current bid at \$6,326,305 compared to the previous \$7.6 million.

Staff noted that the primary funding source for the project is tax increment from TIF District Number 2, with an expenditure window expiring on April 27th. While construction may not begin immediately due to ongoing litigation with the railroad regarding land acquisition, executing the contract would secure the TIF funds.

The committee discussed the contract's "termination for convenience" clause that protects the village if the railroad litigation is not resolved favorably. Staff reported progress in discussions with the railroad's engineers regarding the project design.

It was noted that village ordinance excludes engineering costs from the total project cost, providing additional flexibility within the referendum-approved budget. A 10% contingency is included in the project budget.

Motion to recommend to the Board of Trustees the award of the Underwood Creek Daylighting contract to CW Purpero, with provisions for cancellation included, was made by Mr. Harley, seconded by Mr. Eull, and passed unanimously.

5. Update on Village Hall Bridge inspection

Mr. Paul presented the most recent inspection of the Village Hall Bridge that traverses Underwood Creek. The bridge has moved from a typical two-year inspection cycle to an annual inspection due to ongoing deterioration of the superstructure, particularly the girders.

The Public Works Department has performed recommended maintenance, but the overall condition of the superstructure continues to decline. The bridge is currently not used by the Public Works or Fire Department vehicles. The inspection has been submitted to the county for review and recommendations.

Mr. Paul also reported that the Gebhardt Bridge, shared with Brookfield, is in line for a grant which would be determined in June. If approved, the village's cost share would be minimal, with construction potentially in 2027. A maintenance agreement with Brookfield needs to be finalized.

The committee discussed options for the Village Hall Bridge, including the possibility of not replacing it since there is another entrance to the property. Mr. Harrigan emphasized that while the bridge is not in imminent danger of failing, it is now rated low enough to require planning for its future. The bridge remains safe for pedestrians and regular vehicles, but not for fire trucks, ambulances, or heavy delivery vehicles, which are directed to use the Juneau Boulevard entrance.

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

Mr. Paul reviewed the invoice from Wolf Paving for the 2025 paving project. He highlighted areas where costs exceeded estimates, particularly road edge topsoiling at \$49,000, which is typically done in-house at a much lower cost. Other overruns were related to widening intersections, straightening roads to maintain consistent width, and improving driveway transitions.

For the 2026-2030 Capital Improvement Plan, Mr. Paul presented a map showing planned projects for each year. The 2026 projects focus on the northeastern quadrant of the village, including Elmhurst Parkway. All projects will include stormwater improvements and culvert replacements.

The committee also discussed a resident request from Stacy Barry Coffey to synchronize the Hollyhock Lane pathway construction (planned for 2028) with road reconstruction. Mr. Paul explained that only a tenth-mile segment of Hollyhock is rated to be addressed in line with the rest of the poorly rated road segments, with the remainder of Hollyhock not requiring reconstruction within the 5-year plan, making coordination of the pathway and street impractical based upon current ratings.

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

Mr. Paul explained that revisions to Chapter 325 Water Control were needed to address findings from the DNR's MS4 audit. The changes are intended to align with DNR requirements for the village's next 5-year MS4 permit period, particularly regarding construction sites and stormwater management on private properties.

The committee noted the need for a clearer understanding of the changes since the redline version was difficult to review. They requested that after Legislative Committee

review, the ordinance return to Public Works for a final review along with an overview of any procedural changes that would impact village operations.

Motion to remand the proposed revisions to Chapter 325 Water Control to the Legislative Committee, with the provision that it return to Public Works prior to Board approval, was made by Mr. Olson, seconded by Mr. Zwirlein, and passed unanimously.

8. Update on Public Works Projects

Mr. Paul reported that the department has been handling ongoing snow removal from multiple small storms. He noted they were in good shape with salt reserves and have experienced no major equipment issues. The crew has been conducting tree removals and pruning during periods between snow events.

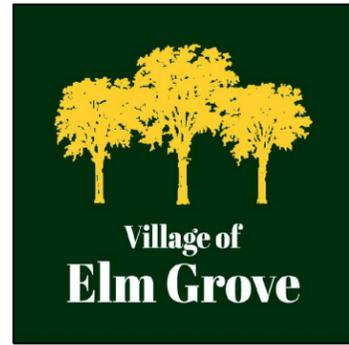
He mentioned some pothole issues on lower-rated roads (3s and 4s) that are being addressed regularly, as well as some temporary issues with driveway approaches due to frost heave during the recent cold snap.

9. Other Business

No other business was discussed.

10. Adjourn

Motion to adjourn was made by Mr. Olson, seconded by Mr. Eull, and passed unanimously.



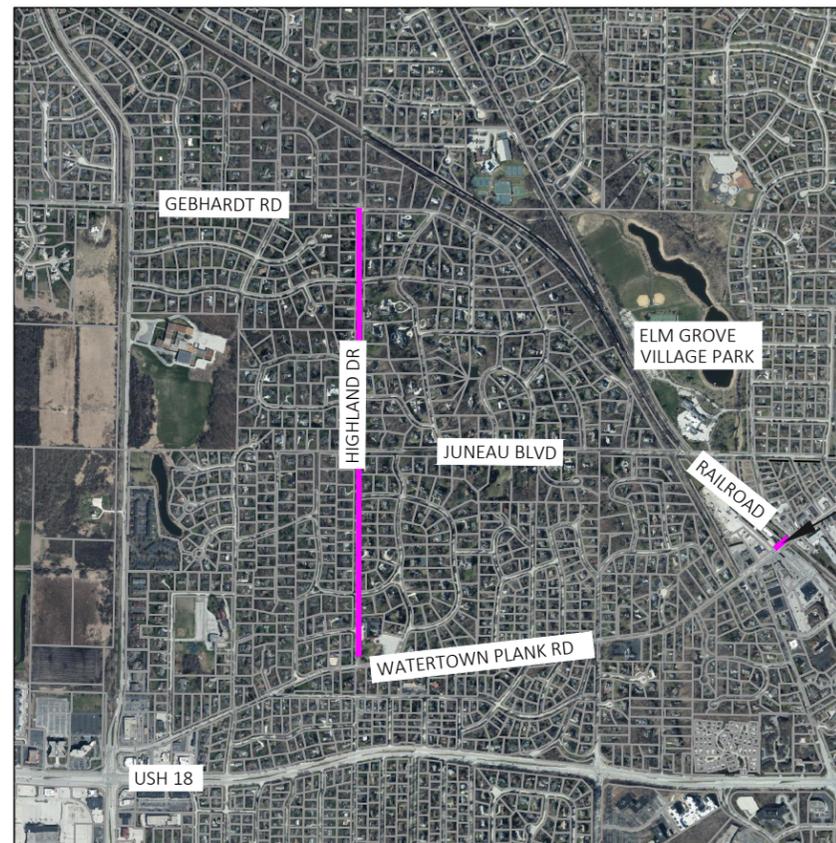
ELM GROVE PATHWAYS

WATERTOWN PLANK ROAD - GEBHARDT ROAD

HIGHLAND DRIVE WAUKESHA

PROJECT NUMBER
25040-000

INDEX OF SHEETS	
TS-01	TITLE SHEET
GN-01 - GN-02	GENERAL NOTES
TS-01	TYPICAL SECTIONS
CD-01 - CD-XX	CONSTRUCTION DETAILS
RW-01 - RW-03	RETAINING WALL DETAILS
RM-01 - RM-05	REMOVAL PLAN
EC-01 - EC-05	EROSION CONTROL
TC-01 - TC-03	TRAFFIC CONTROL
CR-01 - CR-06	CURB RAMP DETAILS
PP-01 - PP -10	PLAN & PROFILE
SD-01 - SD -XX	STANDARD DETAILS SECTION NOT INSERTED YET
CS-01 - CS-50	CROSS SECTIONS
MA-01 - MA-03	WATERTOWN PLANK ROAD SIDEWALK ' ALT 1'



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	



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(Date)

(Signature)

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\020101.GN.DWG
 PLOT BY : ARIELLE LEWEN
 PLOT DATE : 3/2/2026 5:25 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

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FIBER

MIDWEST FIBER NETWORK
 (414) 672-5612

FIBER

MCI

Point	Description	Elevation
200	BM/pp 840	843.80
201	BM/pp 67-5390	873.47
202	BM/pp 67-5407	880.66
203	BM/pp 67-5410	876.46
204	BM/pp 25-11718	865.09
205	BM/pp 82-03488	857.63
206	BM/mag apsh	840.76
207	BM/mag apsh	859.34
208	BM/mag apsh	860.04
209	BM/mag apsh	864.58
210	BM/mag ppl40-4D89	857.47

CONTROL WAUKESHA COUNTY COORDINATES				
Point	Northing	Easting	Elevation	Description
5061	176306.403	719227.411	854.46	CP CUT
5062	176741.503	719346.790	822.90	CP PK
5063	175511.358	719213.593	860.83	CP PK
5064	175520.498	719479.277	857.51	CP PK
5065	174700.372	719066.253	835.15	CP PK GPS ELEVATION
5066	173651.984	719134.586	872.97	CP PK
5067	173671.334	719543.543	849.78	CP PK GPS ELEVATION
5068	173167.409	719426.064	874.45	CP PK
5069	172807.086	719307.947	884.61	CP PK
5070	172113.935	719339.070	875.08	CP PK
5071	172100.972	719149.055	872.17	CP PK
5072	171690.245	719343.559	843.34	CP CUT
5073	171685.148	719142.891	852.88	CP PK
5074	174624.526	719271.234	837.55	CP PK



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

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DESIGN CONTACT

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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.



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 email@klengineering.com

VILLAGE OF ELM GROVE

GENERAL NOTES

Project No: 25040-000
 Date: 03-02-2026
 Designed By: JRM
 Drafted By: JRM
 Checked By: XXX

Revisions: XX-XX-XXXX

Draft Print
 FOR REVIEW ONLY

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: 03-02-2026
Designed By: JRM
Drafted By: JRM
Checked By: XXXX

Revisions: XX-XX-XXXX

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SHEET NO.

GN-02

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

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



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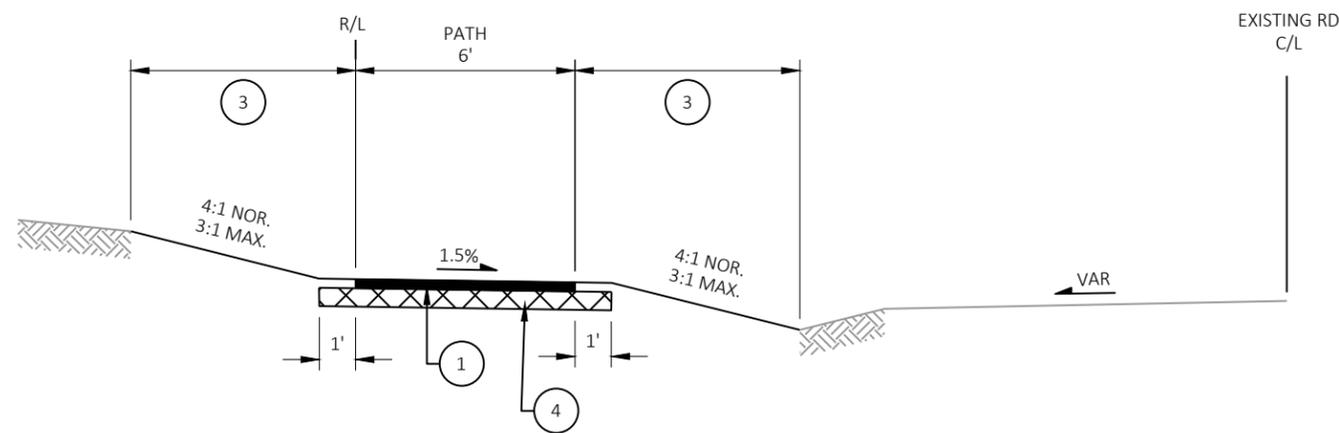
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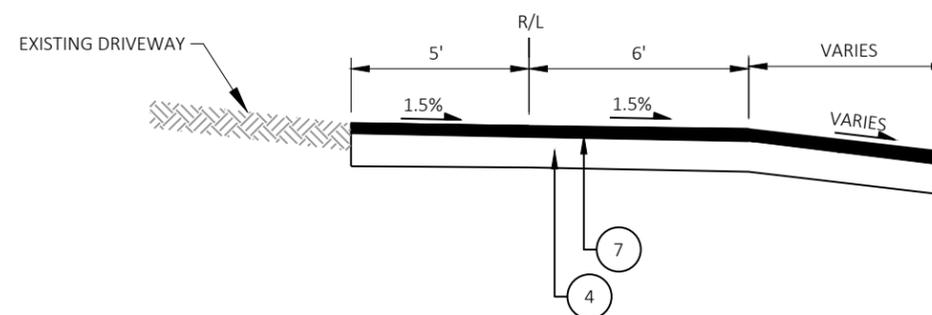
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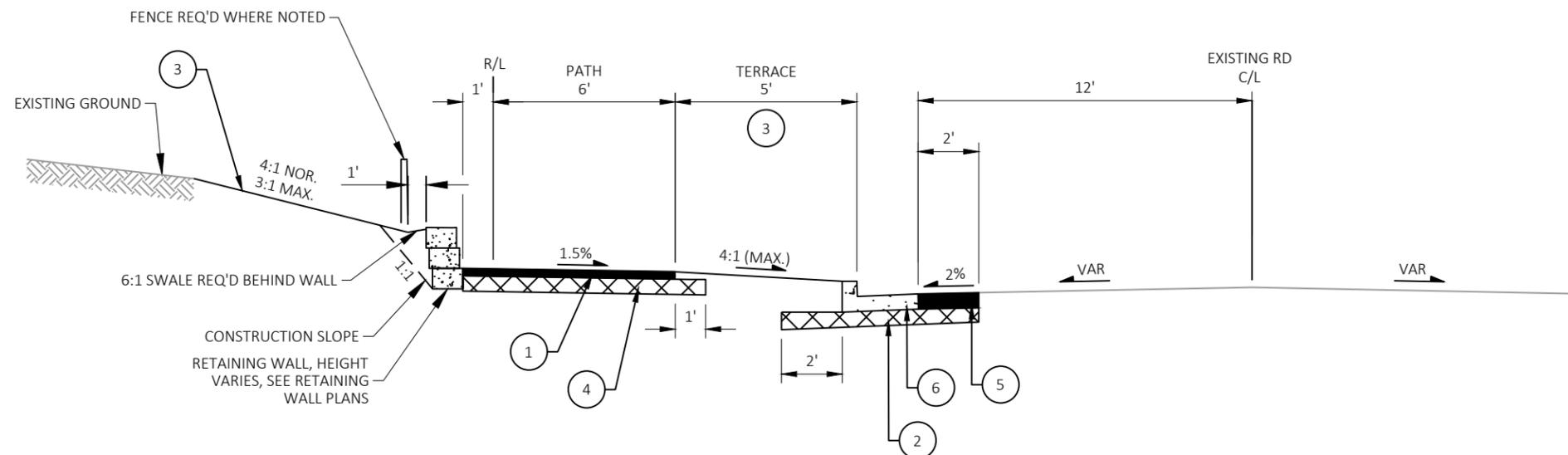
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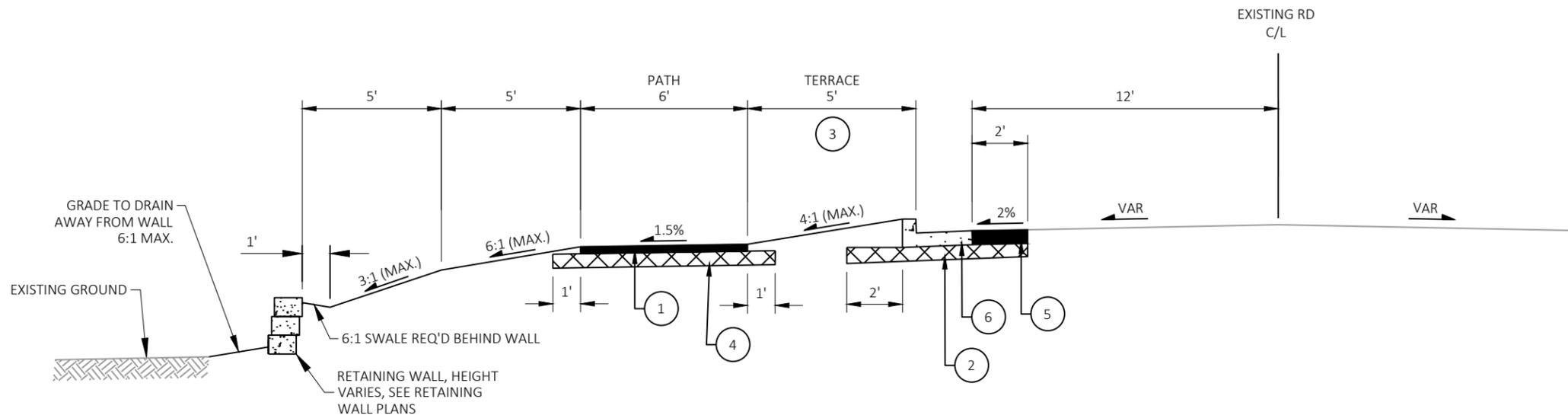
FINISHED TYPICAL SECTION



FINISHED TYPICAL SECTION - DRIVEWAYS



FINISHED TYPICAL SECTION - CUT WALL SECTION



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

VILLAGE OF ELM GROVE

TYPICAL SECTIONS

Project No: 25040-000
Date: 03-02-2026
Designed By: JRM
Drafted By: JRM
Checked By: XXXX

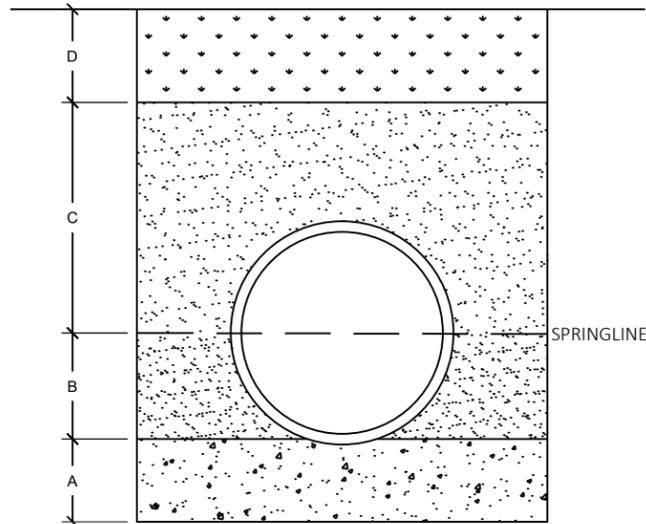
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TS-01

NOTE: CONSTRUCTION DETAILS IN PROGRESS. FINAL PLAN SET TO ALSO INCLUDE PERTINENT WISDOT SDD'S



NOTES FOR STORM SEWER AND CULVERT INSTALLATION.

- A) FOUNDATION BACKFILL: 6" THICKNESS OF FOUNDATION BACKFILL PER SECTION 608 OF WISDOT STANDARD SPEC BEFORE PIPE IS LAID. SHAPE MATERIAL TO CONFORM TO BOTTOM OF PIPE. MAINTAIN 4" MINIMUM THICKNESS OF FOUNDATION MATERIAL BELOW PIPE.
- B) HAUNCH ZONE: TRENCH BACKFILL MATERIAL PER SECTION 608 OF WISDOT STANDARD SPEC. MATERIAL TO BE HAND TAMPED IN 4" LIFTS.
- C) TRENCH BACKFILL: BACKFILL PLACED FROM SPRING LINE OF PIPE TO SUBGRADE. MATERIAL TO BE SAME AS FILL USED WITHIN HAUNCH ZONE PER SECTION 608. MATERIAL TO BE HAND TAMPED IN 4"-6" LIFTS. ENSURE PROPER COVER TO AVOID PIPE DAMAGE FROM CONSTRUCTION EQUIPMENT PER MANUFACTURER RECOMMENDATIONS.
- D) FINISH GRADING: TRENCH BACKFILL TO BE PLACED TO BOTTOM ELEVATION OF FINISH GRADE MATERIAL, WETHER TOPSOIL OR BASE MATERIAL FOR ROADWAY OR PATH.

*BACKFILL FOR WATER LINE 3" AND SMALLER TO BE SELECT BACKFILL PLACED IN 8" LOOSE LIFTS AND COMPACTED TO 95% SPD IN PAVED AREA AND 90% SPD IN UNPAVED AREAS.

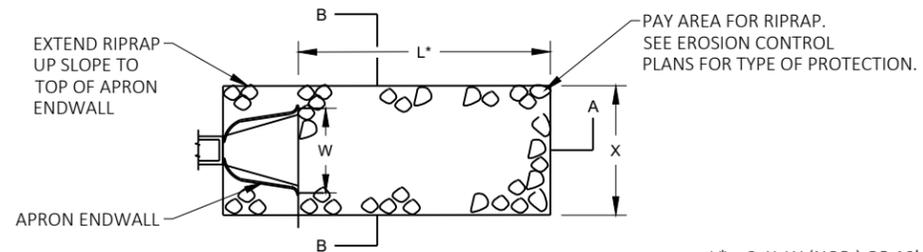
*BACKFILL FOR UTILITY TRENCHES OUTSIDE THE PROPOSED OR FUTURE PAVING AREAS TO BE GRANULAR MATERIAL PLACED IN 8" LOOSE LIFTS AND COMPACTED TO 90% STANDARD PROCTOR PER ASTM D 698.

TRENCH WIDTH:

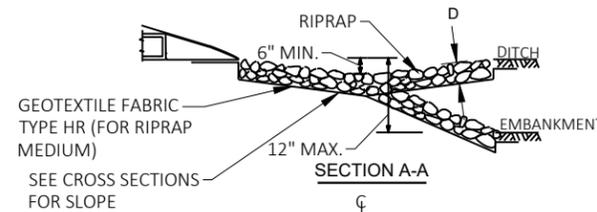
1. PVC OR RCP PIPE: OUTSIDE DIAMETER PLUS 8" MIN 9" MAX
2. HDPE 24" DIAMETER PIPE AND SMALLER: OUTSIDE DIAMETER PLUS 24"
3. HDPE 30" DIAMETER PIPE: OUTSIDE DIAMETER PLUS 32"

BEDDING AND BACKFILL DETAIL FOR STORM SEWERS AND CULVERTS

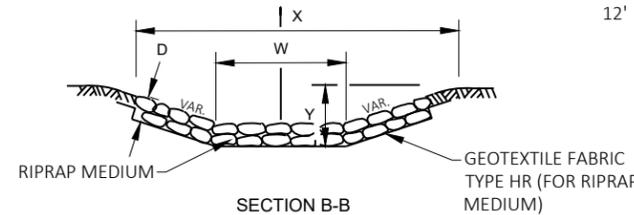
MANUFACTURER RECOMMENDATIONS TO SUPERSEDE THIS DETAIL



PLAN VIEW



SECTION A-A



SECTION B-B

RIPRAP TREATMENT AT PIPE ENDWALLS
(SEE EROSION CONTROL PLAN FOR LOCATIONS)

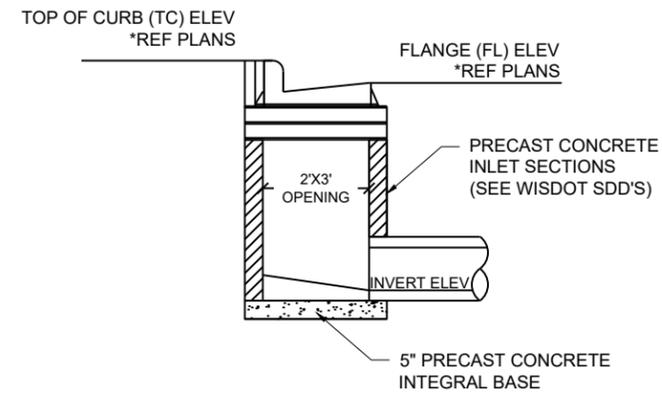
$L^* = 3 \times W$ (NOR.) OR 10' MIN. OR AS INDICATED IN THE PLANS OR AS DIRECTED BY THE ENGINEER.

$D = 18"$ FOR RIPRAP MEDIUM

$X = W + 2'$ FOR TYPICAL CULVERT DISCHARGE INTO DITCH
 $W + 5'$ FOR CULVERT DISCHARGE DOWN EMBANKMENT

SLOPE

$Y = 0'$ FOR TYPICAL CULVERT DISCHARGE INTO DITCH
 $12'$ FOR CULVERT DISCHARGE DOWN EMBANKMENT SLOPE



STORM INLET DETAIL

(SEE WISDOT SDD FOR ADDITIONAL DETAIL)



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VILLAGE OF ELM GROVE

CONSTRUCTION DETAILS

Project No: 24102-000

Date: 05-02-2025

Designed By: BSV

Drafted By: BSV

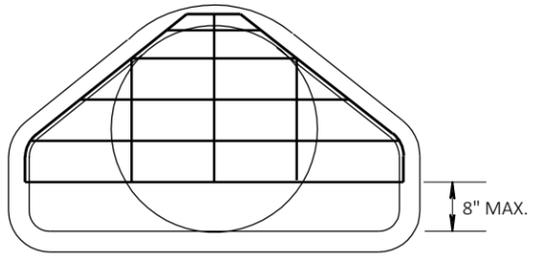
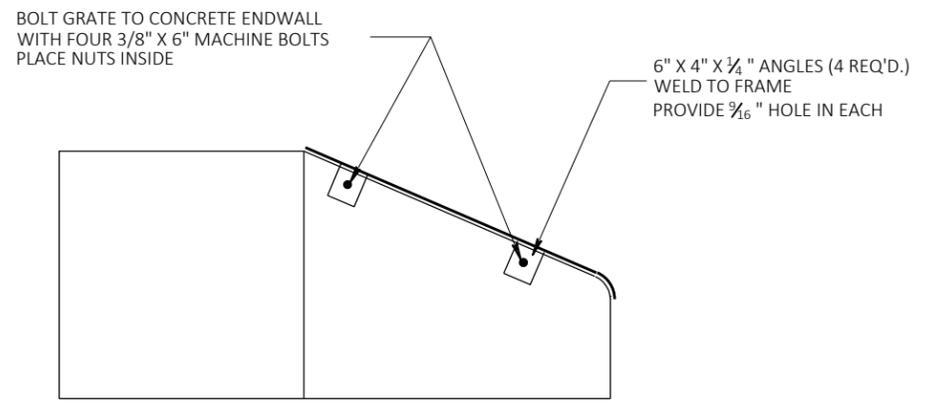
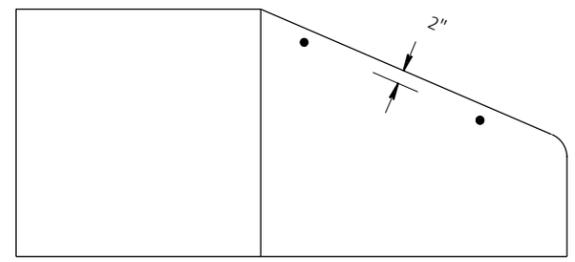
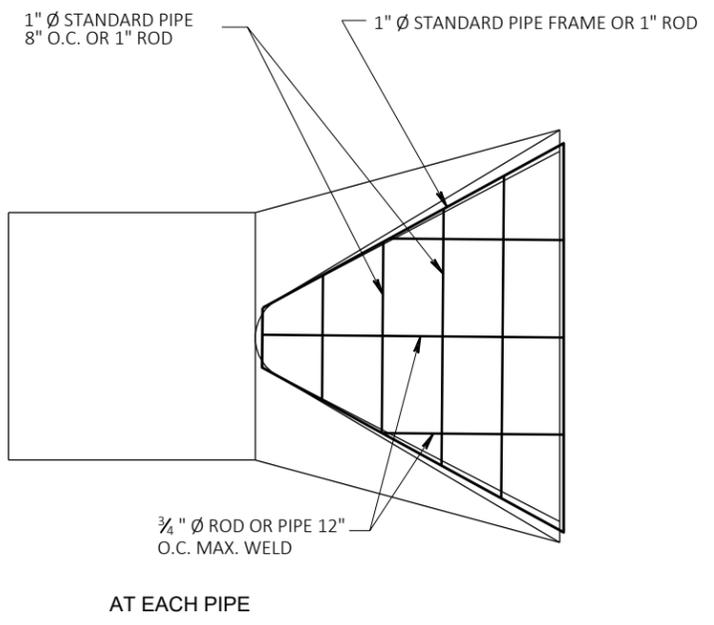
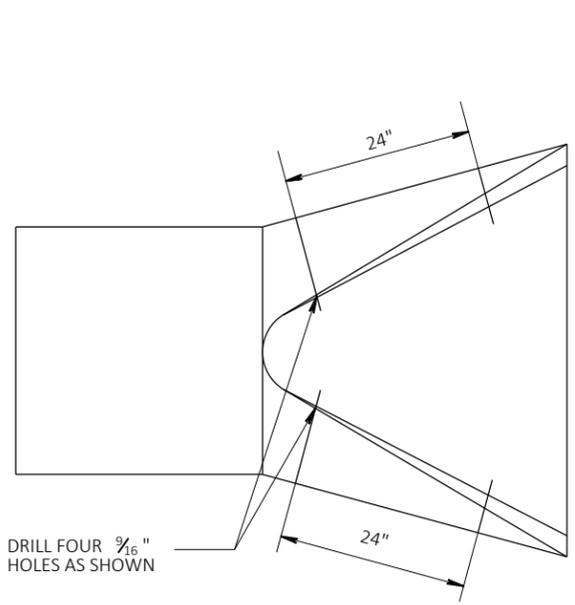
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PIPE GRATE DETAIL



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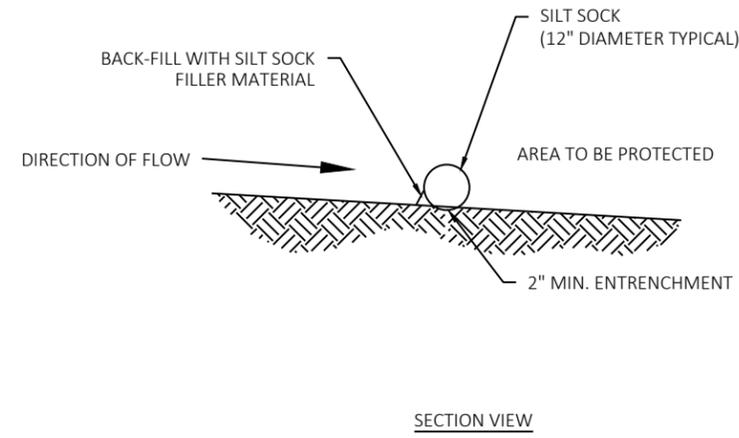
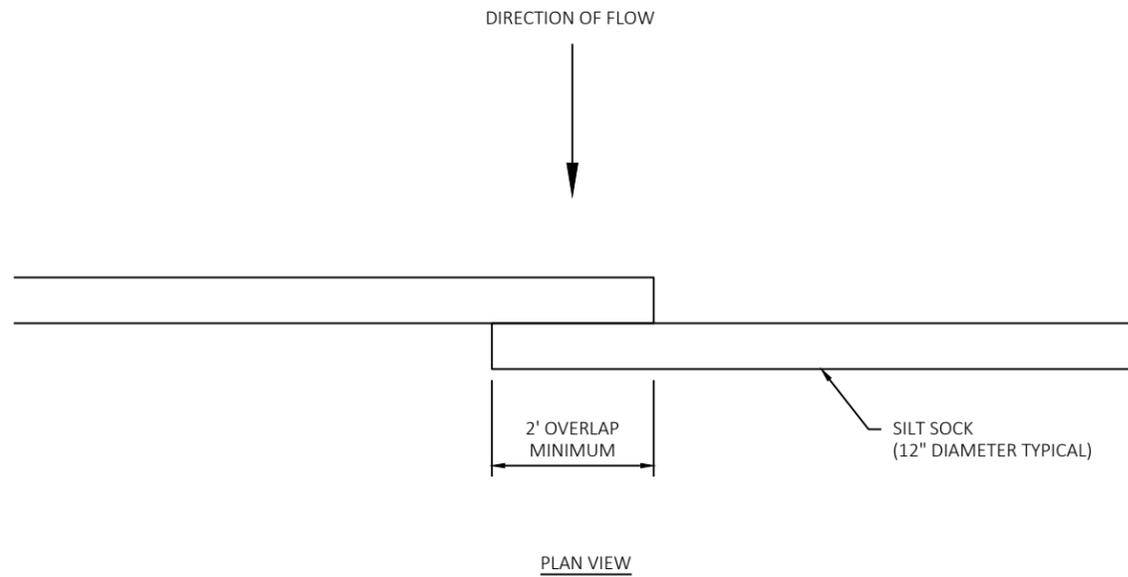
CONSTRUCTION DETAILS

Project No: 24102-000
 Date: 05-02-2025
 Designed By: BSV
 Drafted By: BSV
 Checked By: SDH

Revisions: XX-XX-XXXX

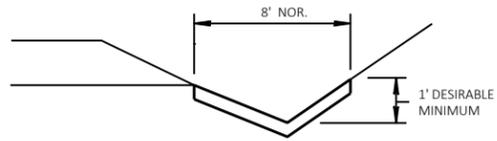
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- NOTES:**
1. ALL MATERIAL TO MEET REQUIREMENTS SPECIFIED IN CITY OF MADISON STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 2. SEDIMENT SHOULD BE REMOVED FROM BEHIND SILT SOCK ONCE THE ACCUMULATED SEDIMENT HEIGHT HAS REACHED $\frac{1}{2}$ THE HEIGHT OF THE SILT SOCK.
 3. IF SILT SOCK IS USED ON PAVED SURFACE, CONCRETE BLOCKS SHALL BE USED TO SECURE SILT SOCK IN PLACE OF STAKES.

TUBULAR SEDIMENT CONTROL (SILT SOCK)
 SEE EROSION CONTROL PLANS FOR LOCATIONS
 OTHER LOCATIONS AS DETERMINED BY THE ENGINEER IN THE FIELD



EROSION MAT DETAIL FOR DITCHES

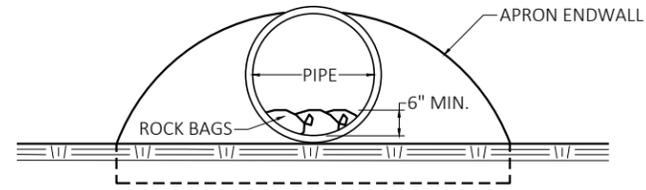
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VILLAGE OF ELM GROVE
CONSTRUCTION DETAILS

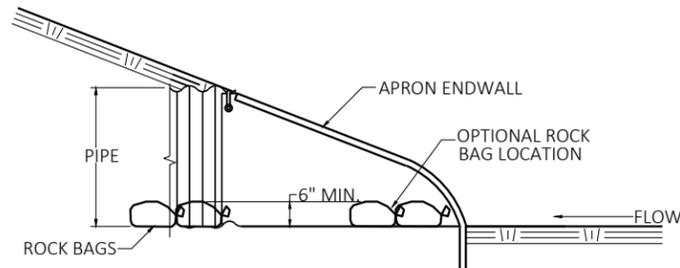
Project No: 24102-000
 Date: 05-02-2025
 Designed By: BSV
 Drafted By: BSV
 Checked By: SDH

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CD-03

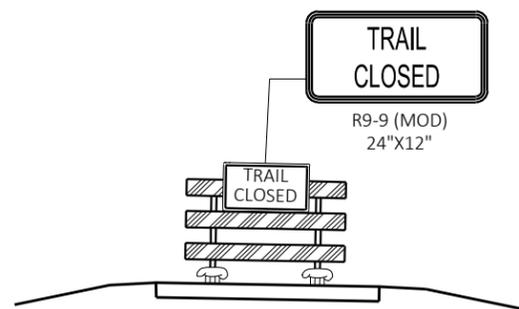


END VIEW

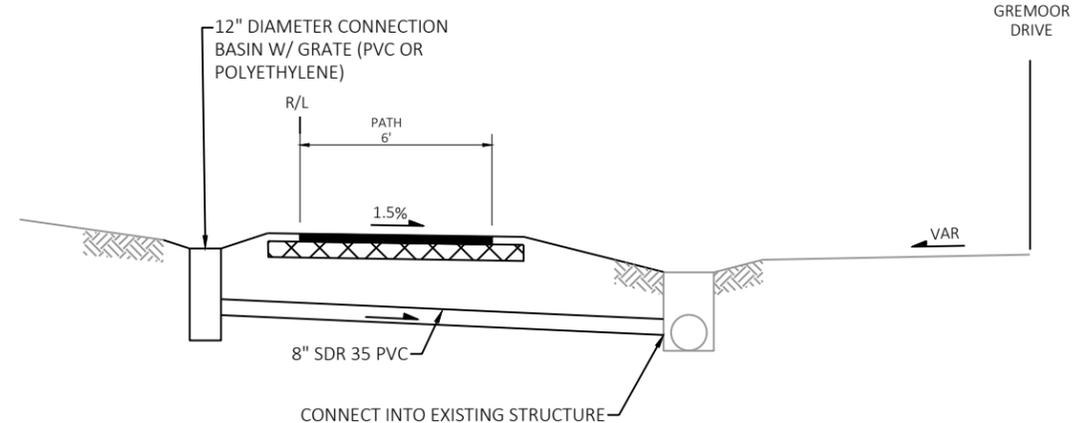


SIDE VIEW

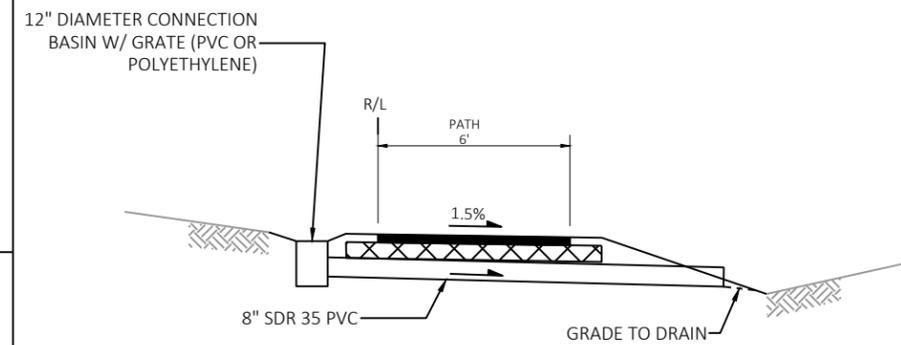
CULVERT PIPE CHECK
 SEE EROSION CONTROL PLAN FOR LOCATIONS
 (INSTALL ON INLET END ONLY)



TRAIL CLOSURE BARRICADE DETAIL
 PLACE AT EACH ROADWAY CROSSING IN EACH DIRECTION



STORM STRUCTURE TIE-IN



DITCH DAYLIGHT

DRAINAGE BASIN AND PVC DETAIL
 SEE PLAN AND PROFILE FOR LOCATIONS



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VILLAGE OF ELM GROVE

CONSTRUCTION DETAILS

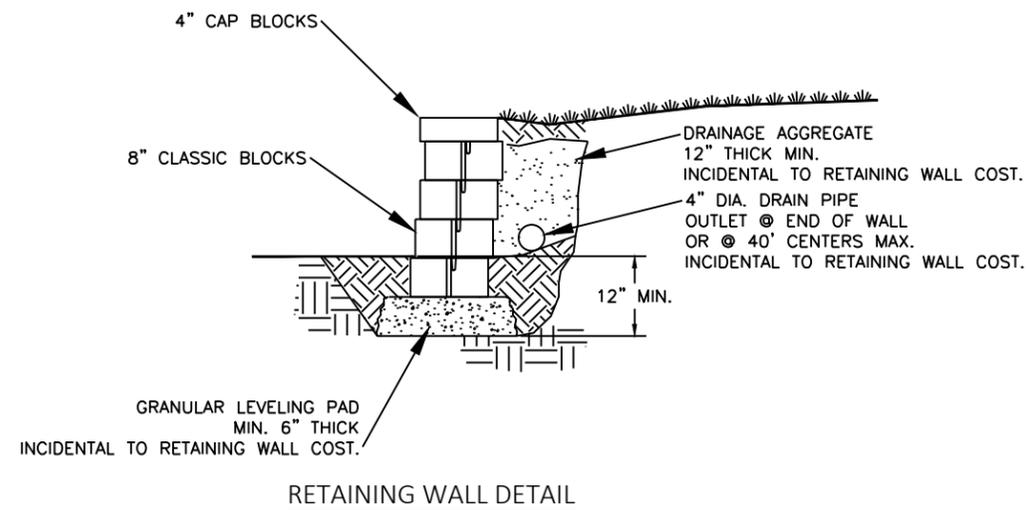
Project No: 24102-000
 Date: 01-26-2026
 Designed By: BSV
 Drafted By: BSV
 Checked By: SDH

Revisions: XX-XX-XXXX

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CD-04



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 TO BE ROCKWOOD RETAINING WALLS. BLOCKS TO BE USED ARE CLASSIC 8 BLOCKS. BLOCK COLOR GRAY. FEATURES TO BE APPROVED BY THE ENGINEER.



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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

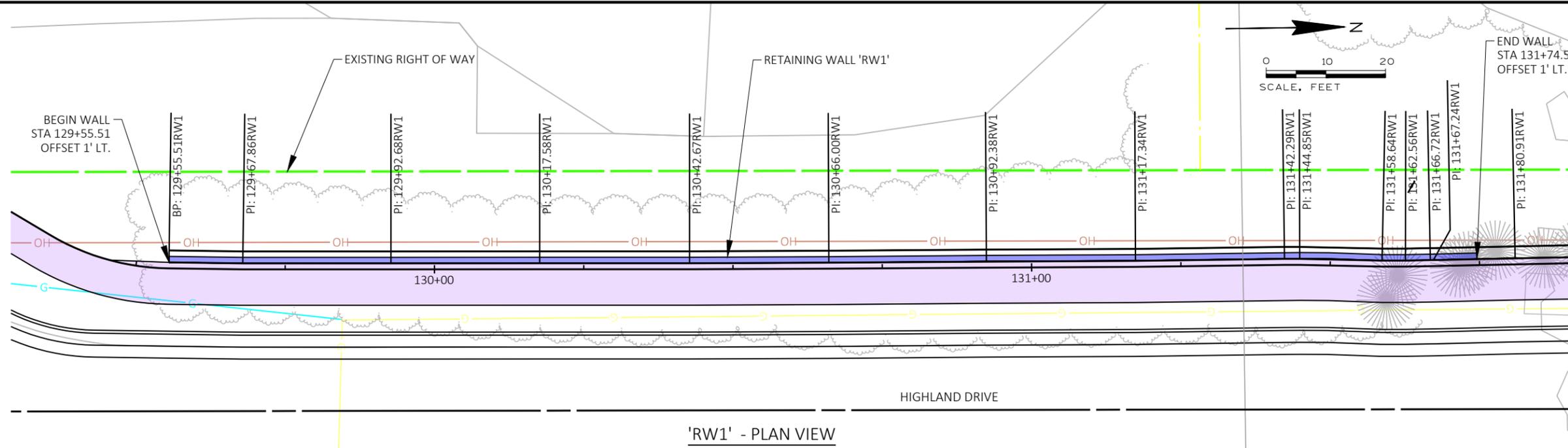
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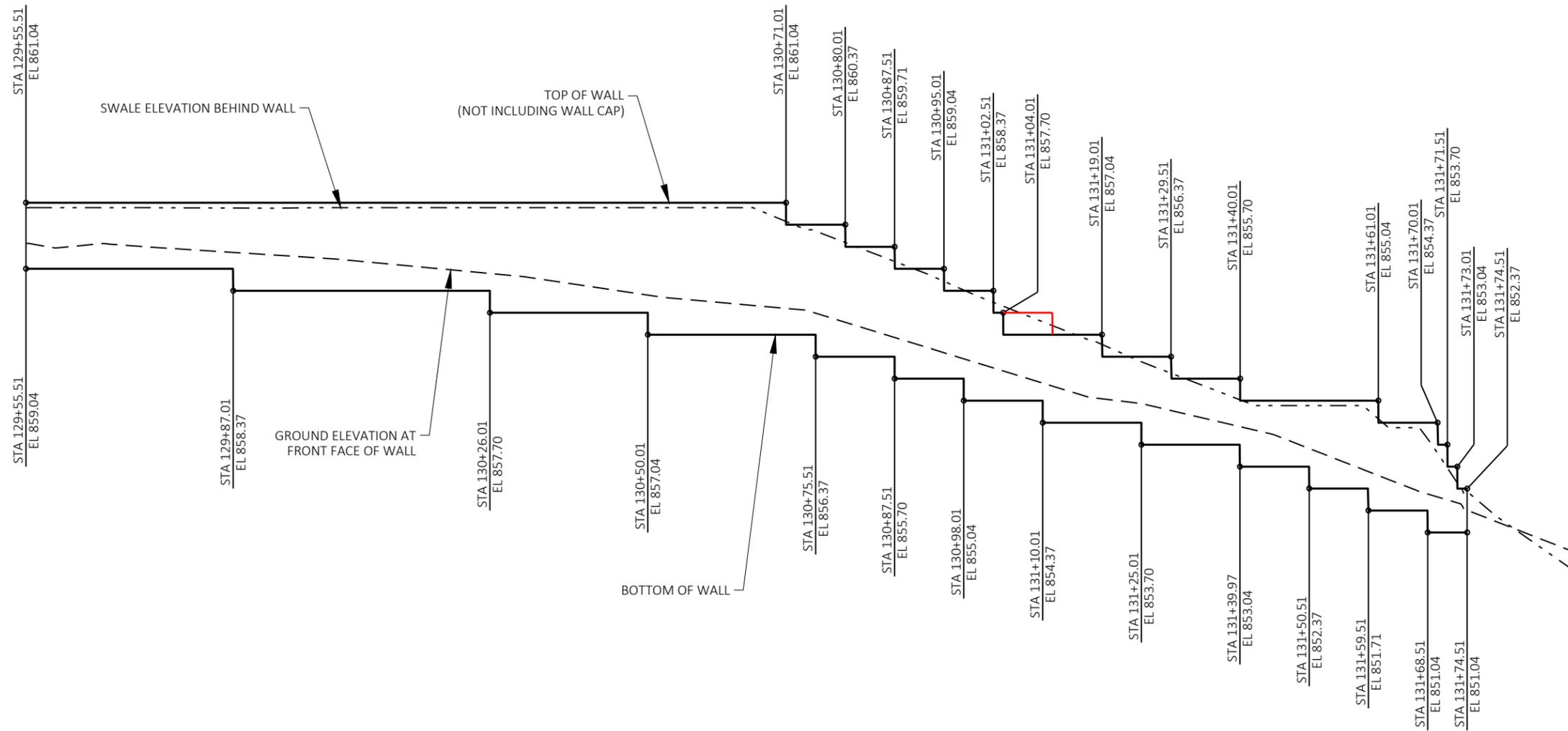
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NOTE:
SEE CONSTRUCTION DETAILS FOR TYPICAL WALL SECTION AND GENERAL NOTES.



'RW1' - PLAN VIEW



'RW1' - ELEVATION VIEW



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VILLAGE OF ELM GROVE

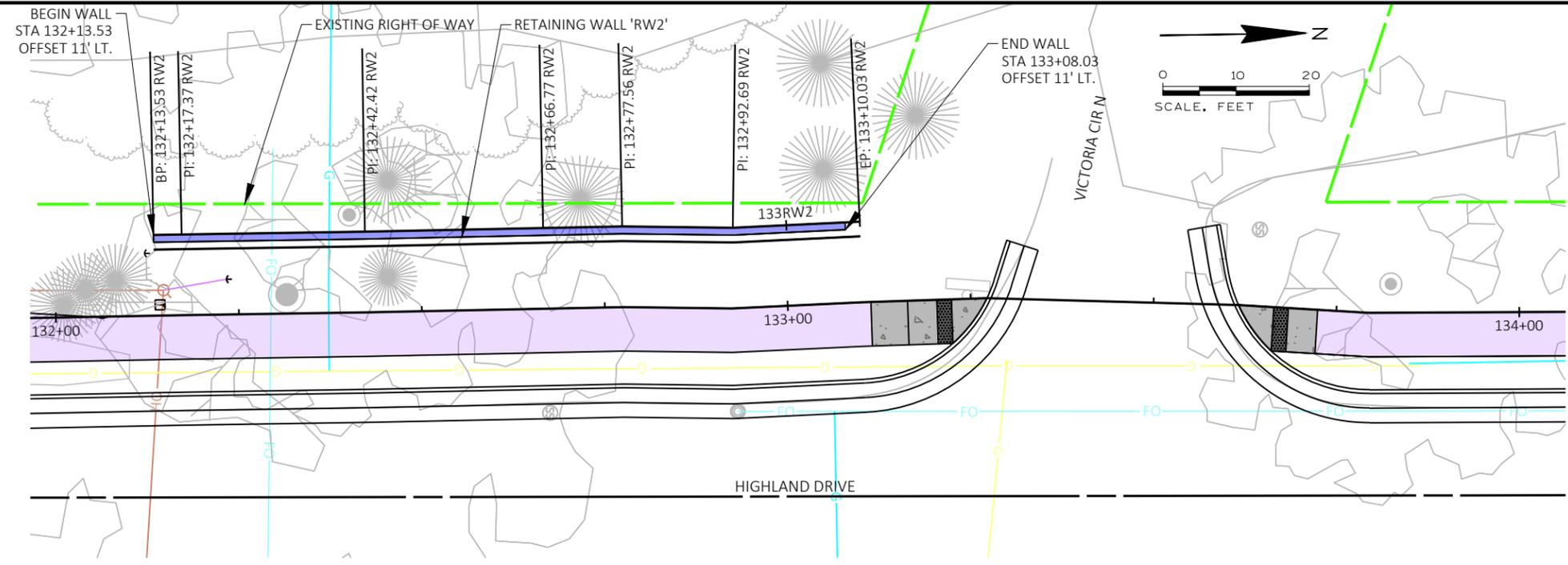
RETAINING WALL PLANS

2026 PATHWAY

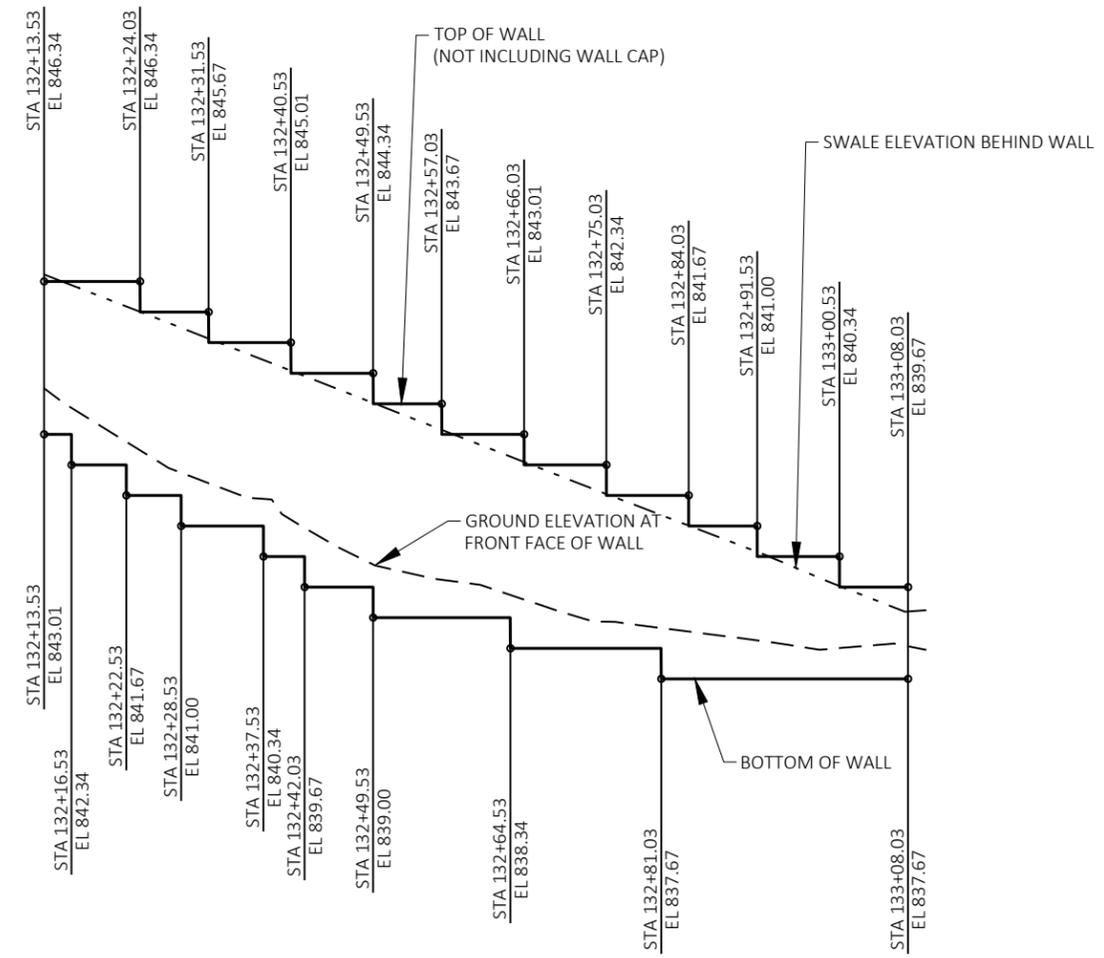
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RW-01



'RW2' - PLAN VIEW



'RW2' - ELEVATION VIEW

NOTE:
SEE CONSTRUCTION DETAILS FOR TYPICAL WALL SECTION AND GENERAL NOTES.



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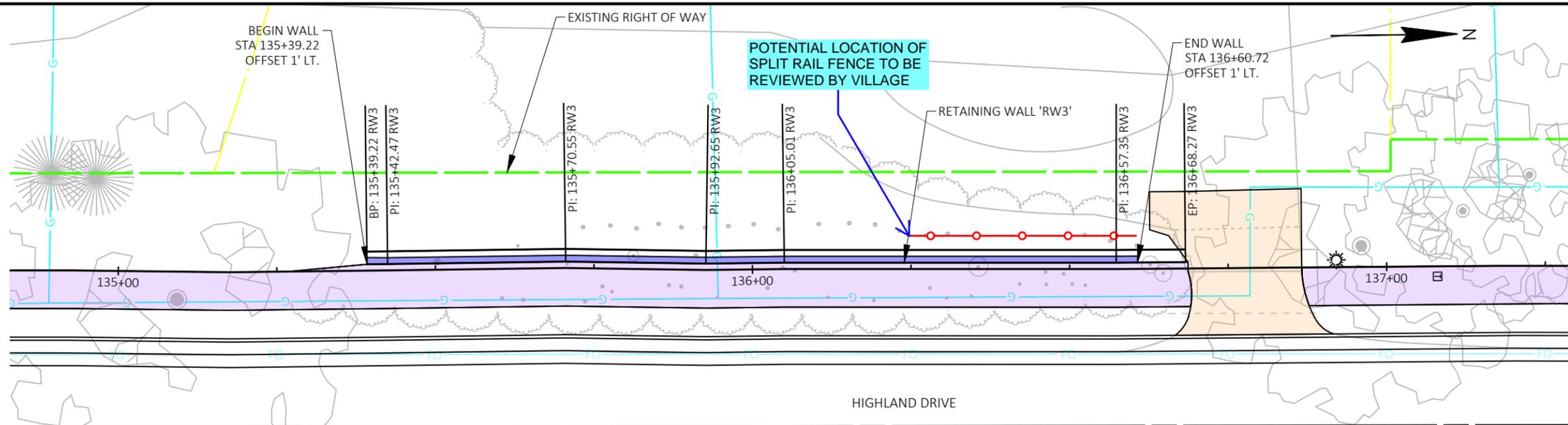
VILLAGE OF ELM GROVE
RETAINING WALL PLANS
2026 PATHWAY

Project No: 25040-000
Date: 03-02-2026
Designed By: KL Engineering
Drafted By: JRM
Checked By: TB

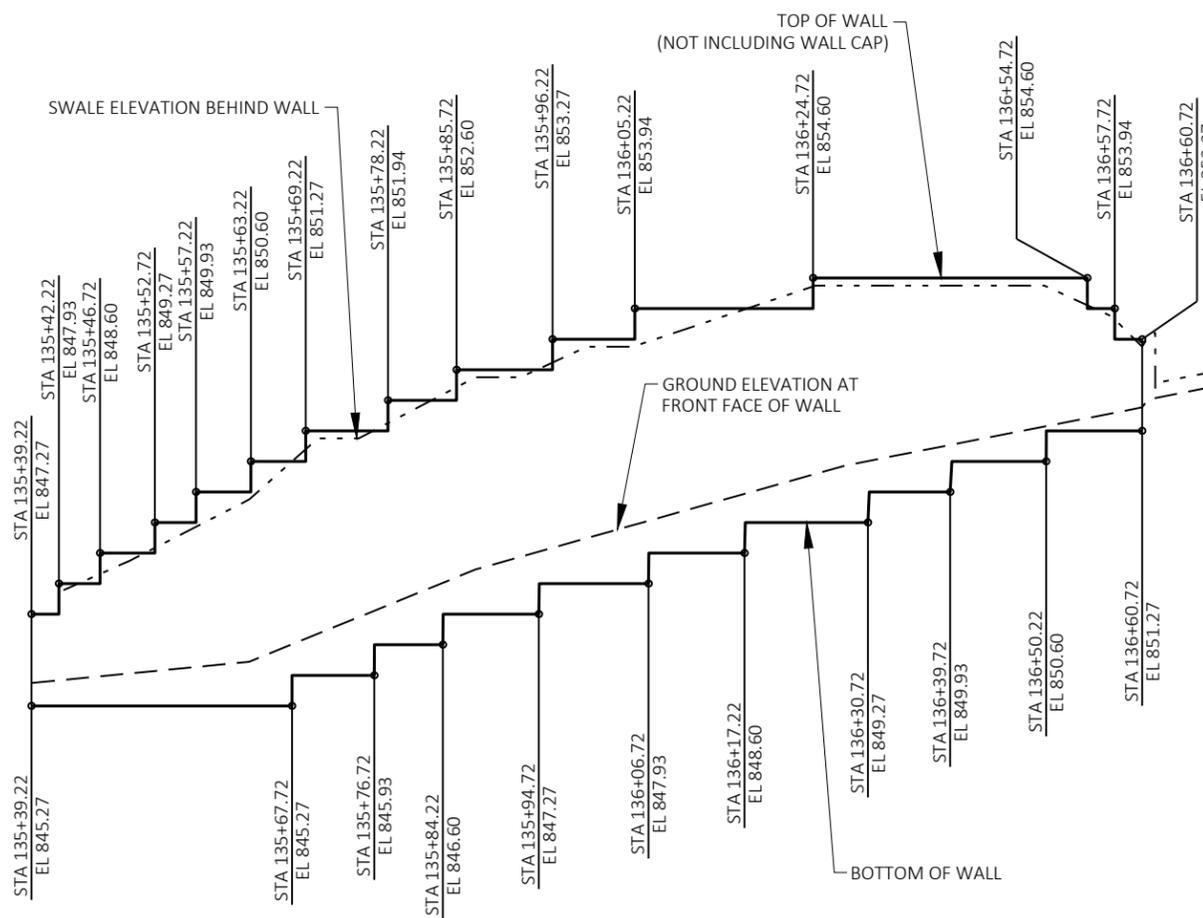
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RW-02



'RW3' - PLAN VIEW



'RW3' - ELEVATION VIEW

NOTE:
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VILLAGE OF ELM GROVE

RETAINING WALL PLANS

2026 PATHWAY

Project No: 25040-000
Date: 03-02-2026
Designed By: KL Engineering
Drafted By: JRM
Checked By: TB

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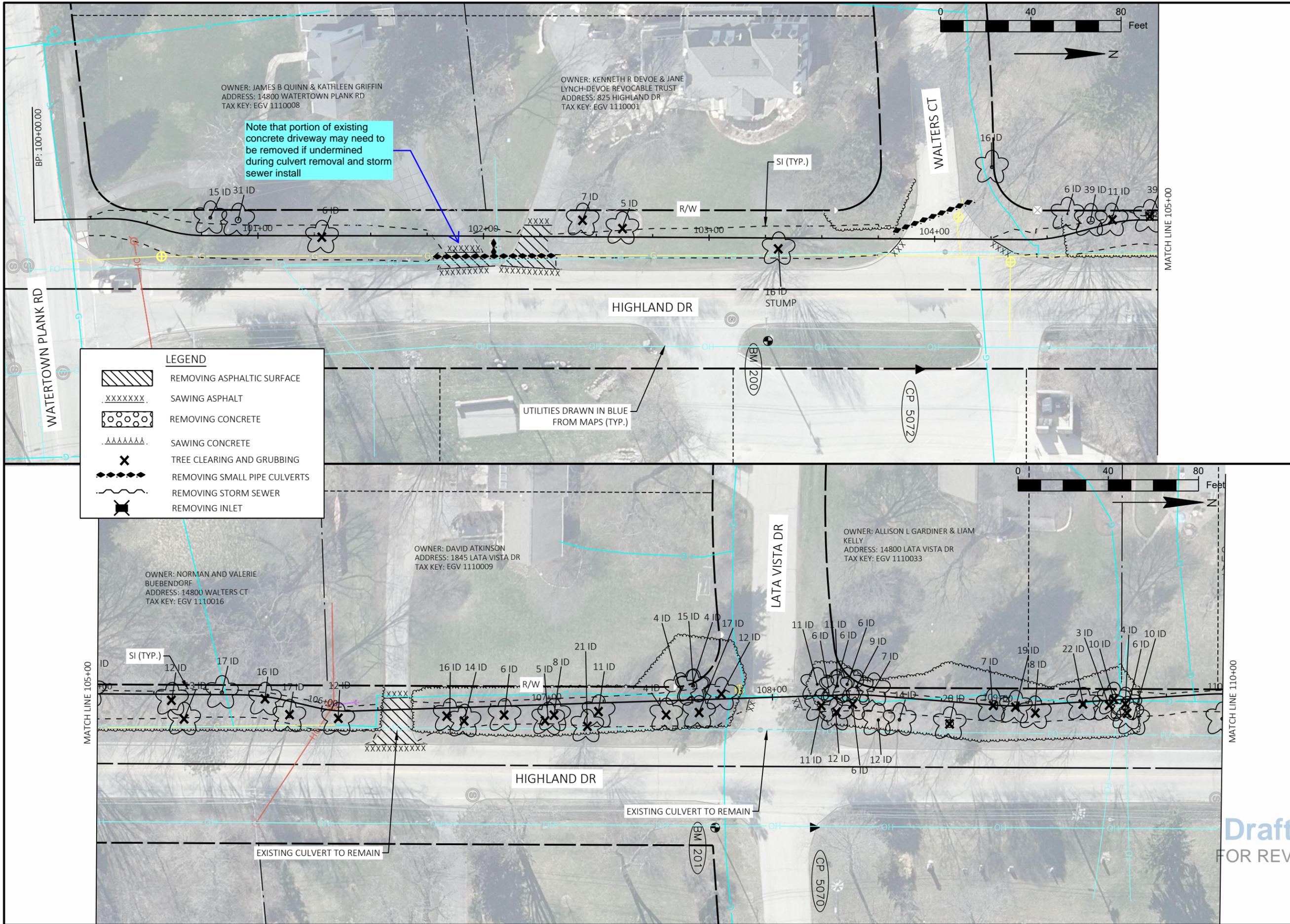
SHEET NO.

RW-03

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\021101-1-RM.DWG

PLOT DATE : 3/2/2026 4:46 PM

PLOT BY : ARIELLE LEWEN



Note that portion of existing concrete driveway may need to be removed if undermined during culvert removal and storm sewer install

LEGEND

- REMOVING ASPHALTIC SURFACE
- SAWING ASPHALT
- REMOVING CONCRETE
- SAWING CONCRETE
- TREE CLEARING AND GRUBBING
- REMOVING SMALL PIPE CULVERTS
- REMOVING STORM SEWER
- REMOVING INLET

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VILLAGE OF ELM GROVE
REMOVAL PLAN
 2026 PATHWAY

Project No: 25040-000
 Date: 03-02-2026
 Designed By: AGL
 Drafted By: TB
 Checked By: SDH

Revisions: XX-XX-XXXX

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RM-01

PLOT DATE: 3/2/2026 4:46 PM

PLOT BY: ARIELLE LEWEN

FILE NAME: G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\021101-1-RM.DWG



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VILLAGE OF ELM GROVE

REMOVAL PLAN

2026 PATHWAY

Project No: 25040-000

Date: 03-02-2026

Designed By: AGL

Drafted By: TB

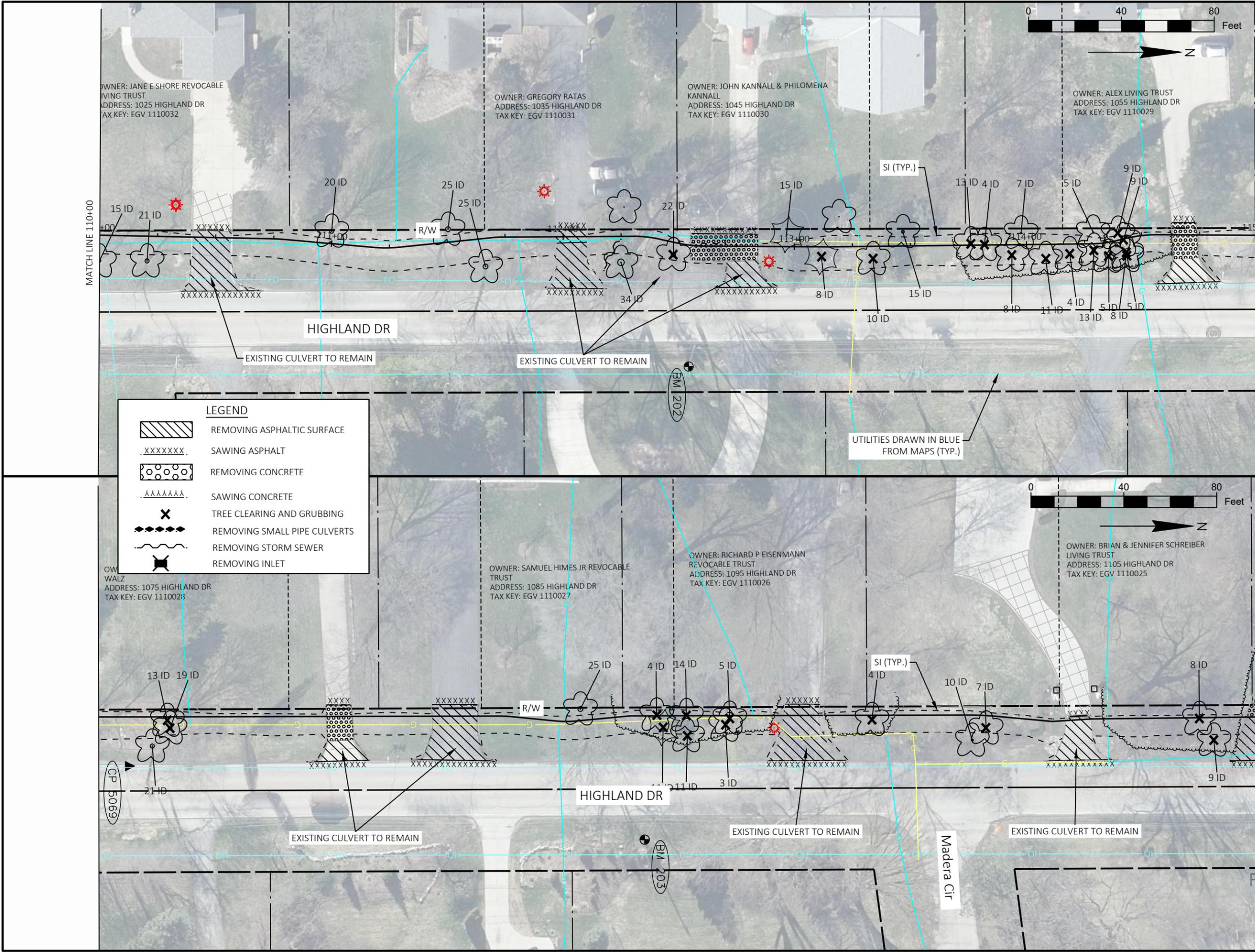
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RM-02

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LEGEND

- REMOVING ASPHALTIC SURFACE
- SAWING ASPHALT
- REMOVING CONCRETE
- SAWING CONCRETE
- TREE CLEARING AND GRUBBING
- REMOVING SMALL PIPE CULVERTS
- REMOVING STORM SEWER
- REMOVING INLET



MATCH LINE 115+00

MATCH LINE 110+00

BM 202

BM 203

OWNER: JANE E SHORE REVOCABLE LIVING TRUST
ADDRESS: 1025 HIGHLAND DR
TAX KEY: EGV 1110032

OWNER: GREGORY RATAS
ADDRESS: 1035 HIGHLAND DR
TAX KEY: EGV 1110031

OWNER: JOHN KANNALL & PHILOMENA KANNALL
ADDRESS: 1045 HIGHLAND DR
TAX KEY: EGV 1110030

OWNER: ALEX LIVING TRUST
ADDRESS: 1055 HIGHLAND DR
TAX KEY: EGV 1110029

OWNER: SAMUEL HIMES JR REVOCABLE TRUST
ADDRESS: 1085 HIGHLAND DR
TAX KEY: EGV 1110027

OWNER: RICHARD P EISENMANN REVOCABLE TRUST
ADDRESS: 1095 HIGHLAND DR
TAX KEY: EGV 1110026

OWNER: BRIAN & JENNIFER SCHREIBER LIVING TRUST
ADDRESS: 1105 HIGHLAND DR
TAX KEY: EGV 1110025

HIGHLAND DR

HIGHLAND DR

Madera Cir

EXISTING CULVERT TO REMAIN

UTILITIES DRAWN IN BLUE FROM MAPS (TYP.)

15 ID 21 ID

20 ID

25 ID

22 D

15 ID

13 ID 4 ID

7 ID 15 ID

9 ID 9 ID

15 ID 21 ID

20 ID

25 ID

22 D

15 ID

13 ID 4 ID

7 ID 15 ID

9 ID 9 ID

13 ID 19 ID

25 ID

4 ID 14 ID

5 ID

4 ID

10 ID 7 ID

8 ID

21 ID

25 ID

4 ID 14 ID

5 ID

4 ID

10 ID 7 ID

8 ID

21 ID

25 ID

4 ID 14 ID

5 ID

4 ID

10 ID 7 ID

8 ID

21 ID

25 ID

4 ID 14 ID

5 ID

4 ID

10 ID 7 ID

8 ID

21 ID

25 ID

4 ID 14 ID

5 ID

4 ID

10 ID 7 ID

8 ID



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VILLAGE OF ELM GROVE
REMOVAL PLAN
2026 PATHWAY

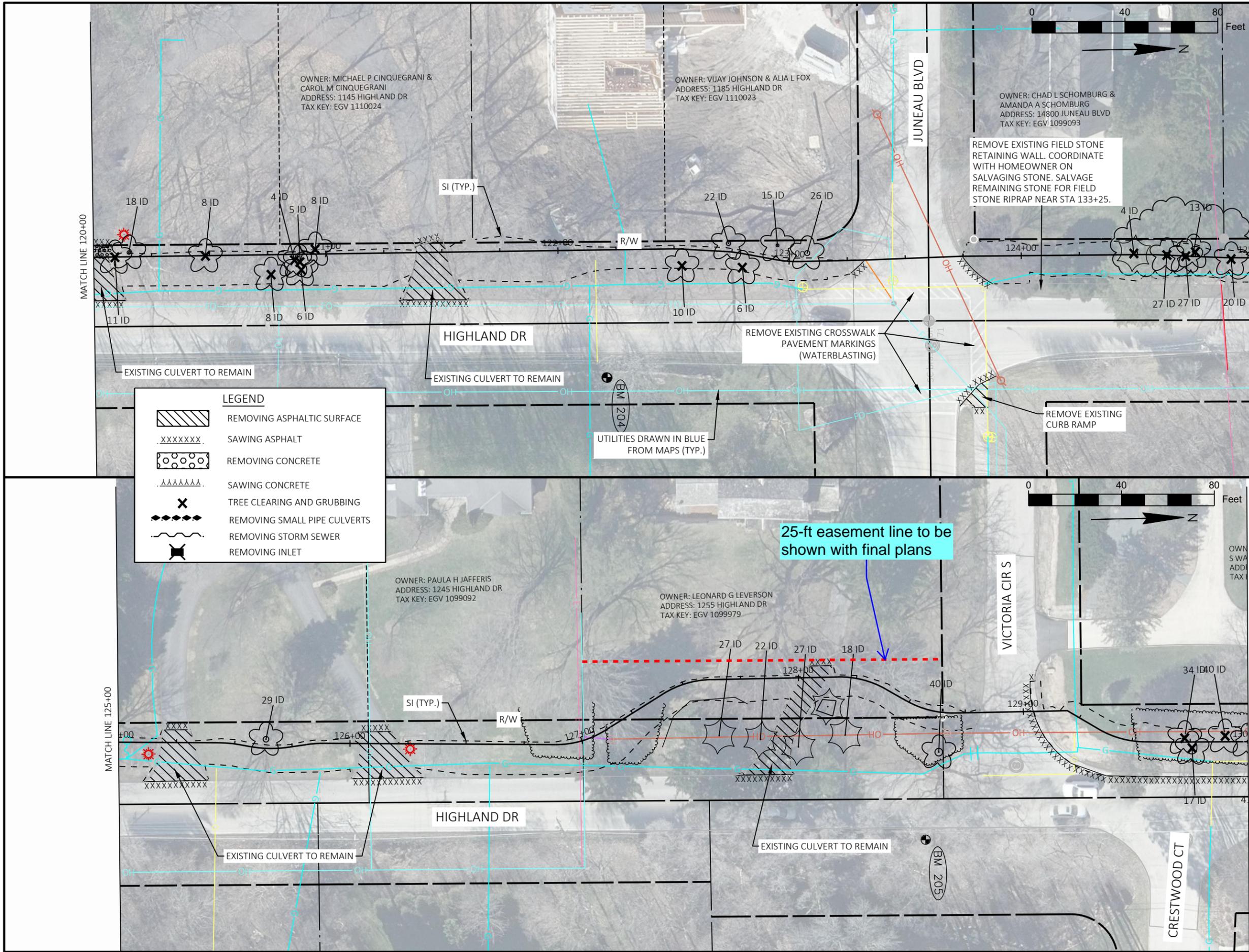
Project No: 25040-000
Date: 03-02-2025
Designed By: AGL
Drafted By: TB
Checked By: SDH

Revisions: XX-XX-XXXX

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RM-03



LEGEND

- REMOVING ASPHALTIC SURFACE
- SAWING ASPHALT
- REMOVING CONCRETE
- SAWING CONCRETE
- TREE CLEARING AND GRUBBING
- REMOVING SMALL PIPE CULVERTS
- REMOVING STORM SEWER
- REMOVING INLET



OWNER: MICHAEL P CINQUEGRANI & CAROL M CINQUEGRANI
ADDRESS: 1145 HIGHLAND DR
TAX KEY: EGV 1110024

OWNER: VIJAY JOHNSON & ALIA L FOX
ADDRESS: 1185 HIGHLAND DR
TAX KEY: EGV 1110023

OWNER: CHAD L SCHOMBURG & AMANDA A SCHOMBURG
ADDRESS: 14800 JUNEAU BLVD
TAX KEY: EGV 1099093

OWNER: PAULA H JAFFERIS
ADDRESS: 1245 HIGHLAND DR
TAX KEY: EGV 1099092

OWNER: LEONARD G LEVERSON
ADDRESS: 1255 HIGHLAND DR
TAX KEY: EGV 1099979

REMOVE EXISTING FIELD STONE RETAINING WALL. COORDINATE WITH HOMEOWNER ON SALVAGING STONE. SALVAGE REMAINING STONE FOR FIELD STONE RIPRAP NEAR STA 133+25.

REMOVE EXISTING CROSSWALK PAVEMENT MARKINGS (WATERBLASTING)

REMOVE EXISTING CURB RAMP

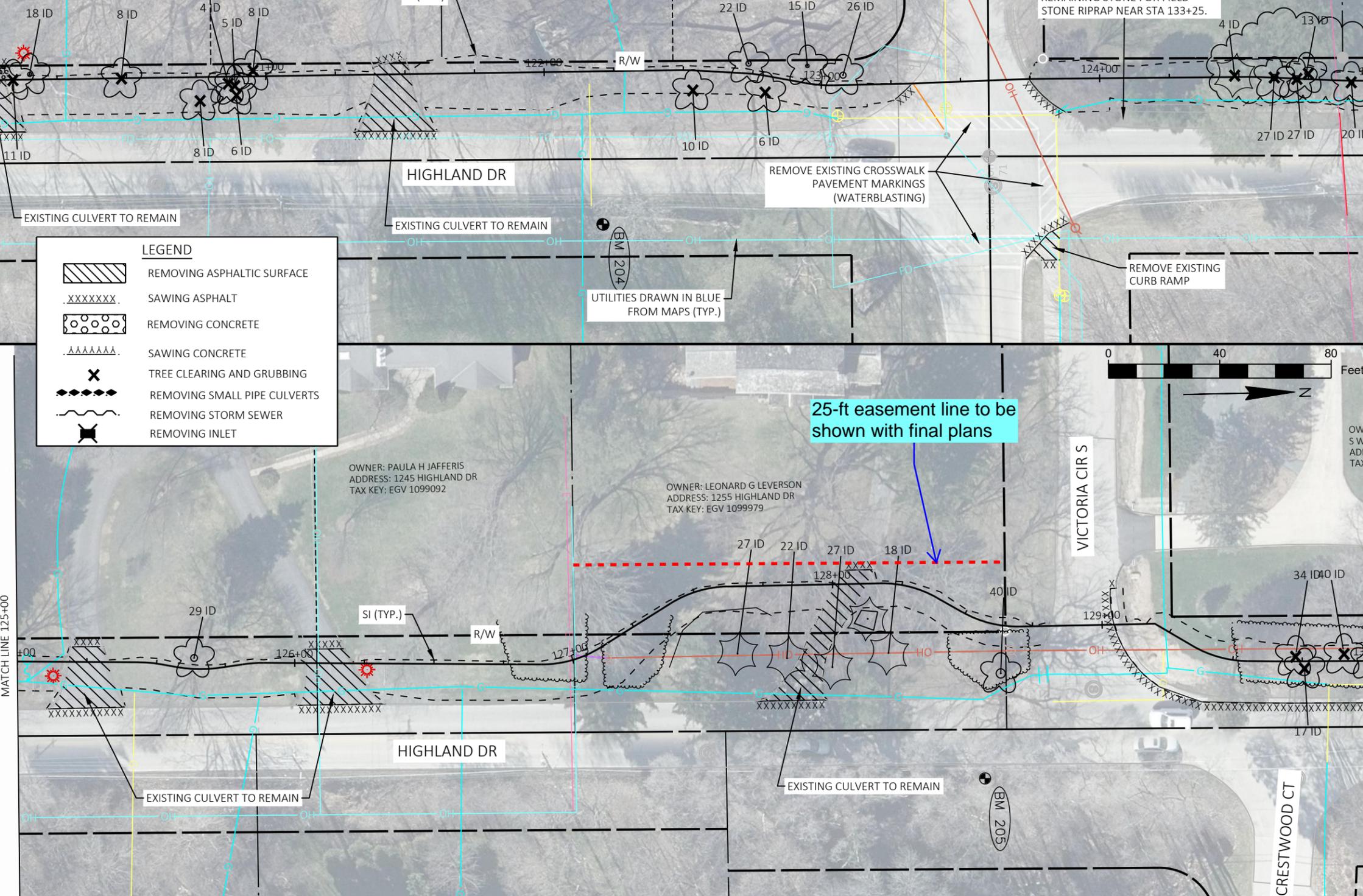
25-ft easement line to be shown with final plans

MATCH LINE 120+00

MATCH LINE 125+00

MATCH LINE 125+00

MATCH LINE 130+00



PLOT DATE: 3/2/2026 4:46 PM

PLOT BY: ARIELLE LEWIS

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



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VILLAGE OF ELM GROVE

REMOVAL PLAN

2026 PATHWAY

Project No: 25040-000

Date: 03-02-2026

Designed By: AGL

Drafted By: TB

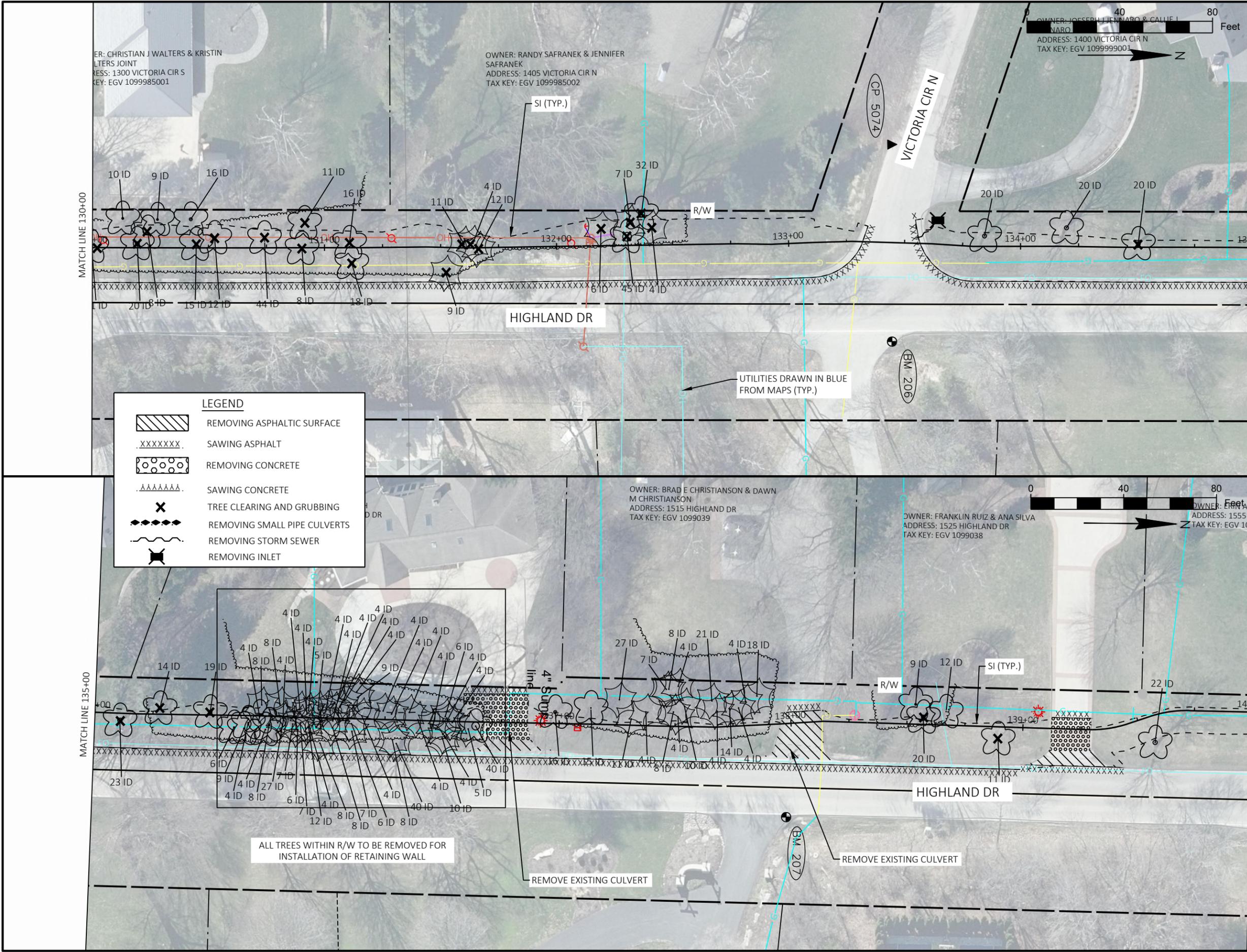
Checked By: SDH

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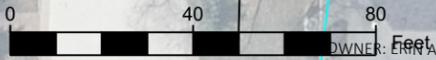
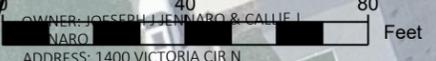
LEGEND

- REMOVING ASPHALTIC SURFACE
- SAWING ASPHALT
- REMOVING CONCRETE
- SAWING CONCRETE
- TREE CLEARING AND GRUBBING
- REMOVING SMALL PIPE CULVERTS
- REMOVING STORM SEWER
- REMOVING INLET

ALL TREES WITHIN R/W TO BE REMOVED FOR INSTALLATION OF RETAINING WALL

REMOVE EXISTING CULVERT

REMOVE EXISTING CULVERT



OWNER: JOSEPH J. NARRO & CALIE J. NARRO
ADDRESS: 1400 VICTORIA CIR N
TAX KEY: EGV 1099999001

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

OWNER: BRAD E CHRISTIANSON & DAWN M CHRISTIANSON
ADDRESS: 1515 HIGHLAND DR
TAX KEY: EGV 1099039

OWNER: FRANKLIN RUIZ & ANA SILVA
ADDRESS: 1525 HIGHLAND DR
TAX KEY: EGV 1099038

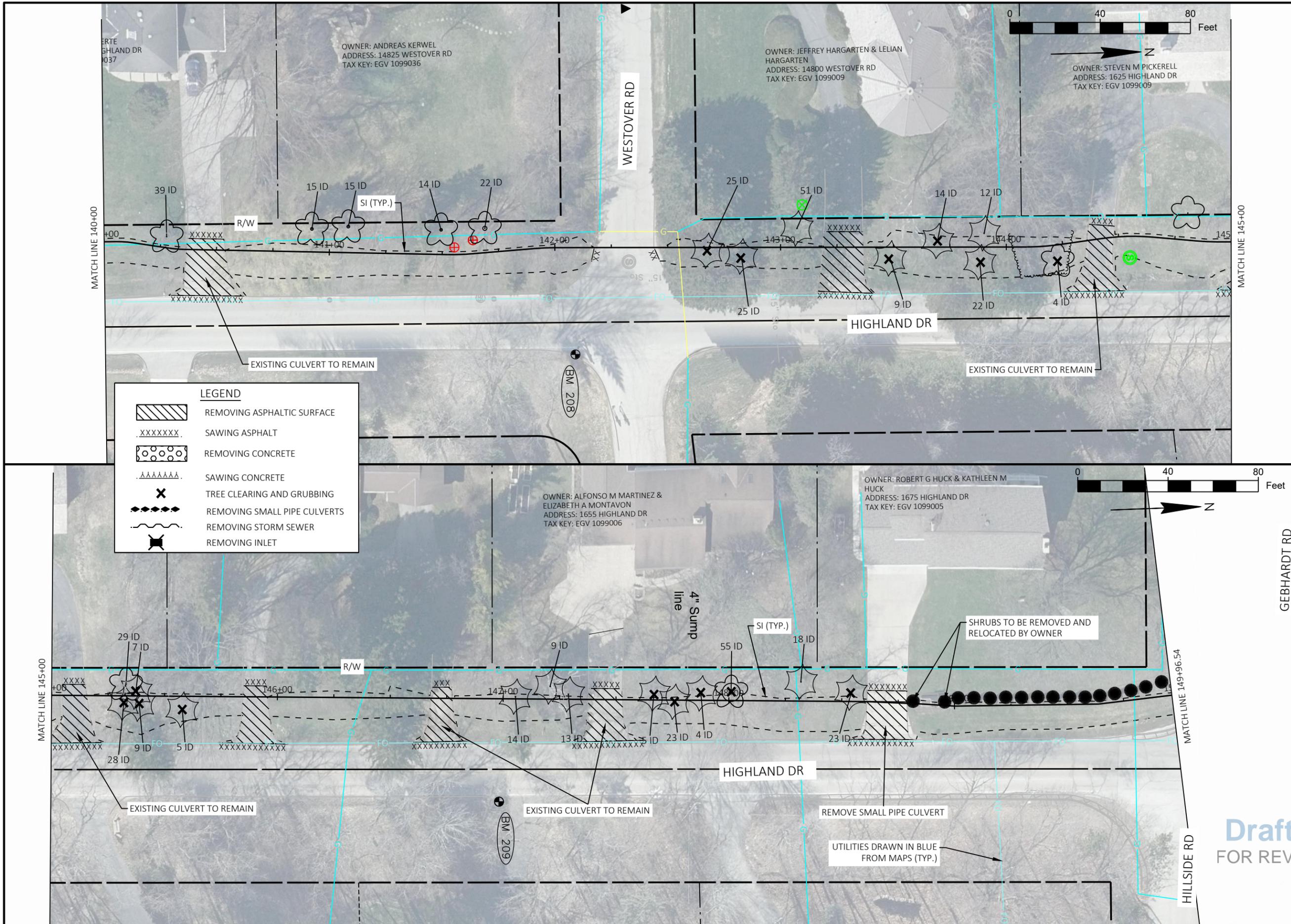
OWNER: FRANKLIN RUIZ & ANA SILVA
ADDRESS: 1555 HIGHLAND DR
TAX KEY: EGV 1099038

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

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PLOT DATE: 3/2/2026 4:46 PM

PLOT BY: ARIELLE LEWEN



LEGEND	
	REMOVING ASPHALTIC SURFACE
	SAWING ASPHALT
	REMOVING CONCRETE
	SAWING CONCRETE
	TREE CLEARING AND GRUBBING
	REMOVING SMALL PIPE CULVERTS
	REMOVING STORM SEWER
	REMOVING INLET

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VILLAGE OF ELM GROVE
PLAN & PROFILE
2026 PATHWAY

Project No: 25040-000
 Date: 03-02-2026
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 Checked By: SDH

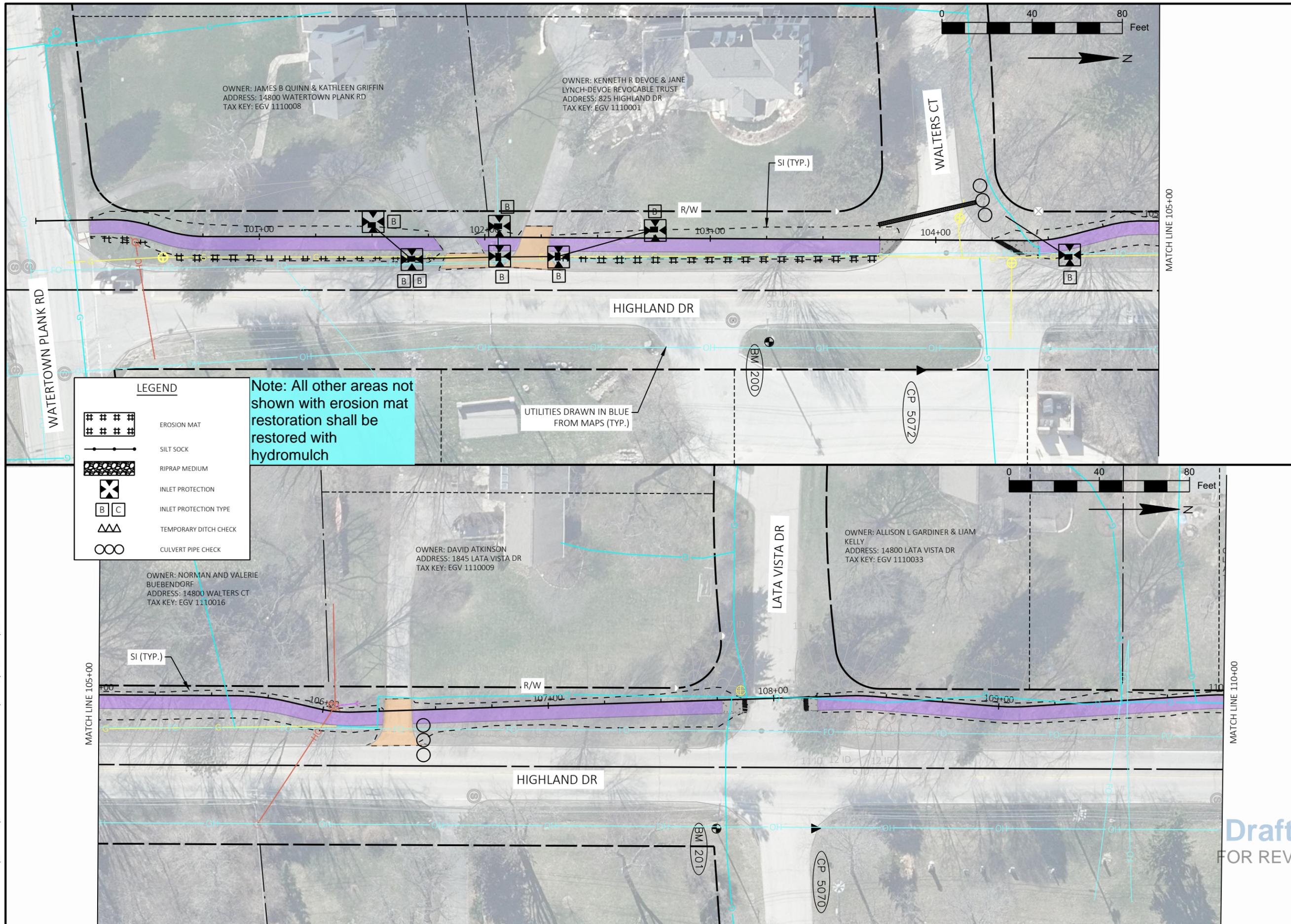
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FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\022001-EC.DWG

PLOT DATE : 3/2/2026 4:50 PM

PLOT BY : ARIELLE LEWEN



LEGEND

	EROSION MAT
	SILT SOCK
	RIPRAP MEDIUM
	INLET PROTECTION
	INLET PROTECTION TYPE
	TEMPORARY DITCH CHECK
	CULVERT PIPE CHECK

Note: All other areas not shown with erosion mat restoration shall be restored with hydromulch

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VILLAGE OF ELM GROVE
EROSION CONTROL PLAN
2026 PATHWAY

Project No: 25040-000
Date: 03-02-2026
Designed By: AGL
Drafted By: TB
Checked By: SDH

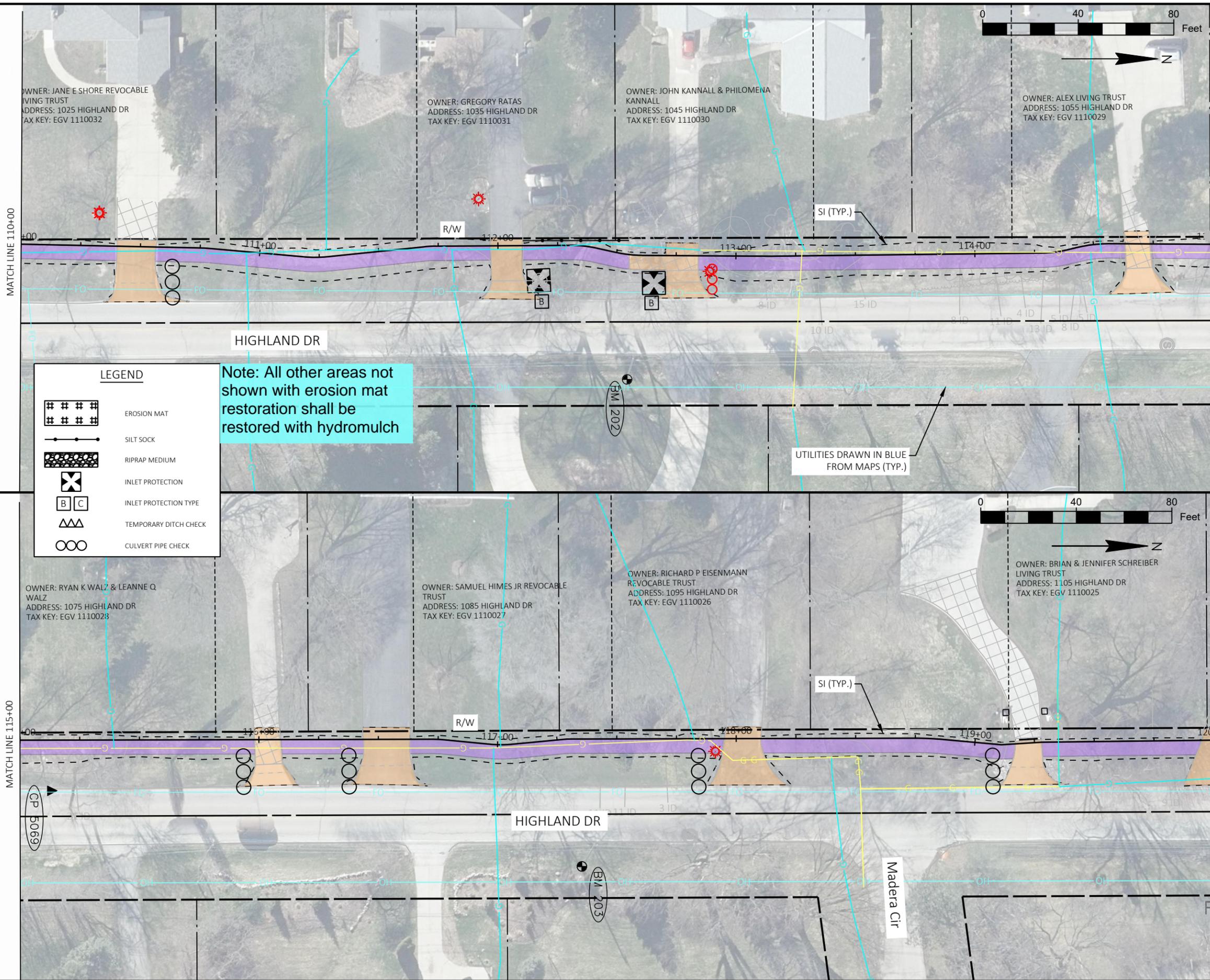
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EC-01

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PLOT DATE : 3/2/2026 4:50 PM

PLOT BY : ARIELLE LEWIS



LEGEND

	EROSION MAT
	SILT SOCK
	RIPRAP MEDIUM
	INLET PROTECTION
	INLET PROTECTION TYPE
	TEMPORARY DITCH CHECK
	CULVERT PIPE CHECK

Note: All other areas not shown with erosion mat restoration shall be restored with hydromulch

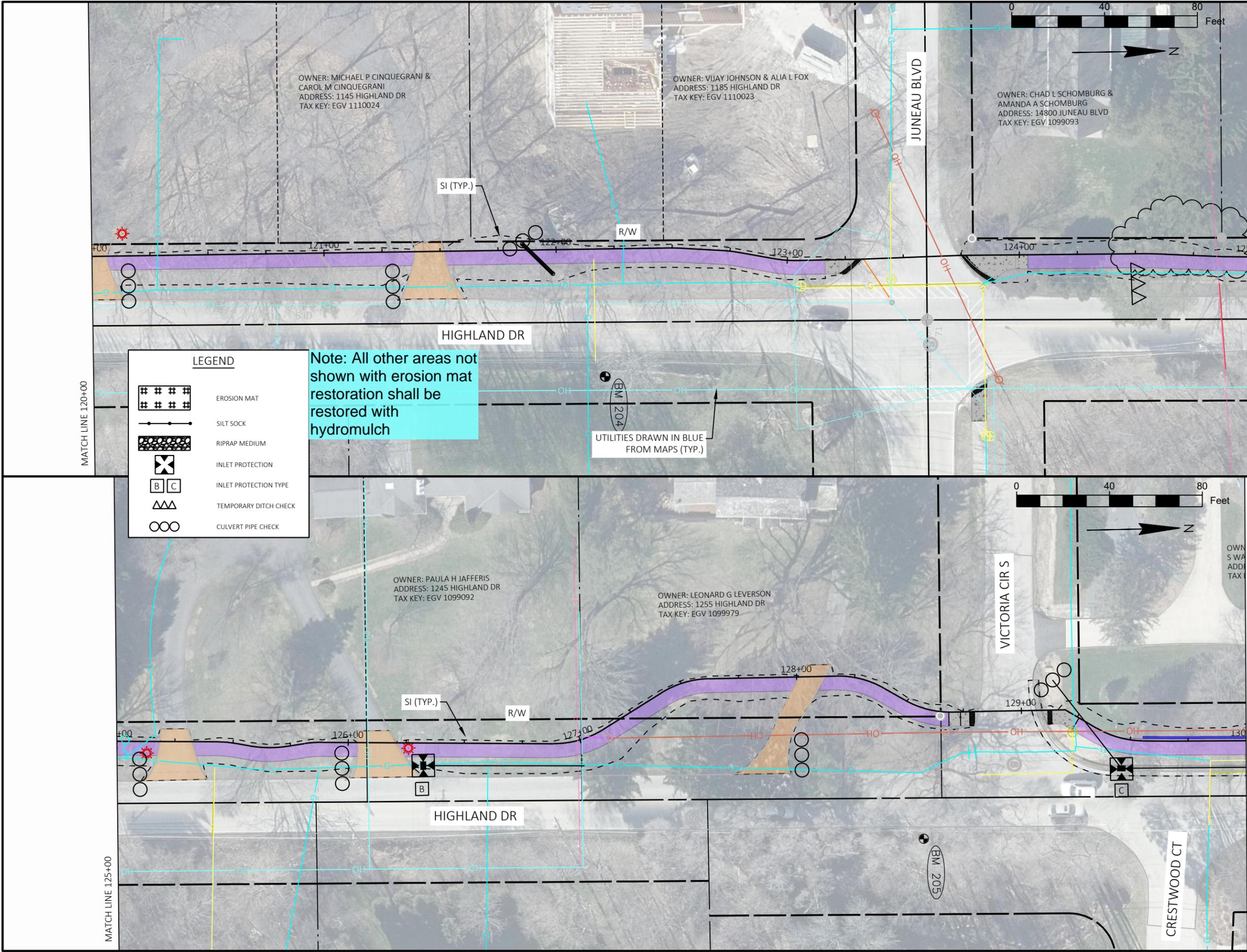
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VILLAGE OF ELM GROVE
EROSION CONTROL PLAN
 2026 PATHWAY

Project No: 25040-000
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VILLAGE OF ELM GROVE
EROSION CONTROL PLAN
 2026 PATHWAY

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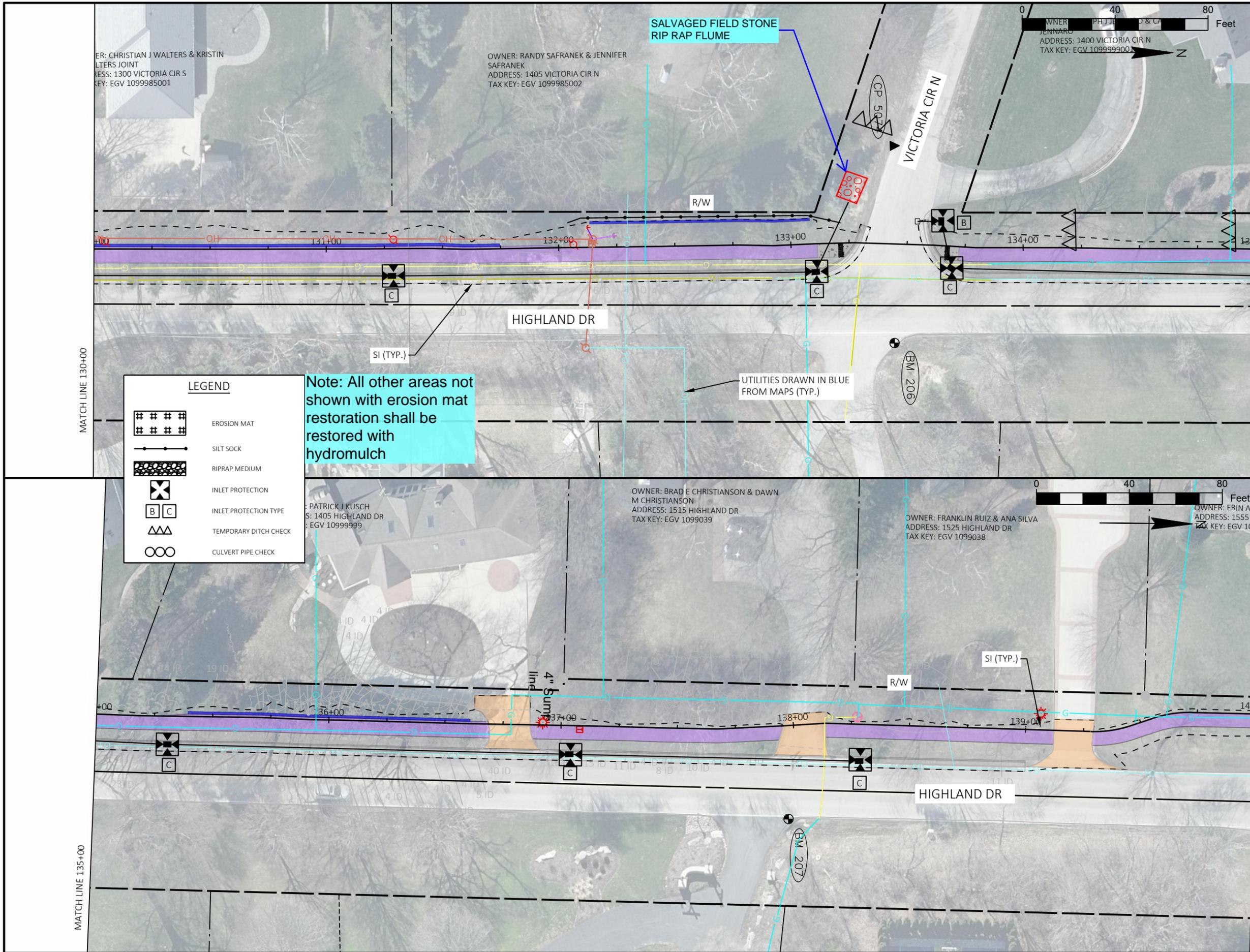
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PLOT BY: ARIELLE LEWEN



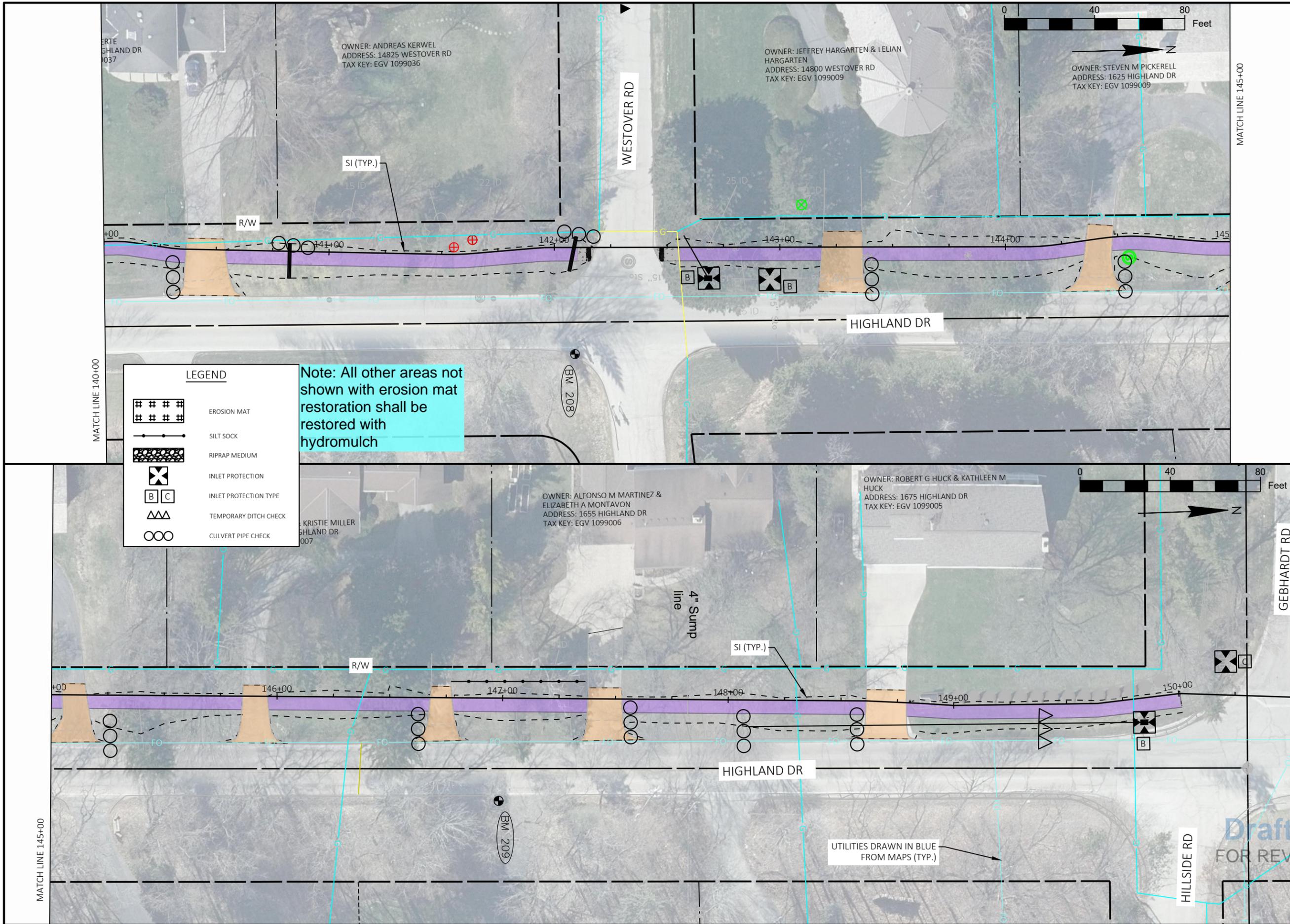
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VILLAGE OF ELM GROVE
EROSION CONTROL PLAN
2026 PATHWAY

Project No: 25040-000
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LEGEND

	EROSION MAT
	SILT SOCK
	RIPRAP MEDIUM
	INLET PROTECTION
	INLET PROTECTION TYPE
	TEMPORARY DITCH CHECK
	CULVERT PIPE CHECK

Note: All other areas not shown with erosion mat restoration shall be restored with hydromulch

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VILLAGE OF ELM GROVE
EROSION CONTROL 2026 PATHWAY

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FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\025100 - TC.DWG
 PLOT BY : ARIELLE LEWEN
 PLOT DATE : 3/2/2026 5:10 PM

TRAFFIC CONTROL GENERAL NOTES:

- ANY SIGNS, TEMPORARY OR EXISTING, WHICH CONFLICT WITH TRAFFIC CONTROL "IN USE" SHALL BE REMOVED OR COVERED AS NEEDED AND AS APPROVED BY THE ENGINEER. REMOVING/REPLACING OR COVERING/UNCOVERING SIGNS WILL BE INCIDENTAL TO OTHER TRAFFIC CONTROL ITEMS.
- "WO" SIGNS ARE THE SAME AS "W" SIGNS EXCEPT THE BACKGROUND IS REFLECTIVE ORANGE.
- CONSIDER GEOMETRICS WHEN LOCATING TRAFFIC CONTROL DEVICES SO THE DRIVER HAS A CLEAR VIEW OF THE DEVICES.
- CONSIDER GEOMETRICS WHEN PARKING EQUIPMENT OR STOCKPILING MATERIAL, MAINTAINING ADEQUATE SITE DISTANCES FOR DRIVEWAYS AND SIDE ROADS THROUGHOUT THE CORRIDOR.
- ALL CONSTRUCTION MATERIALS, EQUIPMENT, STOCKPILES, EXCAVATIONS, OBSTRUCTIONS, DROP-OFFS, AND OTHER POTENTIAL HAZARDS LOCATED WITHIN THE PROJECT LIMITS SHALL BE DELINEATED WITH TRAFFIC DRUMS OR BARRICADES.
- IF SIGNS ARE IN PLACE LESS THAN 7 CONTINUOUS DAYS AND NIGHTS, THE ADVANCED WARNING SIGNS MAY BE MOUNTED ON PORTABLE SUPPORTS WITH A MINIMUM 5' MOUNTING HEIGHT.
- ALL TRAFFIC CONTROL SIGNING SHALL CONFORM TO: PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE WISCONSIN SUPPLEMENT TO THE MUTCD, TRAFFIC ENGINEERING, OPERATIONS AND SAFETY MANUAL, AND OTHER CONTRACT DOCUMENTS.
- THE TURNING OF TRAFFIC CONTROL DEVICES WHEN NOT IN USE TO OBSCURE THE MESSAGE WILL NOT BE ALLOWED.
- MOVE, REMOVE, OR INSTALL ROUTE MARKER SIGNS AS REQUIRED TO MAINTAIN NECESSARY ROUTE GUIDANCE THROUGHOUT CONSTRUCTION.
- CONTRACTORS EQUIPMENT AND MATERIAL STOCKPILES MAY NOT BE STORED WITHIN THE CONSTRUCTION CLEAR ZONE WHILE THE CONTRACTOR IS NOT WORKING, UNLESS THEY ARE PROTECTED BY CONCRETE BARRIER TEMPORARY PRECAST.

MAINTENANCE OF TRAFFIC

- ACCESS TO ALL RESIDENTS SHALL BE MAINTAINED AT ALL TIMES. IF SHORT TERM IMPACTS ARE ANTICIPATED, CONTRACTOR SHALL COORDINATE DIRECTLY WITH HOMEOWNER AT LEAST 24 HOURS IN ADVANCE.
- ACCESS FOR MAIL DELIVERY AND GARBAGE PICKUP SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- DURING CLEARING AND GRUBBING OPERATIONS, UTILIZE FLAGGING OPERATIONS TO SAFELY FELL AND REMOVE TREES. FLAGGING SHALL BE INCIDENTAL TO TRAFFIC CONTROL ITEM.

CONSTRUCTION TO BE COMPLETED

- PATHWAY**
- CONSTRUCT PATHWAY, STORM SEWER, RETAINING WALLS, AND PAVEMENT MARKING ALONG HIGHLAND DRIVE.

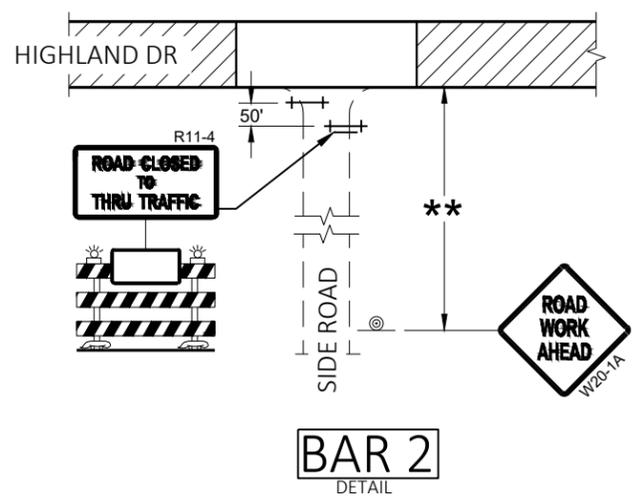
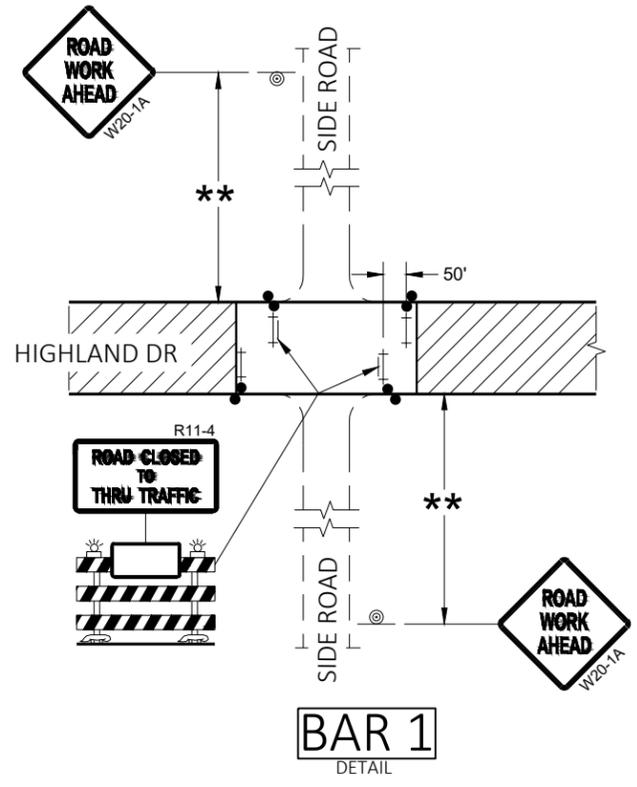
NOTES

REFER TO THE FOLLOWING TRAFFIC CONTROL DETAILS, AS WELL AS STANDARD DETAIL DRAWINGS FOR TRAFFIC CONTROL DEVICES AS NECESSARY, UNLESS OTHERWISE DIRECTED BY THE ENGINEER:

- TRAFFIC CONTROL, BARRICADES AND SIGNS FOR SIDE ROAD CLOSURES; 15C03
- TRAFFIC CONTROL FOR LANE CLOSURE WITH FLAGGING OPERATION; 15C12-a
- SEE TRAIL CLOSURE BARRICADE DETAIL IFOR BARRICADES TO BE PLACED AT ALL SIDE ROAD INTERSECTIONS DURING CONSTRUCTION

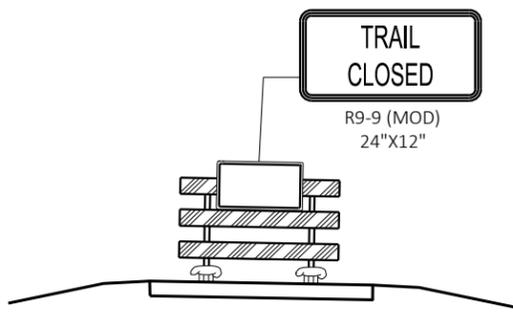
FOR ALTERNATE WORK LOCATED AT WATERTOWN PLANK, UTILIZE WISDOT SDD 15D28; TRAFFIC CONTROL, WORK ON SHOULDER OR PARKING LANE, UNDIVIDED ROADWAY

BARRICADE CLOSURE DETAILS



TRAFFIC CONTROL LEGEND

- SIGN ON PERMANENT SUPPORT
- TYPE III BARRICADE
- TYPE III BARRICADE WITH ATTACHED SIGN
- TYPE "A" WARNING LIGHT (FLASHING)
- DRUM
- WORK AREA



TRAIL CLOSURE BARRICADE DETAIL
PLACE AT EACH ROADWAY CROSSING IN EACH DIRECTION

** 500' MAX. OR AT LAST INTERSECTION, WHICHEVER IS CLOSEST.



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VILLAGE OF ELM GROVE
 TRAFFIC CONTROL
 2026 PATHWAY

Project No: 25040-000
 Date: 03-02-2026
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Revisions: XX-XX-XXXX

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TC-01

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VILLAGE OF ELM GROVE
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TC-02

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PLOT BY : ARIELLE LEWEN



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VILLAGE OF ELM GROVE

TRAFFIC CONTROL

2026 PATHWAY

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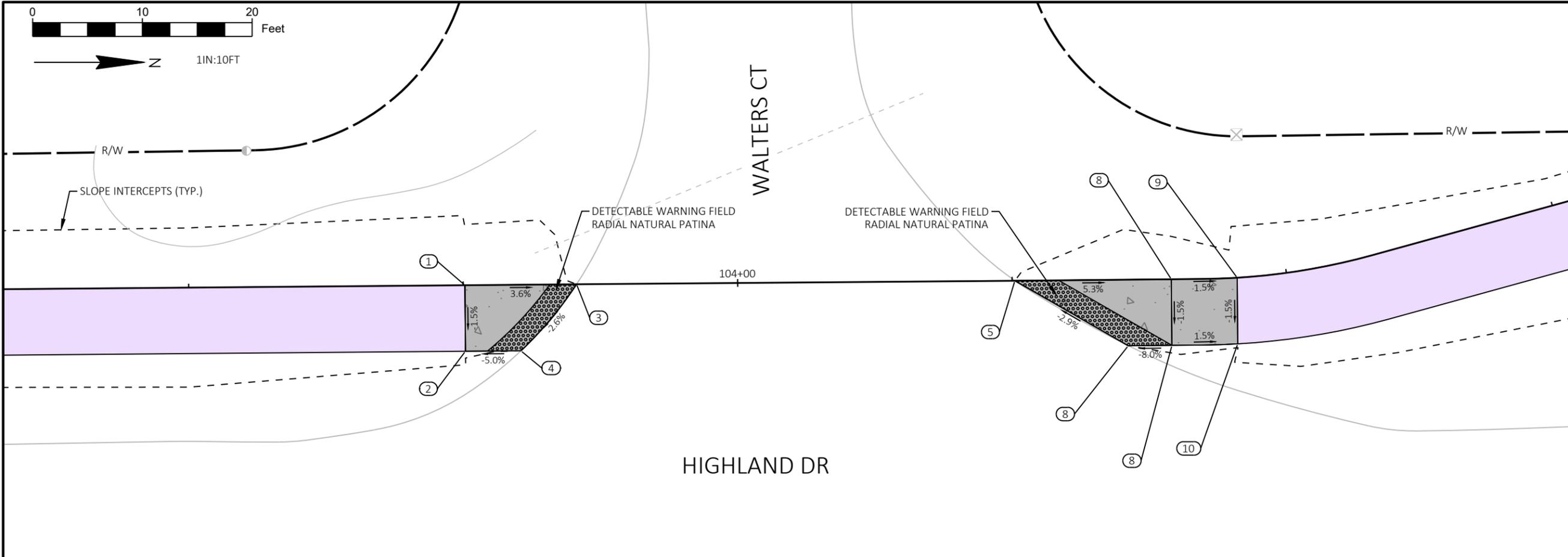
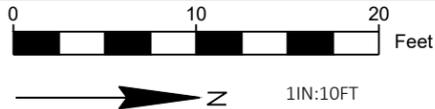
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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
 2026 PATHWAY

Curb Ramp 1					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
1	103+75.16	0.00' RT	845.74	171672.80	719285.64
2	103+75.16	6.00' RT	845.65	171672.71	719291.64
3	103+85.33	0.00'	846.10	171682.97	719285.79
4	103+80.21	6.00' RT	845.90	171677.76	719291.71

Curb Ramp 2					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
5	104+25.25	0.00'	847.79	171722.89	719286.41
8	104+35.52	6.00' RT	848.14	171733.07	719292.55
8	104+39.49	6.00' RT	848.45	171737.04	719292.61
8	104+39.50	0.00'	848.54	171737.13	719286.61
9	104+45.50	0.00'	848.63	171743.13	719286.61
10	104+45.22	5.99' RT	848.54	171743.04	719292.61

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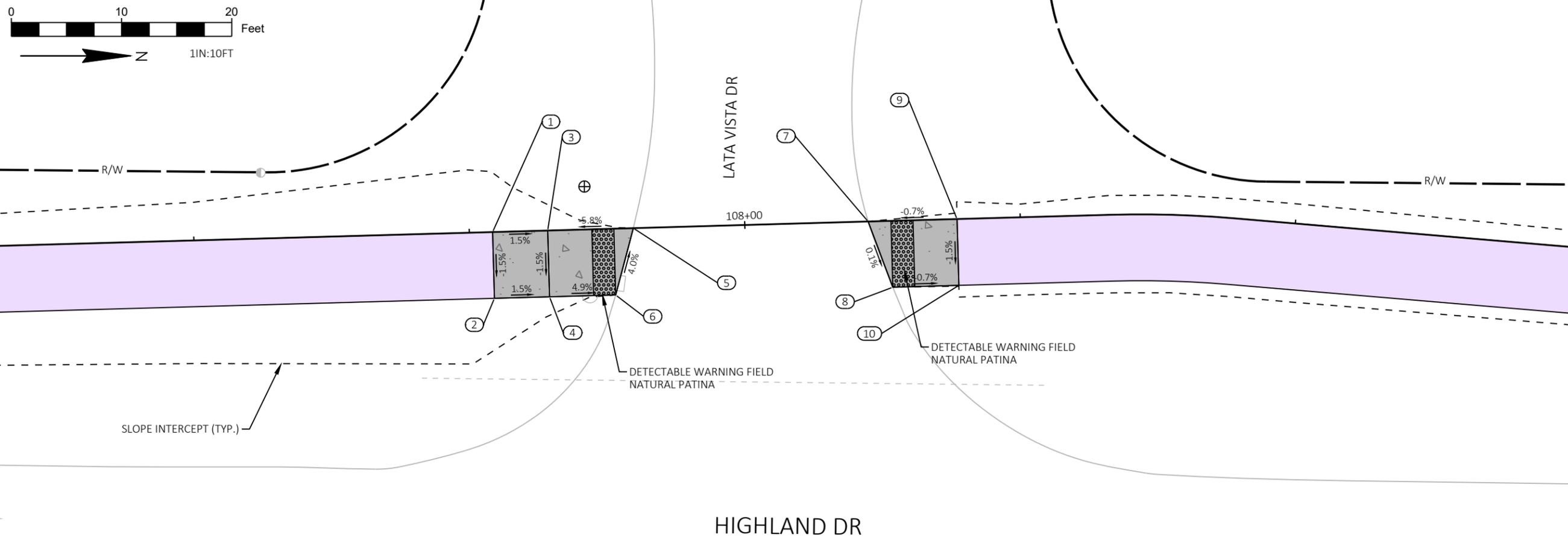
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PLOT DATE: 3/2/2026 5:03 PM

PLOT BY: ARIELLE LEWIS



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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
2026 PATHWAY

Curb Ramp 3					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
1	107+77.11	0.00' RT	874.16	172073.09	719282.05
2	107+77.11	6.00' RT	874.07	172073.26	719288.04
3	107+82.11	0.00'	874.24	172078.09	719281.91
4	107+82.11	6.00' RT	874.15	172078.26	719287.90
5	107+89.88	0.00'	874.69	172085.86	719281.69
6	107+88.11	6.00' RT	874.44	172084.26	719287.74

Curb Ramp 4					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
7	108+11.20	0.00'	875.02	172107.17	719281.10
8	108+13.27	6.00' RT	875.03	172109.40	719287.04
9	108+19.27	0.00'	875.07	172115.23	719280.87
10	108+19.27	6.00' RT	874.98	172115.40	719286.87

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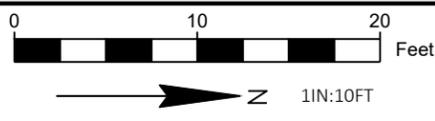
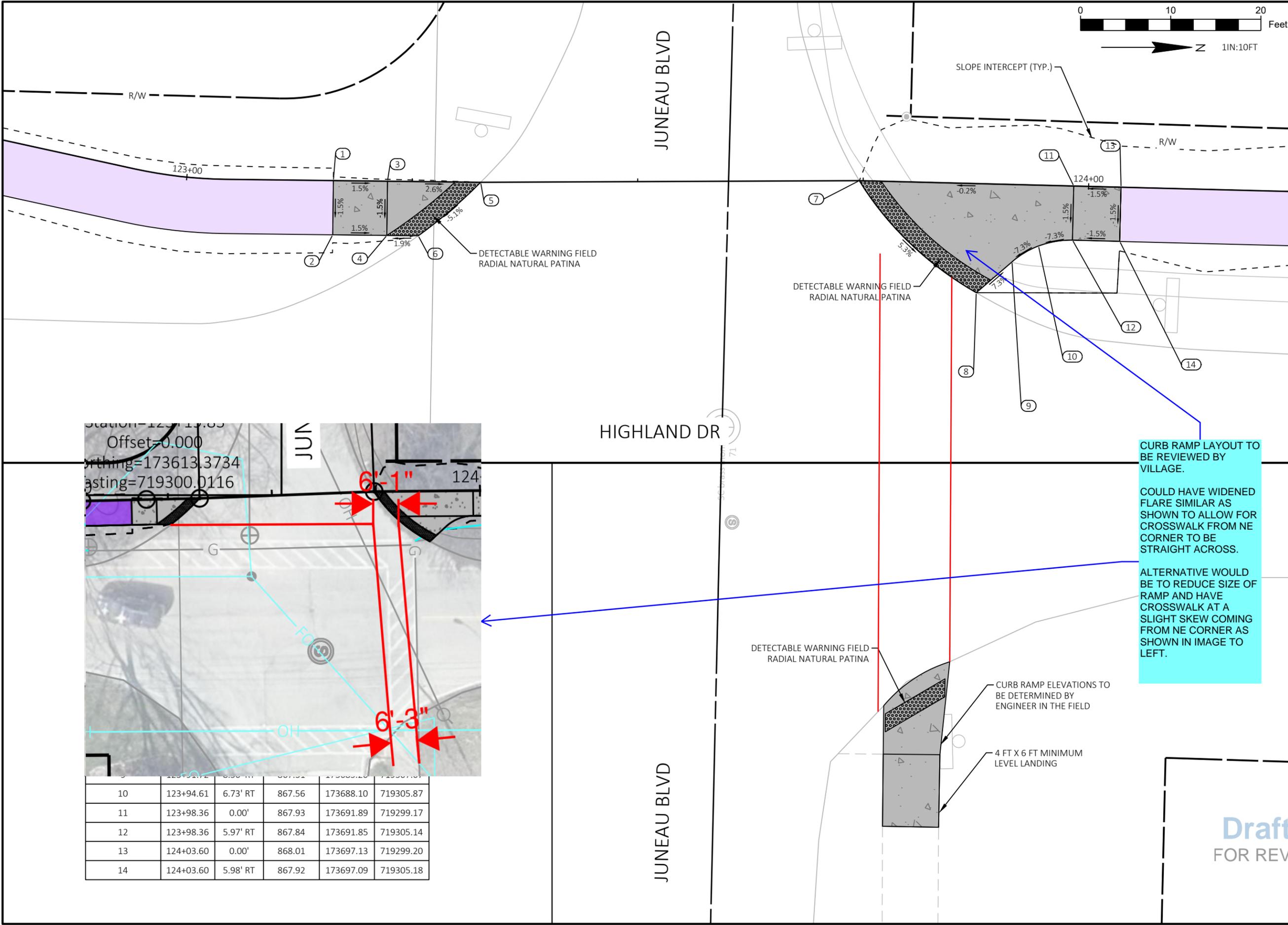
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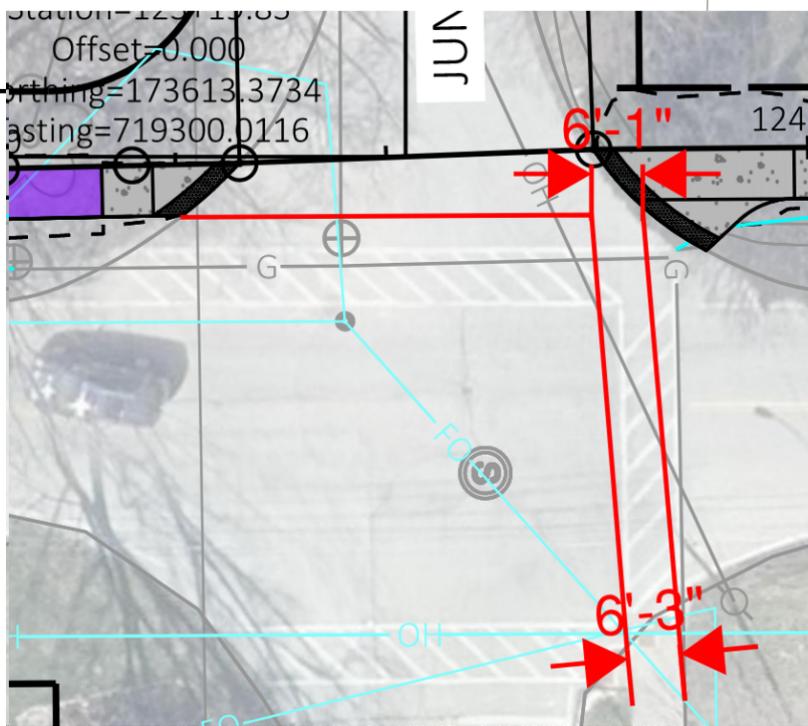
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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
 2026 PATHWAY



CURB RAMP LAYOUT TO BE REVIEWED BY VILLAGE.

COULD HAVE WIDENED FLARE SIMILAR AS SHOWN TO ALLOW FOR CROSSWALK FROM NE CORNER TO BE STRAIGHT ACROSS.

ALTERNATIVE WOULD BE TO REDUCE SIZE OF RAMP AND HAVE CROSSWALK AT A SLIGHT SKEW COMING FROM NE CORNER AS SHOWN IN IMAGE TO LEFT.

10	123+94.61	6.73' RT	867.56	173688.10	719305.87
11	123+98.36	0.00'	867.93	173691.89	719299.17
12	123+98.36	5.97' RT	867.84	173691.85	719305.14
13	124+03.60	0.00'	868.01	173697.13	719299.20
14	124+03.60	5.98' RT	867.92	173697.09	719305.18

DETECTABLE WARNING FIELD RADIAL NATURAL PATINA

CURB RAMP ELEVATIONS TO BE DETERMINED BY ENGINEER IN THE FIELD

4 FT X 6 FT MINIMUM LEVEL LANDING

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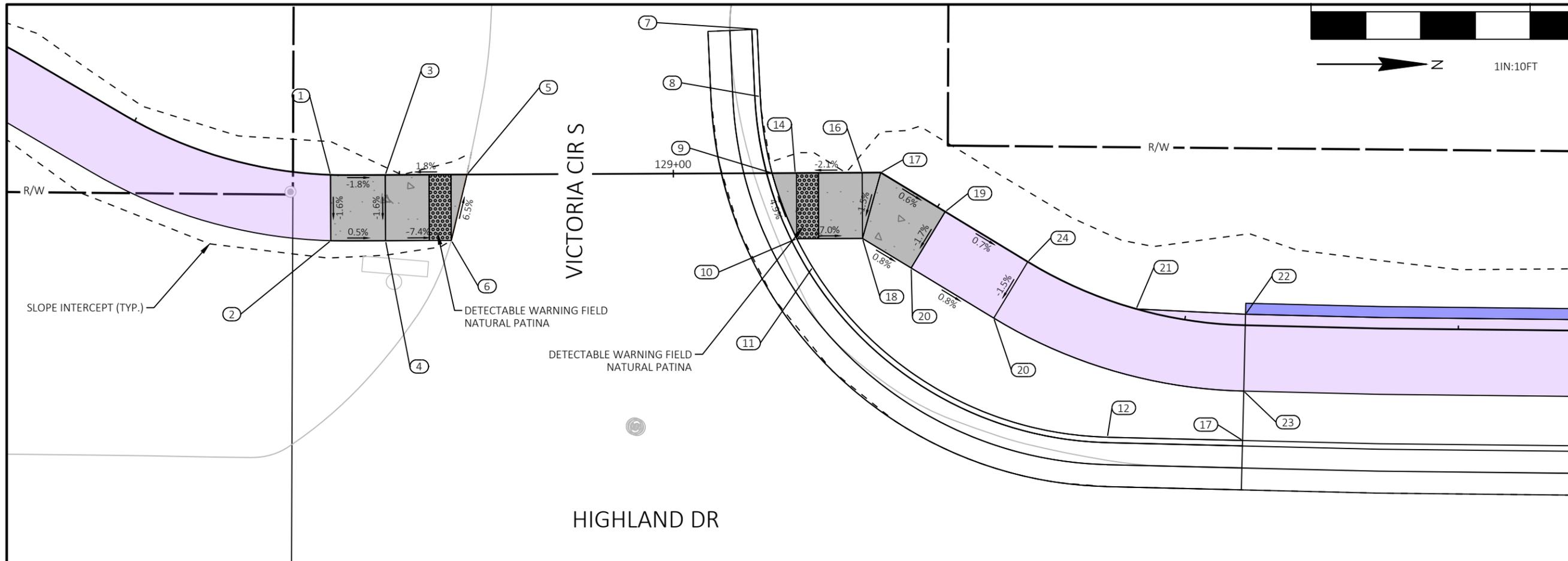
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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
 2026 PATHWAY

Curb Ramp 7

POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
1	128+68.70	0.00' RT	859.96	174152.07	719296.55
2	128+68.90	6.00' RT	859.75	174152.07	719302.55
3	128+73.70	0.00' LT	859.87	174157.07	719296.58
4	128+73.70	6.00' RT	859.78	174157.07	719302.58
5	128+81.17	0.00'	859.74	174164.54	719296.58
6	128+79.70	6.00' RT	859.34	174163.07	719302.58

Curb Ramp 8

POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
7	129+07.72	13.12' LT	860.97	174191.09	719283.47
8	129+07.97	6.98' LT	860.56	174191.34	719289.60
9	129+09.02	0.00'	859.79	174192.39	719296.59
10	129+11.24	5.98' RT	859.48	174194.61	719302.57
11	129+12.67	8.61' RT	859.82	174196.05	719305.19
12	129+45.94	11.97' RT	858.97	174222.88	719320.80
14	129+11.13	0.00' RT	859.83	174194.50	719296.59
16	129+17.25	0.00'	859.96	174200.62	719296.58
17	129+55.54	10.50' RT	858.59	174235.22	719321.15
17	129+18.94	0.00'	859.99	174202.31	719296.58
18	129+17.24	6.00' RT	859.90	174200.61	719302.58
19	129+25.82	0.00'	860.04	174208.17	719300.17
20	129+25.82	6.00' RT	859.94	174205.04	719305.29
20	129+34.63	6.00' RT	860.01	174212.56	719309.89
21	129+45.45	0.00' LT	860.17	174225.56	719309.12
22	129+55.55	1.00' LT	859.82	174235.54	719309.66
23	129+55.55	6.00' RT	859.71	174235.35	719316.65
24	129+34.63	0.00'	860.10	174215.69	719304.78

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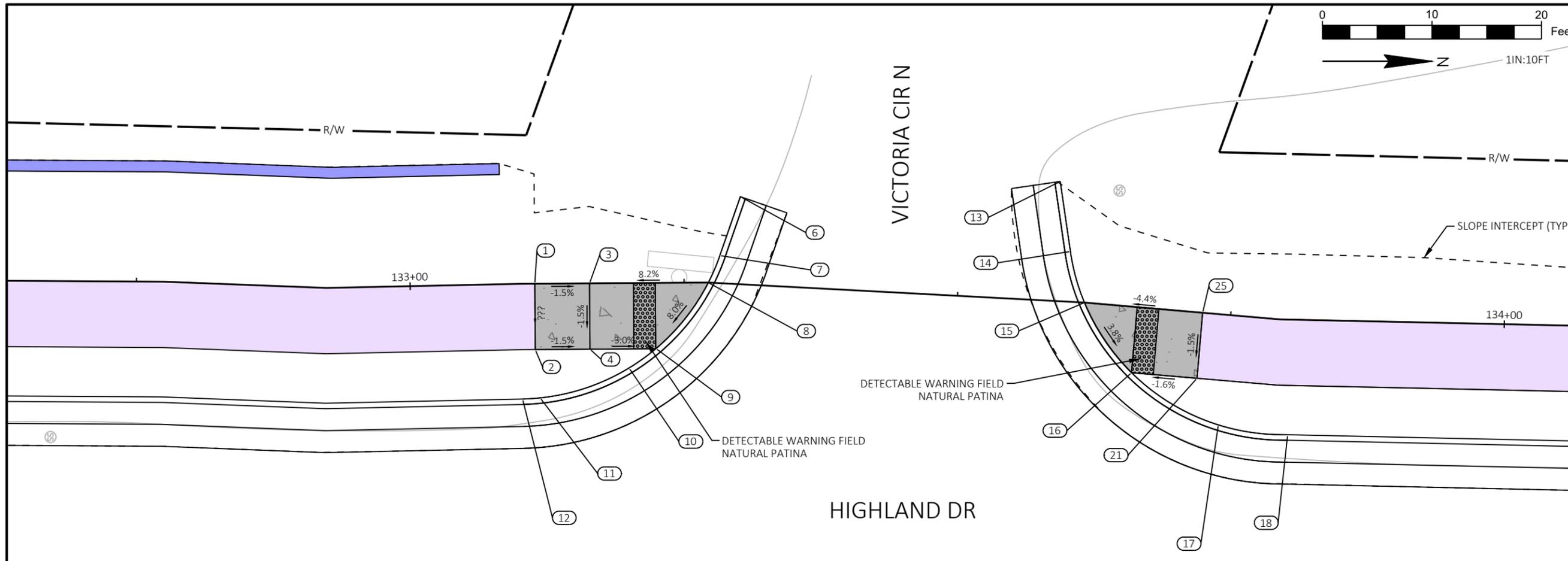
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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
 2026 PATHWAY

Curb Ramp 9					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
1	133+11.38	0.00'	841.03	174591.30	719312.93
2	133+11.38	6.00' RT	840.94	174591.41	719318.93
3	133+16.38	0.00'	840.96	174596.30	719312.85
4	133+16.38	6.00' RT	840.87	174596.41	719318.85
5	133+22.40	5.98' RT	840.69	174602.43	719318.72
6	133+29.72	7.98' LT	839.82	174609.98	719304.80
7	133+28.14	2.52' LT	840.23	174608.16	719310.18
8	133+27.21	0.00'	840.07	174607.14	719312.66
9	133+22.40	5.98' RT	840.69	174602.43	719318.72
10	133+19.93	7.73' RT	841.52	174599.99	719320.52
11	133+11.80	10.41' RT	841.96	174591.91	719323.34
12	133+10.19	10.50' RT	842.04	174590.30	719323.45

Curb Ramp 10					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
13	133+58.81	10.90' LT	839.05	174639.16	719303.10
14	133+60.07	4.58' LT	839.41	174640.16	719309.47
15	133+61.60	0.00'	839.30	174641.49	719314.11
16	133+66.43	6.00' RT	839.59	174645.86	719320.45
17	133+74.73	10.07' RT	840.34	174653.84	719325.13
18	133+80.44	10.50' RT	840.62	174660.17	719325.96
21	133+72.43	5.99' RT	839.69	174651.84	719320.89
25	133+72.43	0.00'	839.78	174652.29	719314.92

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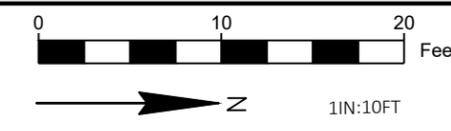
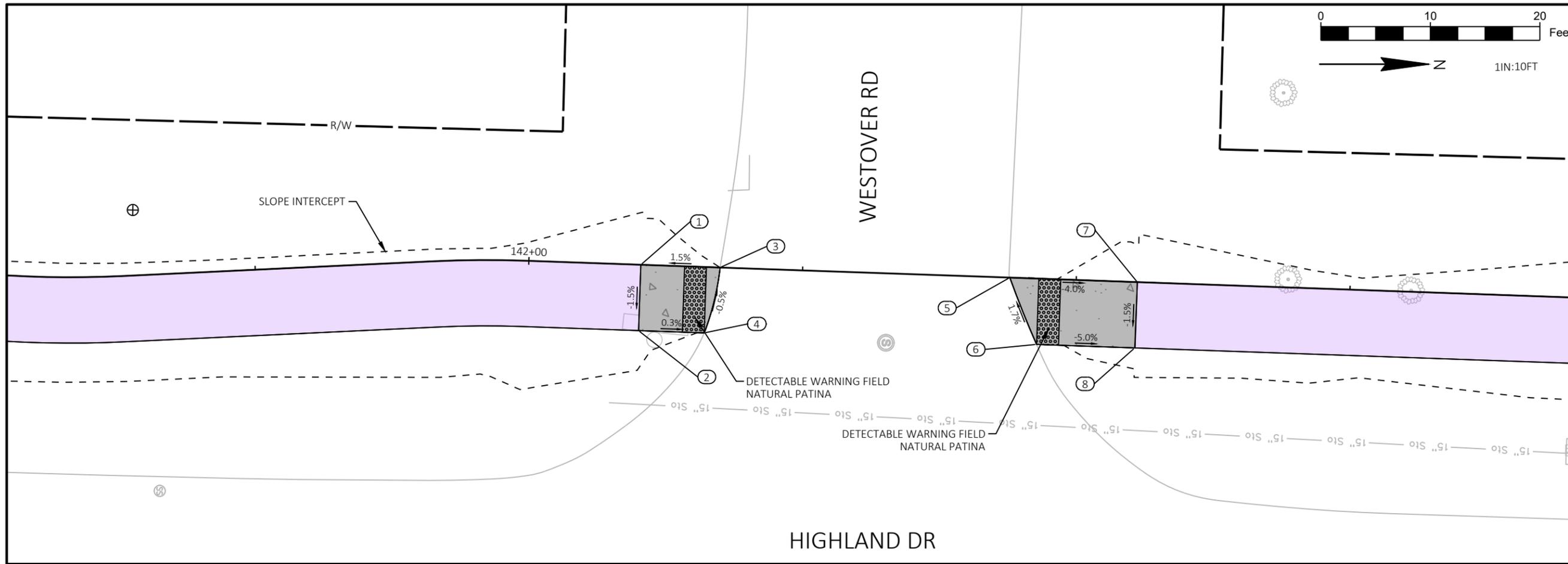
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VILLAGE OF ELM GROVE
CURB RAMP DETAILS
 2026 PATHWAY

Curb Ramp 11					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
1	142+10.23	0.00'	860.22	175488.25	719318.70
2	142+10.23	6.00' RT	860.13	175488.12	719324.70
3	142+17.46	0.00'	860.12	175495.49	719318.86
4	142+16.23	6.00' RT	860.15	175494.12	719324.83

Curb Ramp 12					
POINT NUMBER	STATION	OFFSET	ELEVATION	NORTHING	EASTING
5	142+43.93	0.00'	859.97	175521.95	719319.42
6	142+46.58	6.00' RT	859.86	175524.47	719325.48
7	142+55.58	0.01' RT	859.50	175533.60	719319.69
8	142+55.55	6.00' RT	859.41	175533.43	719325.67

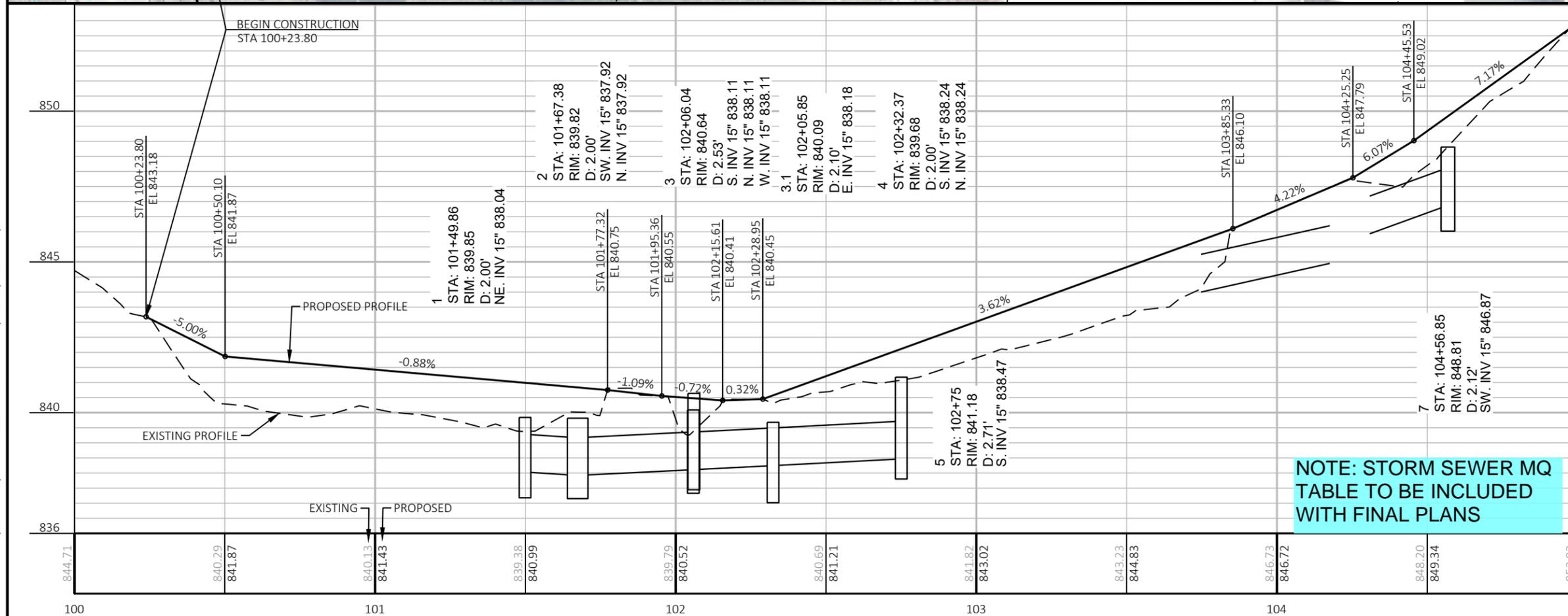
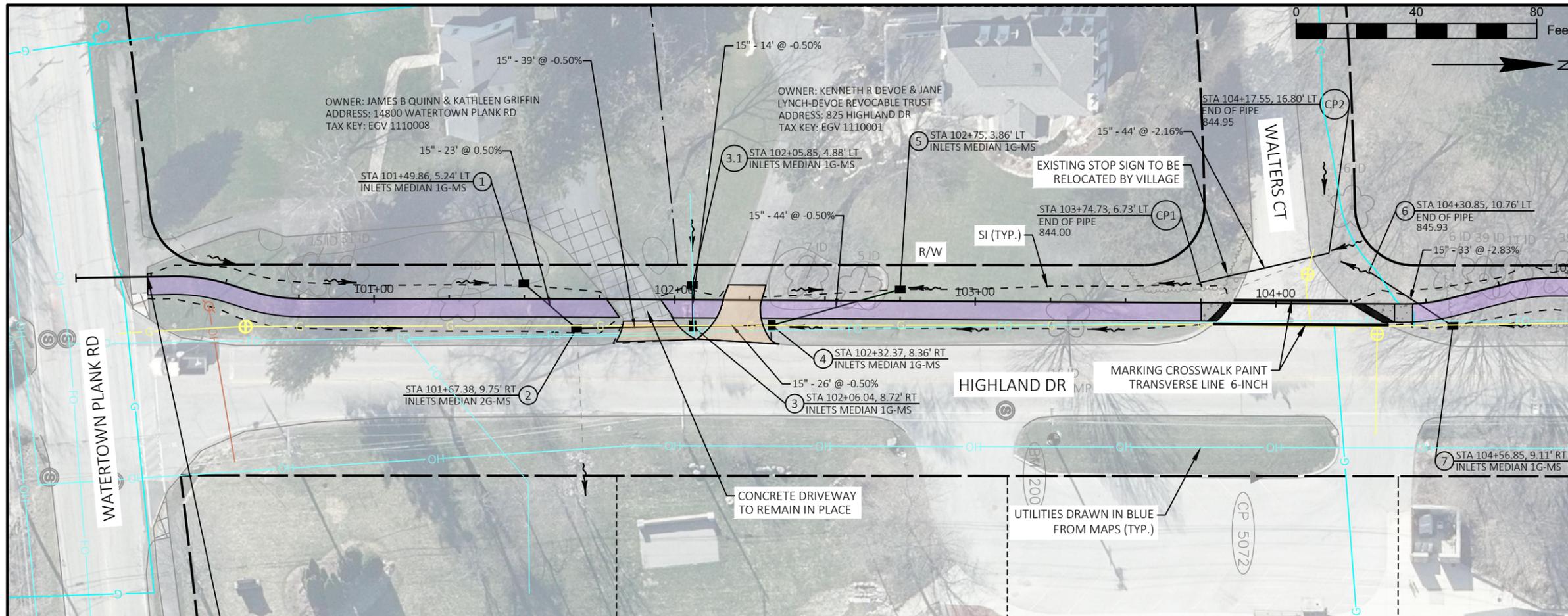
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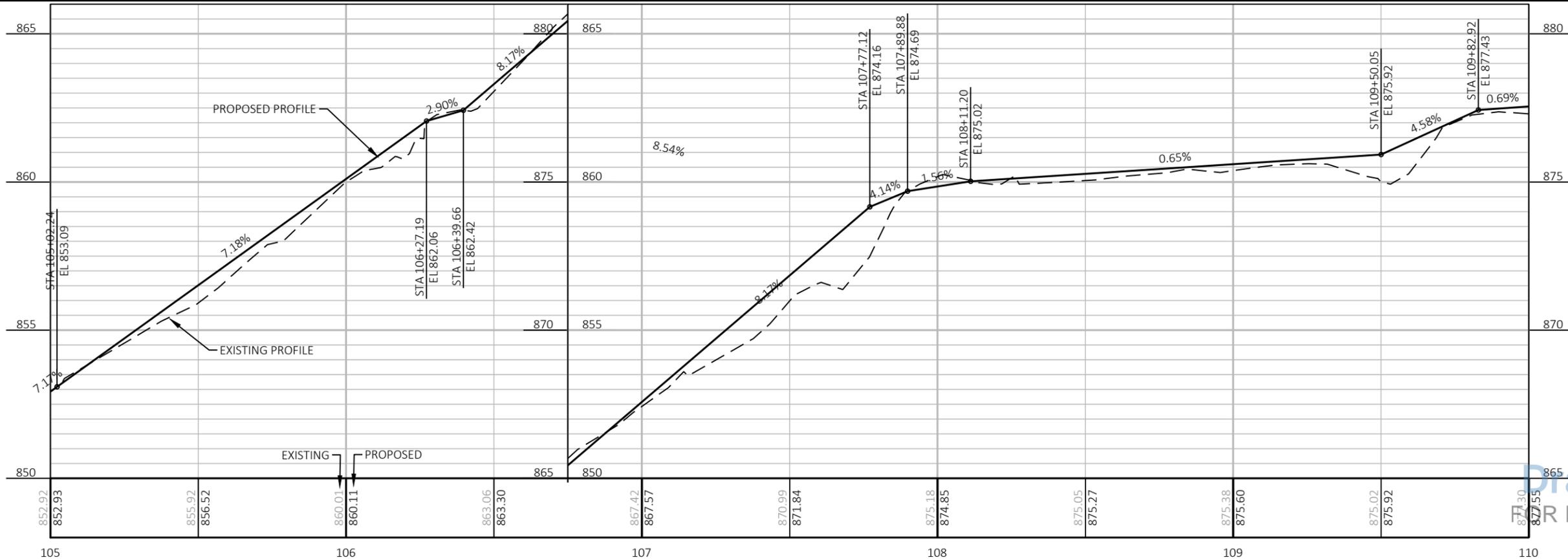
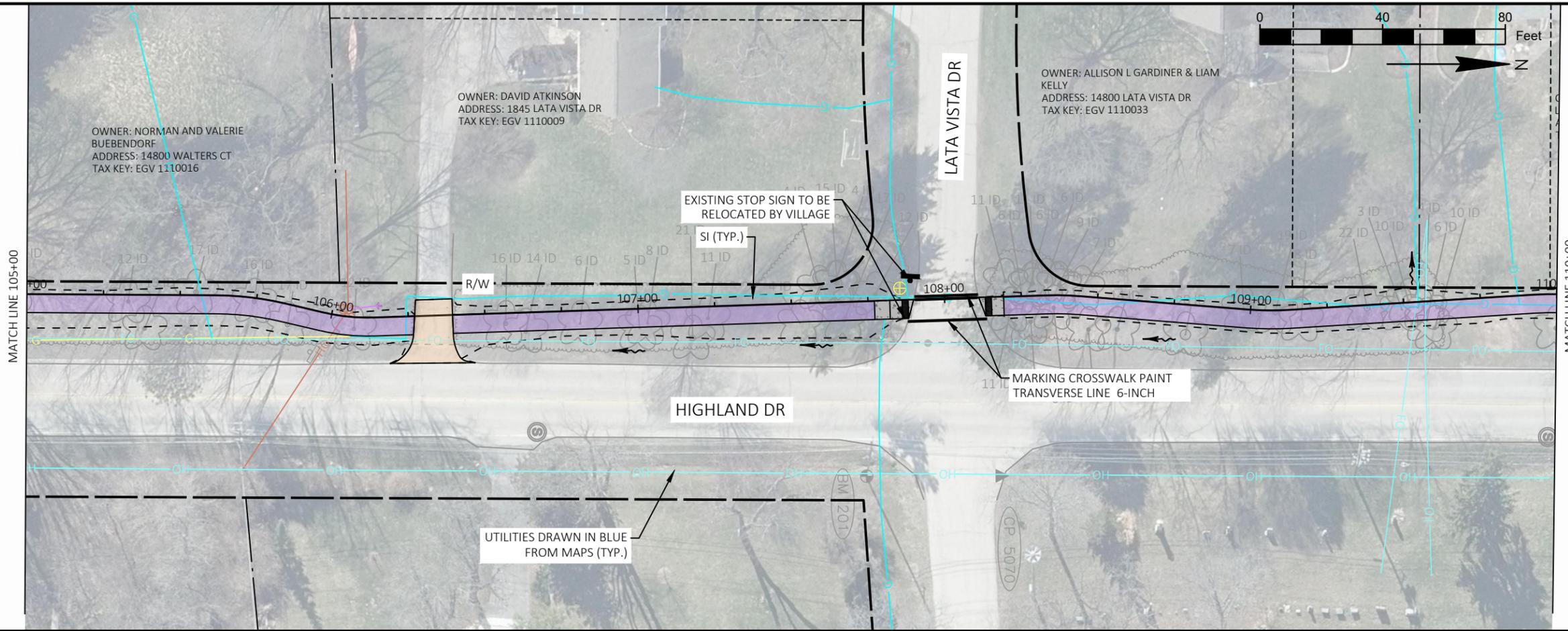
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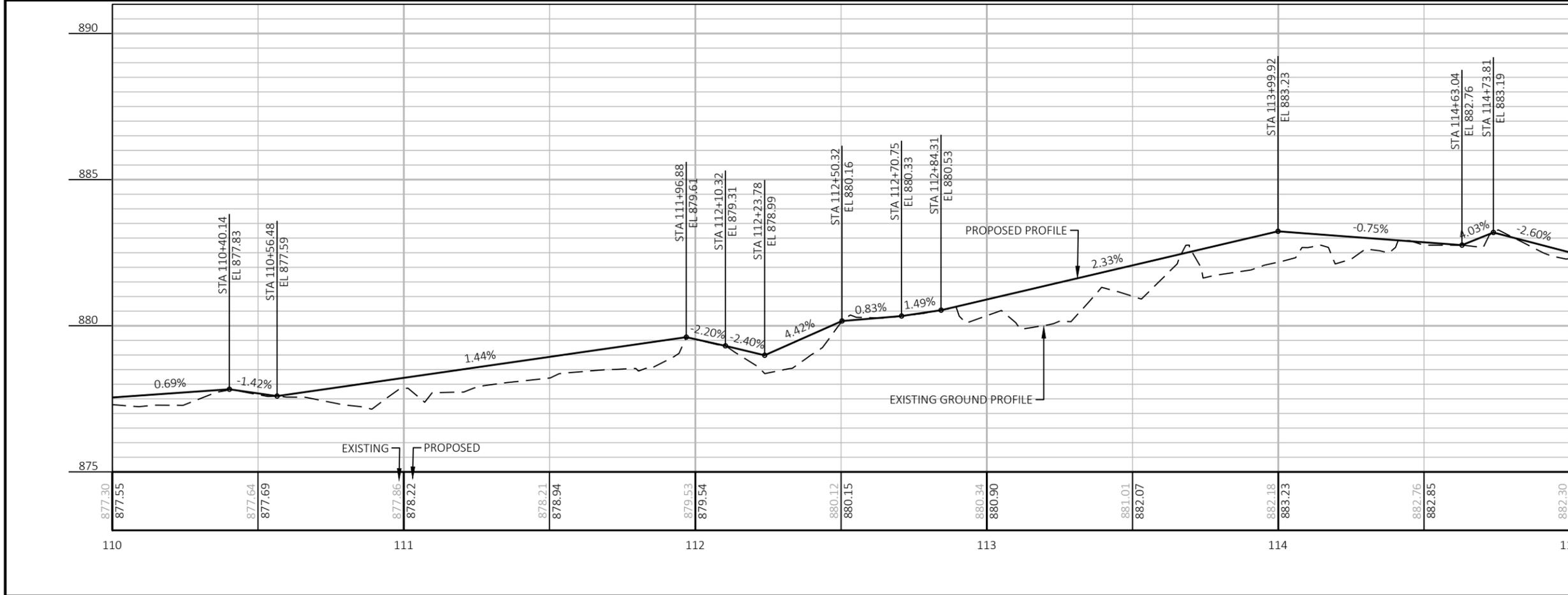
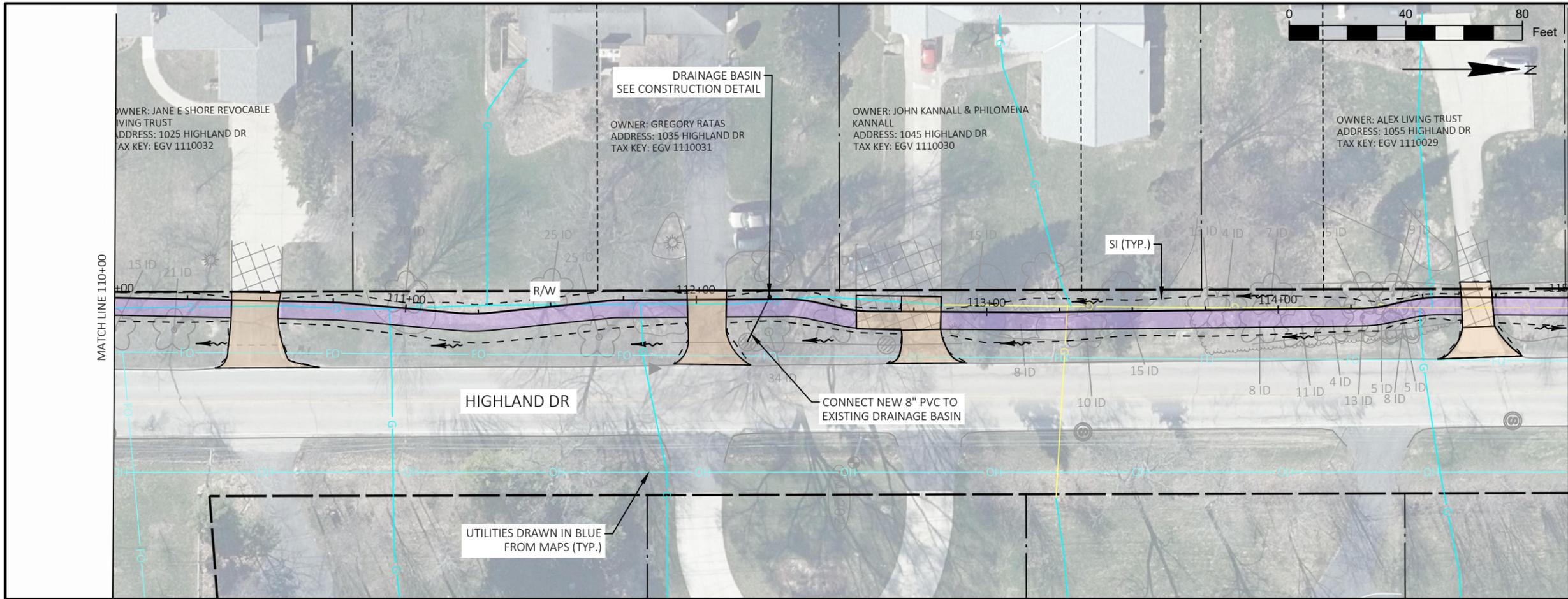
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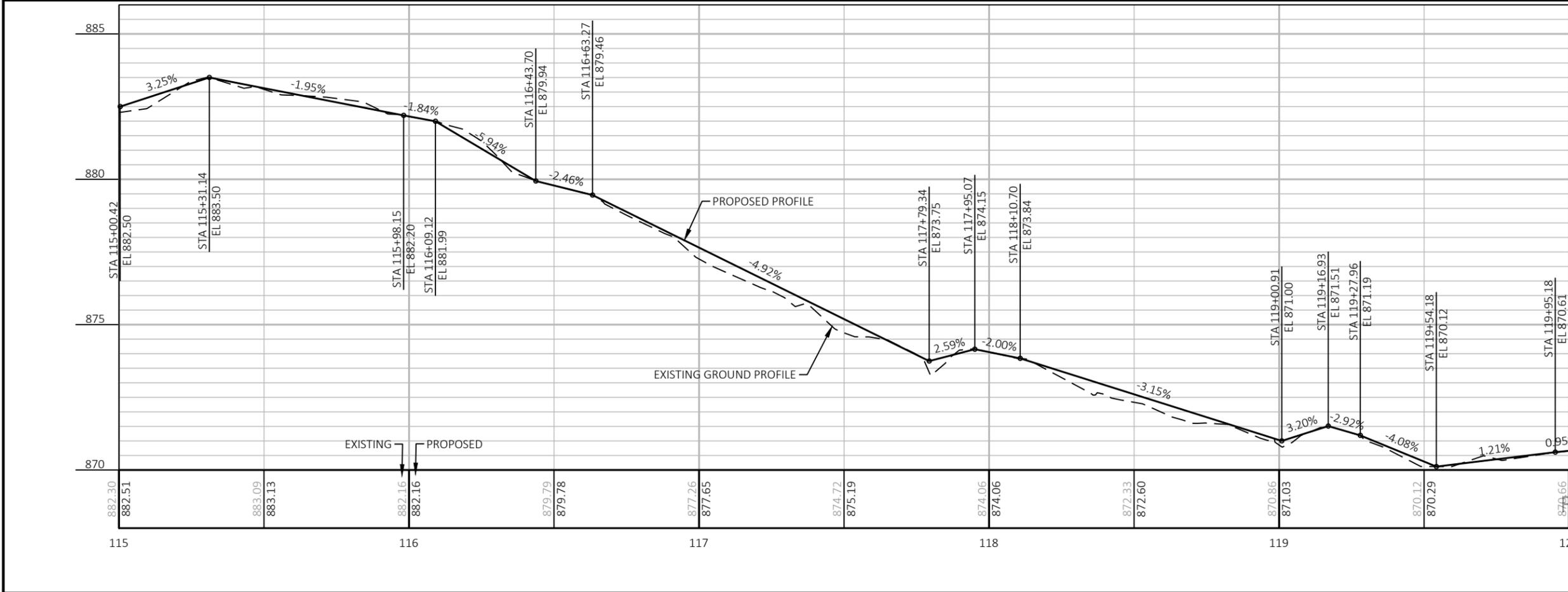
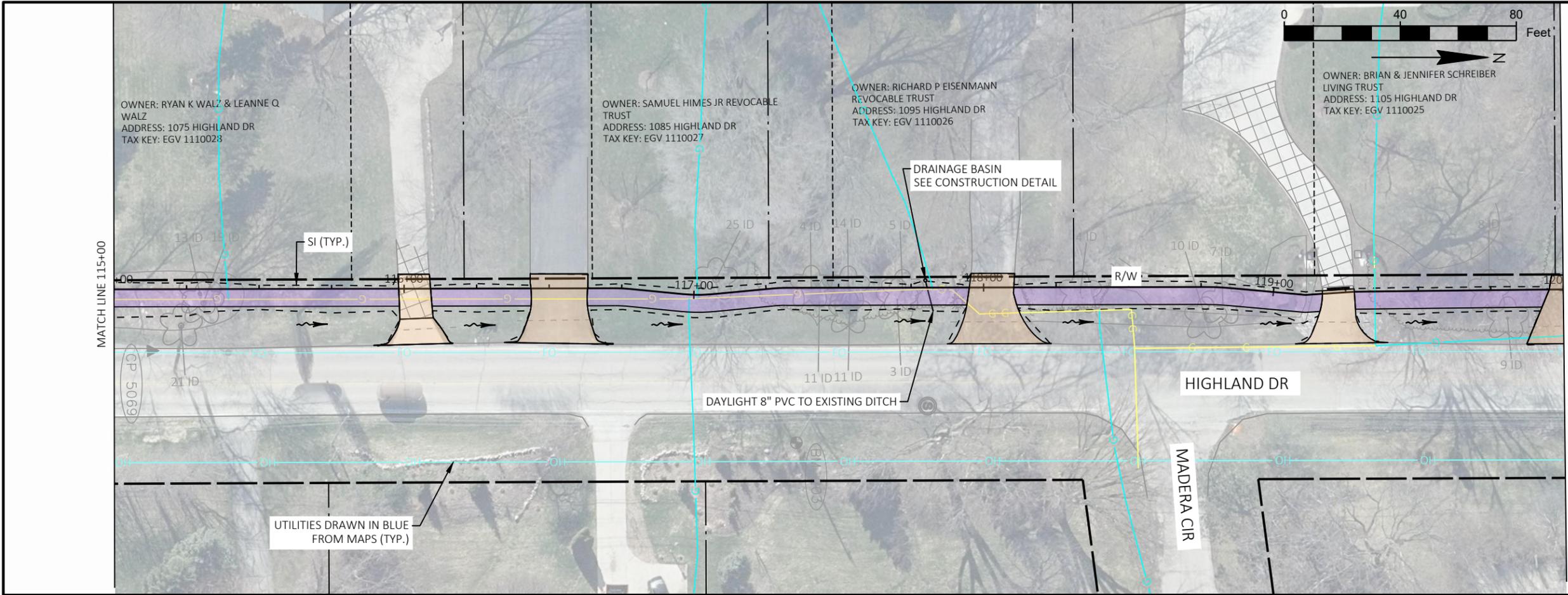
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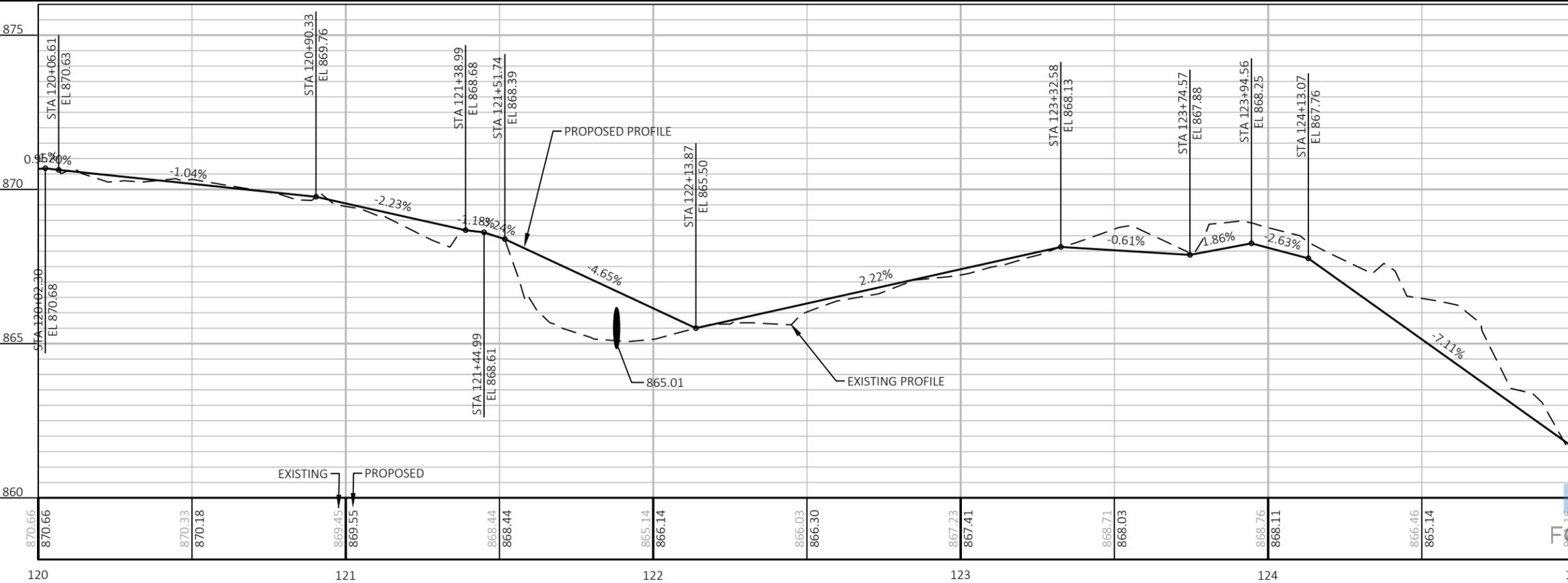
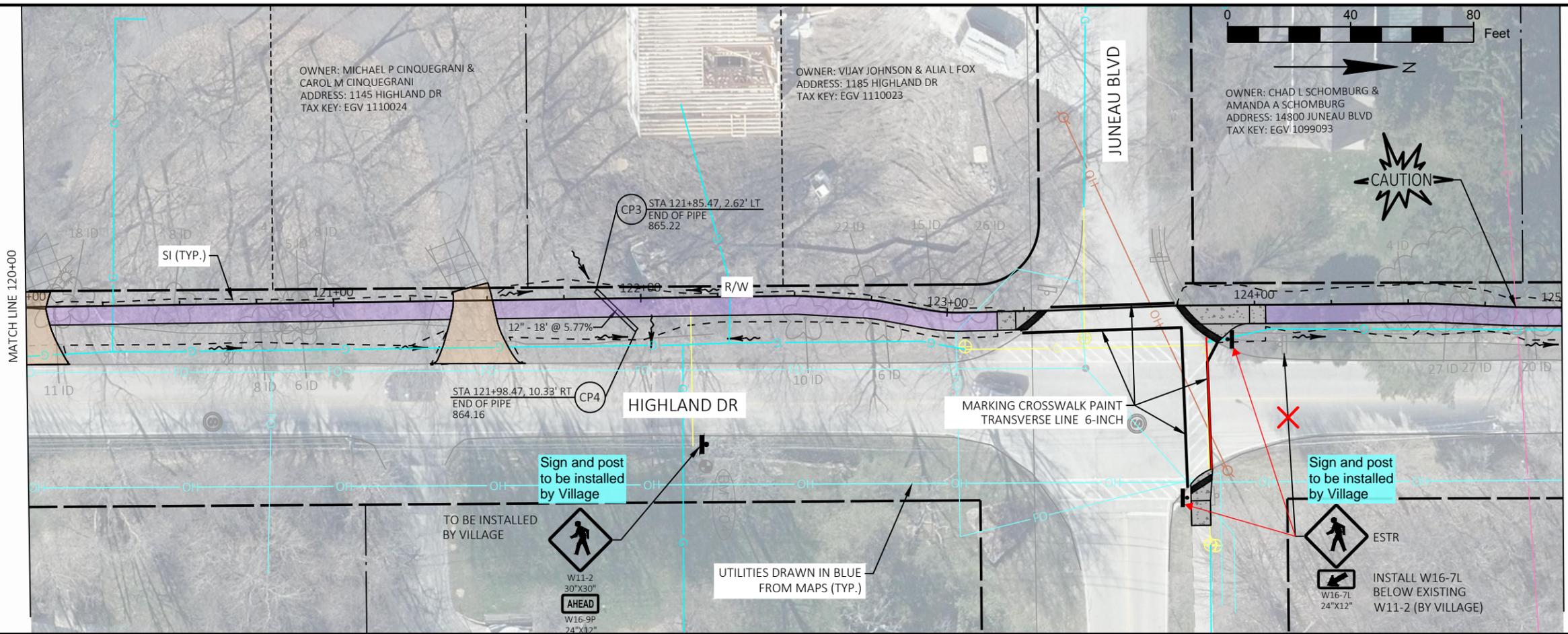
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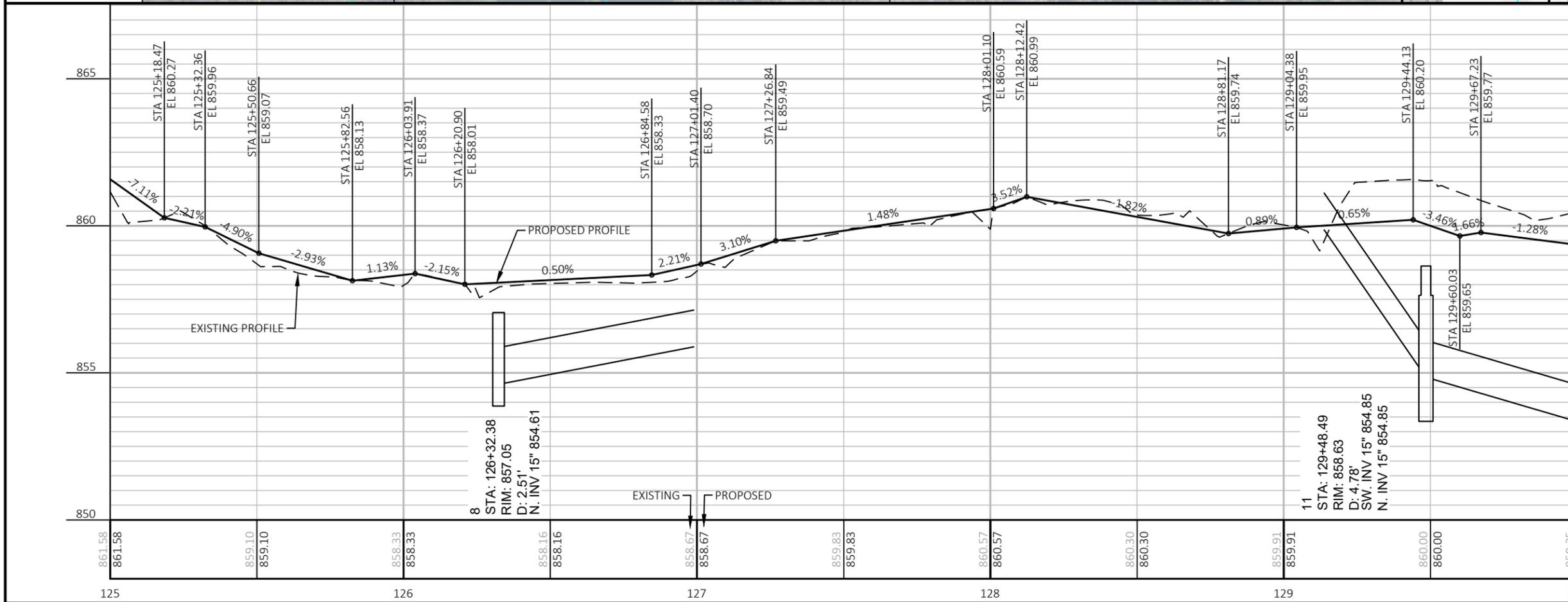
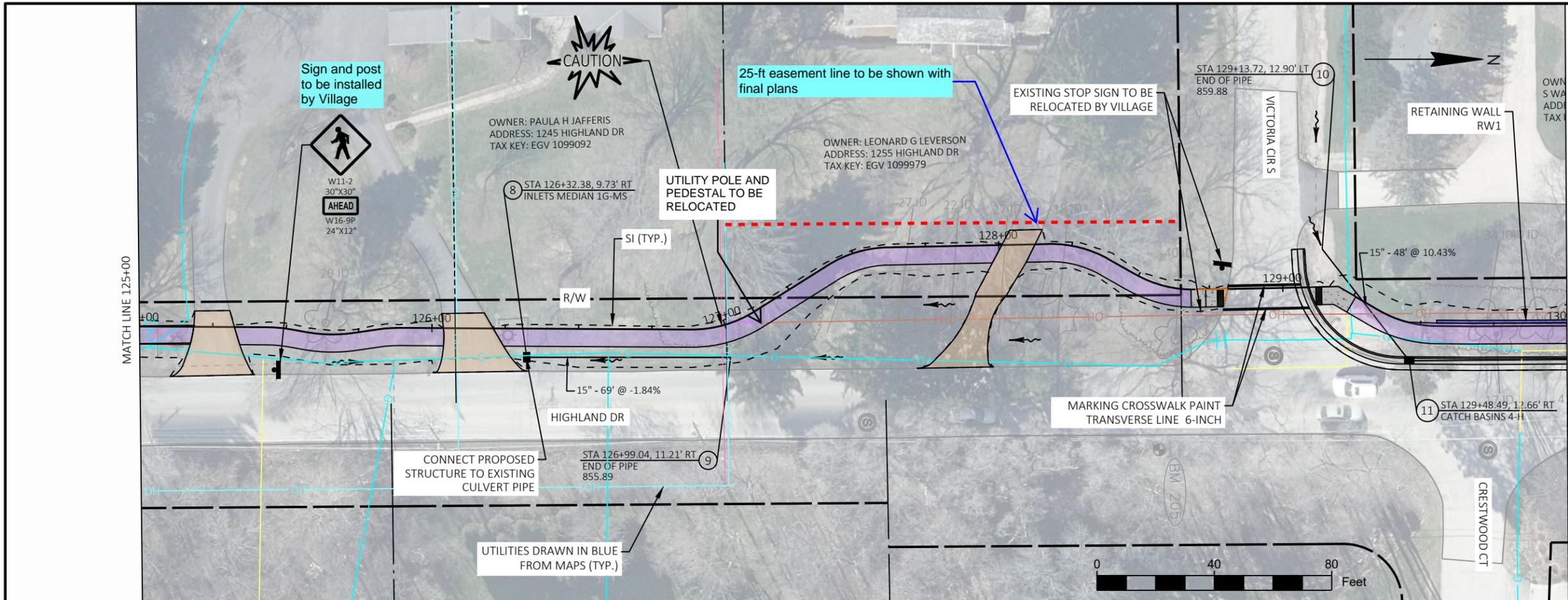
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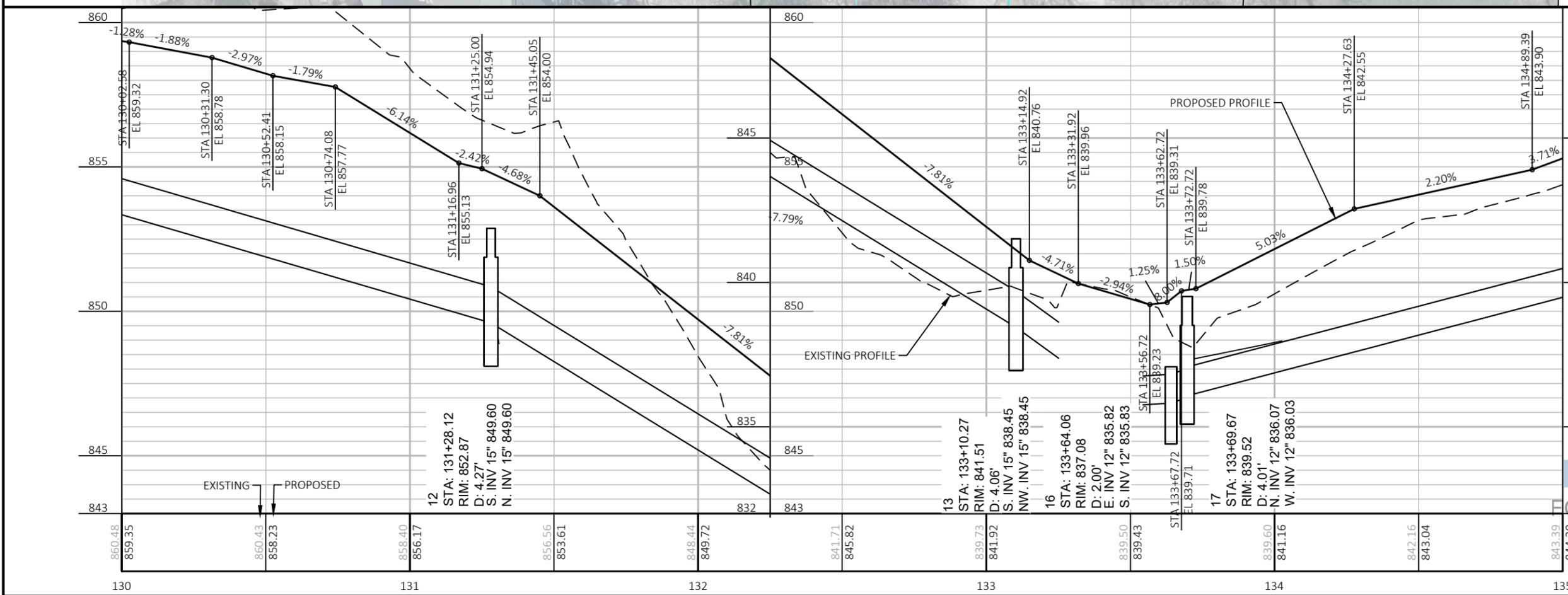
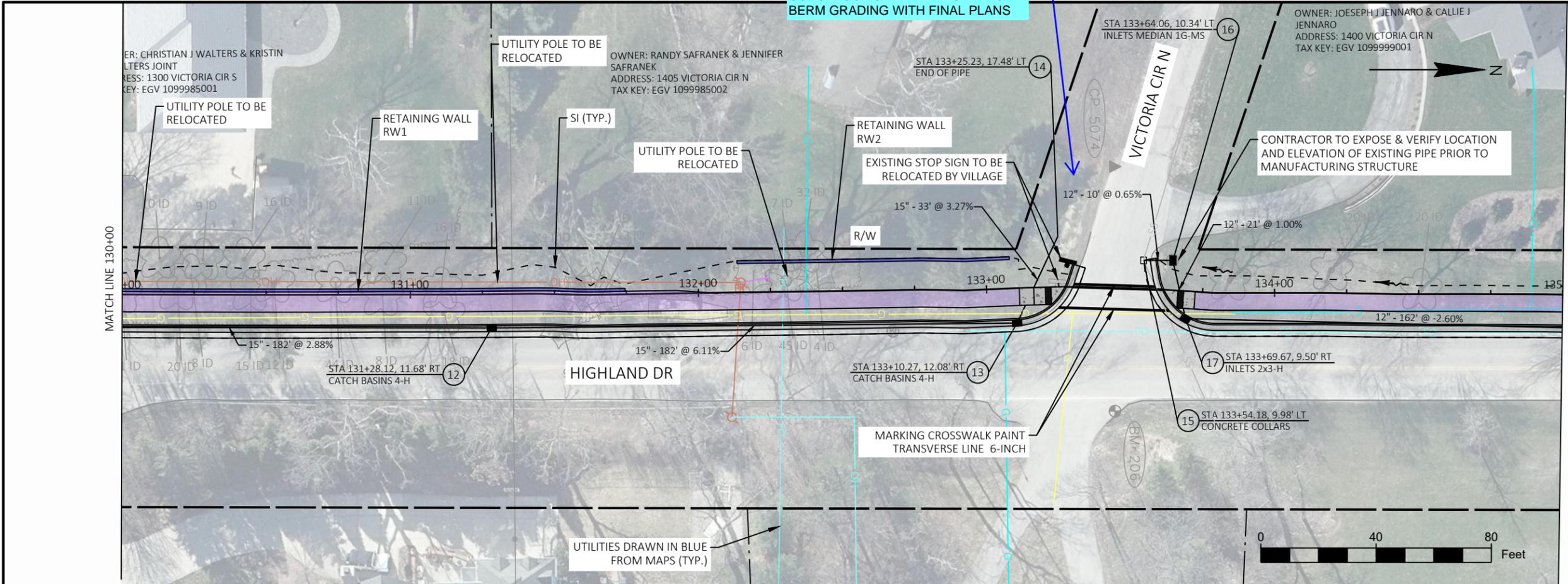
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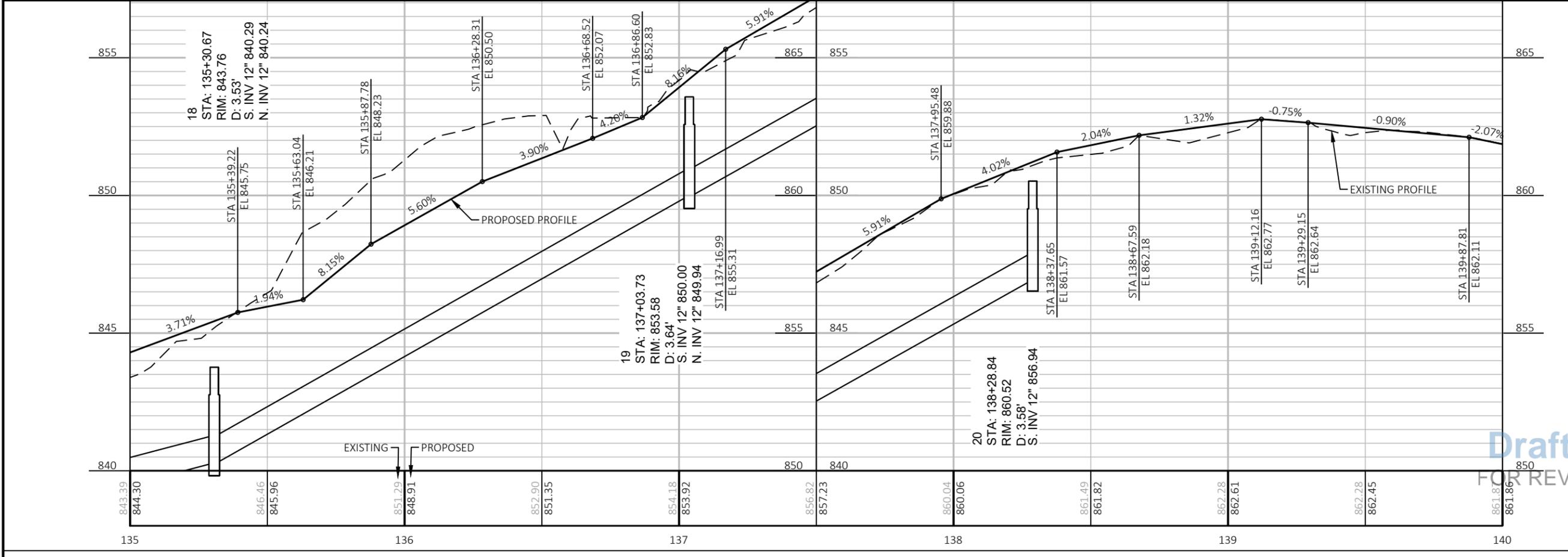
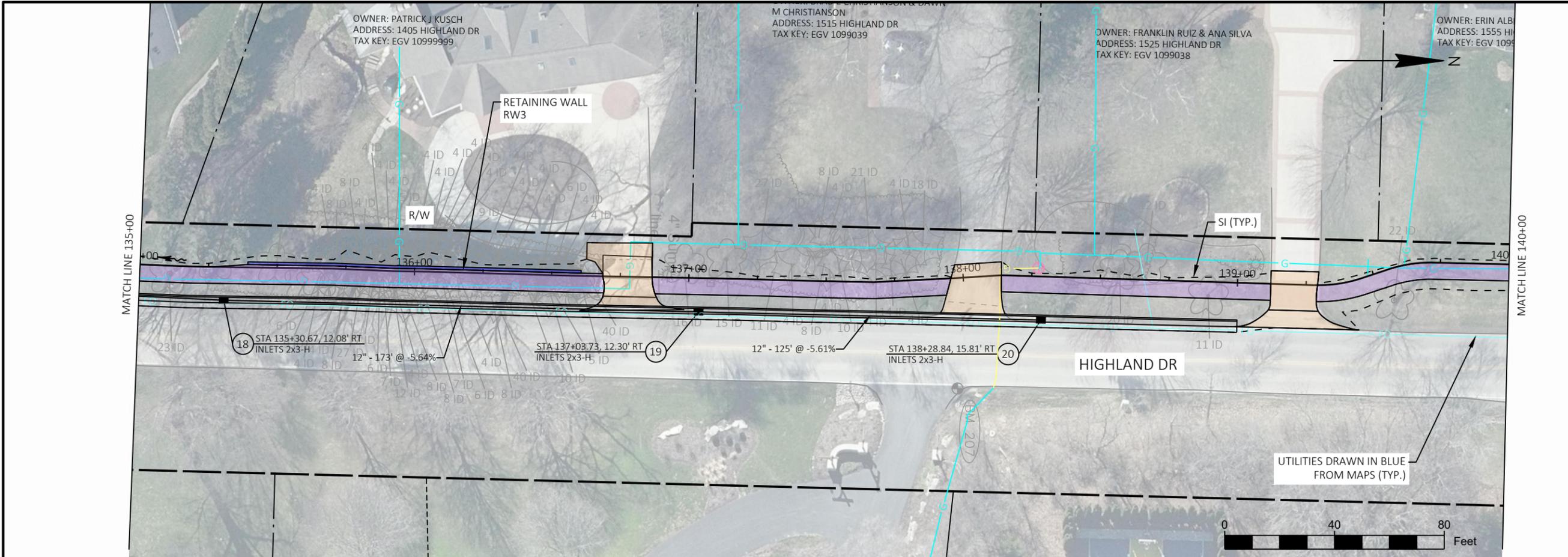
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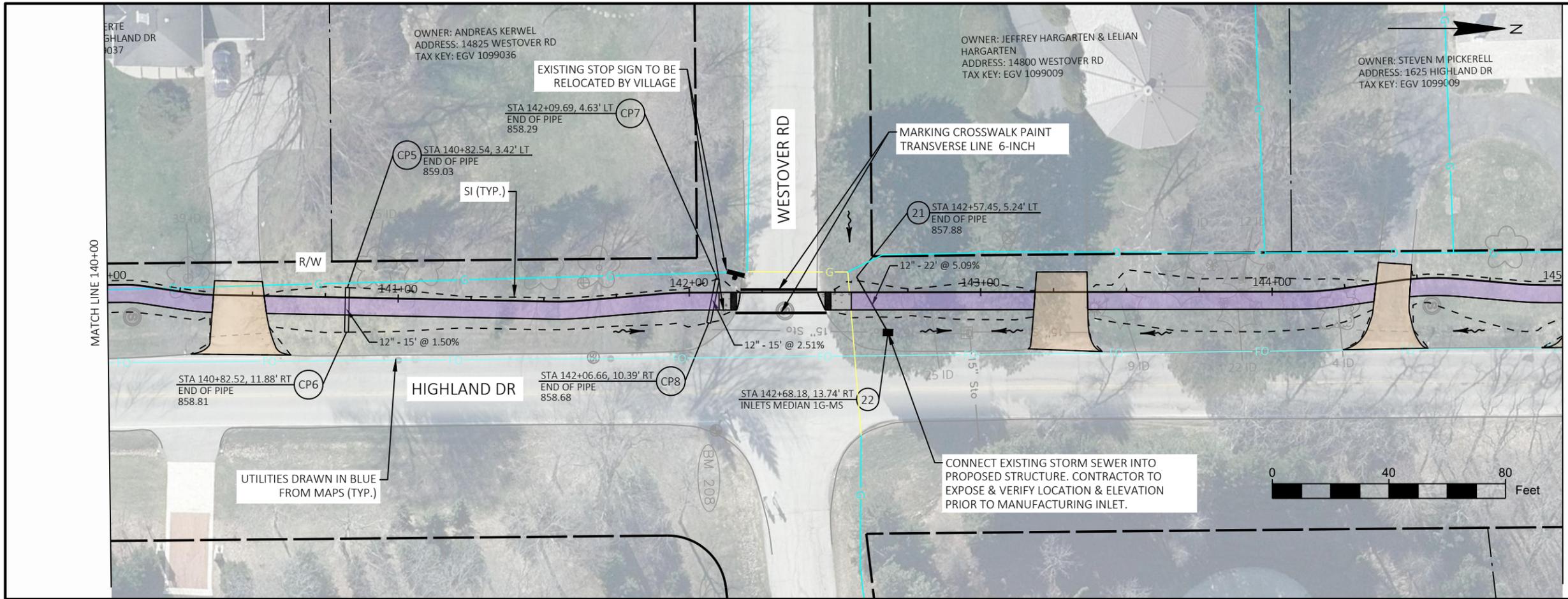
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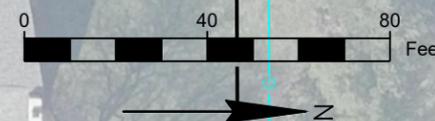
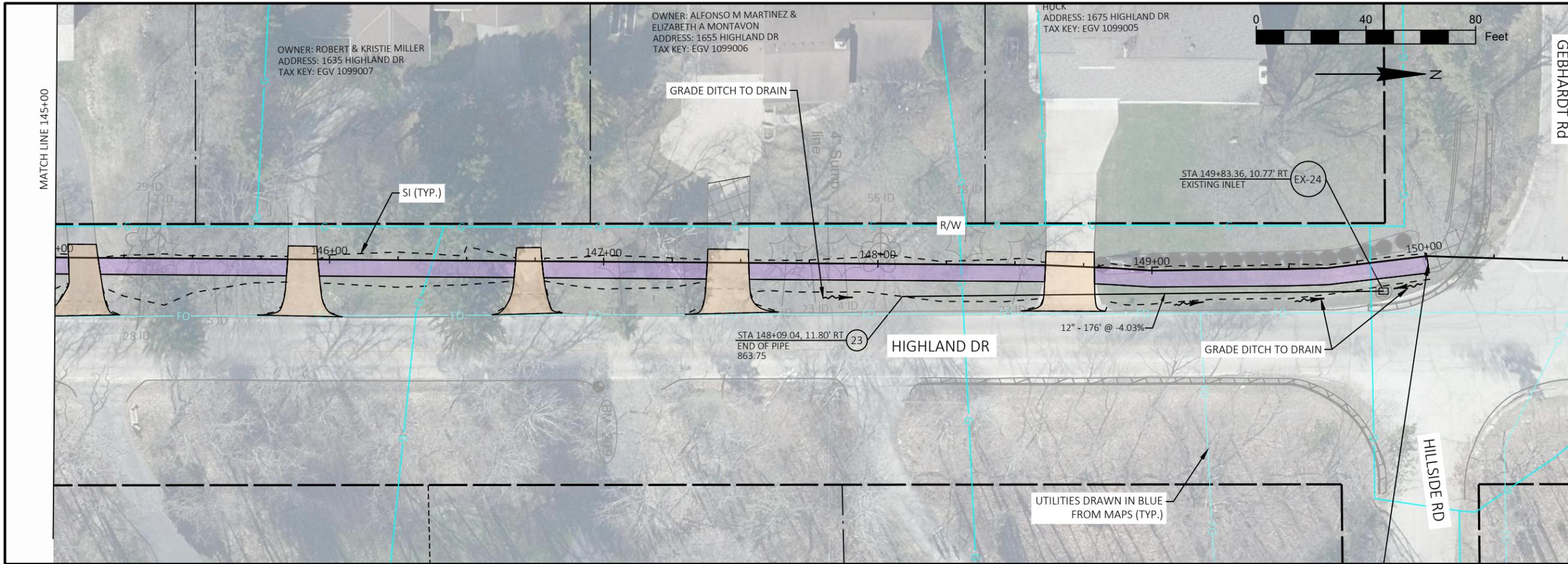
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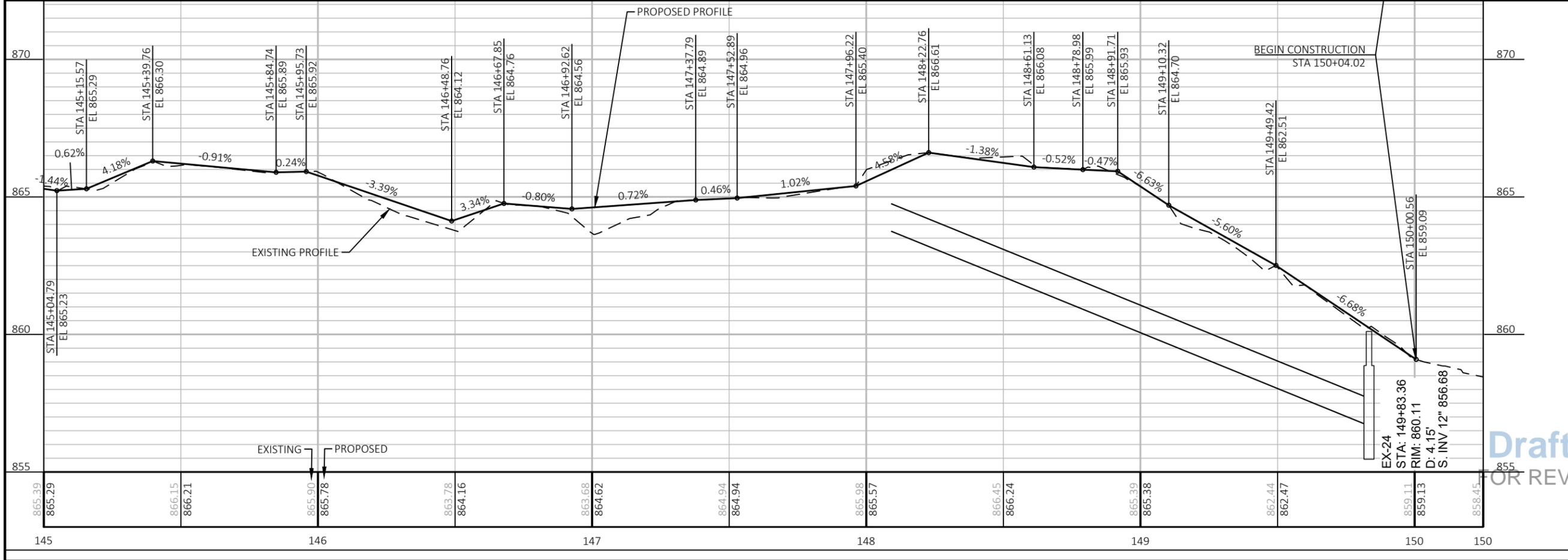
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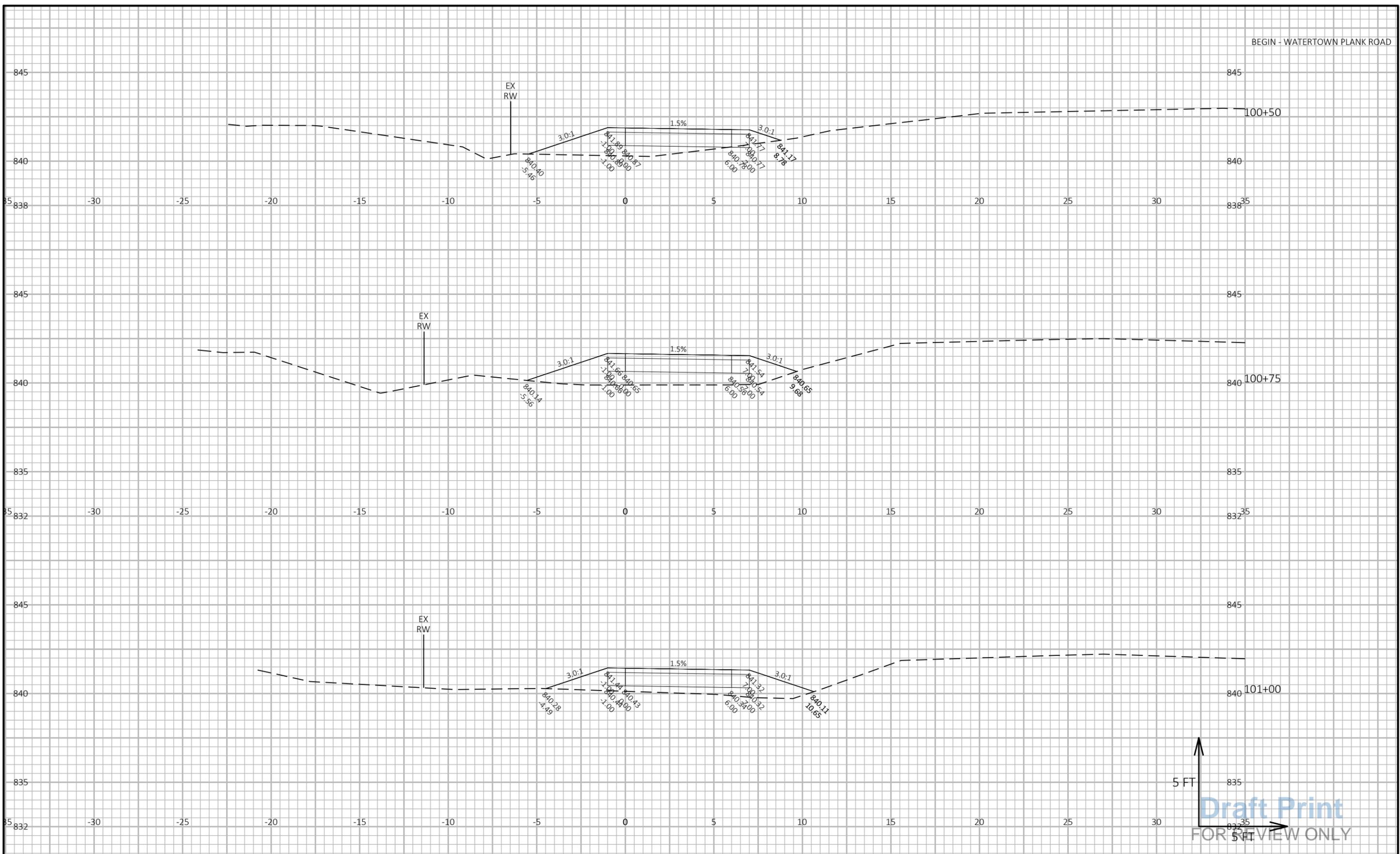
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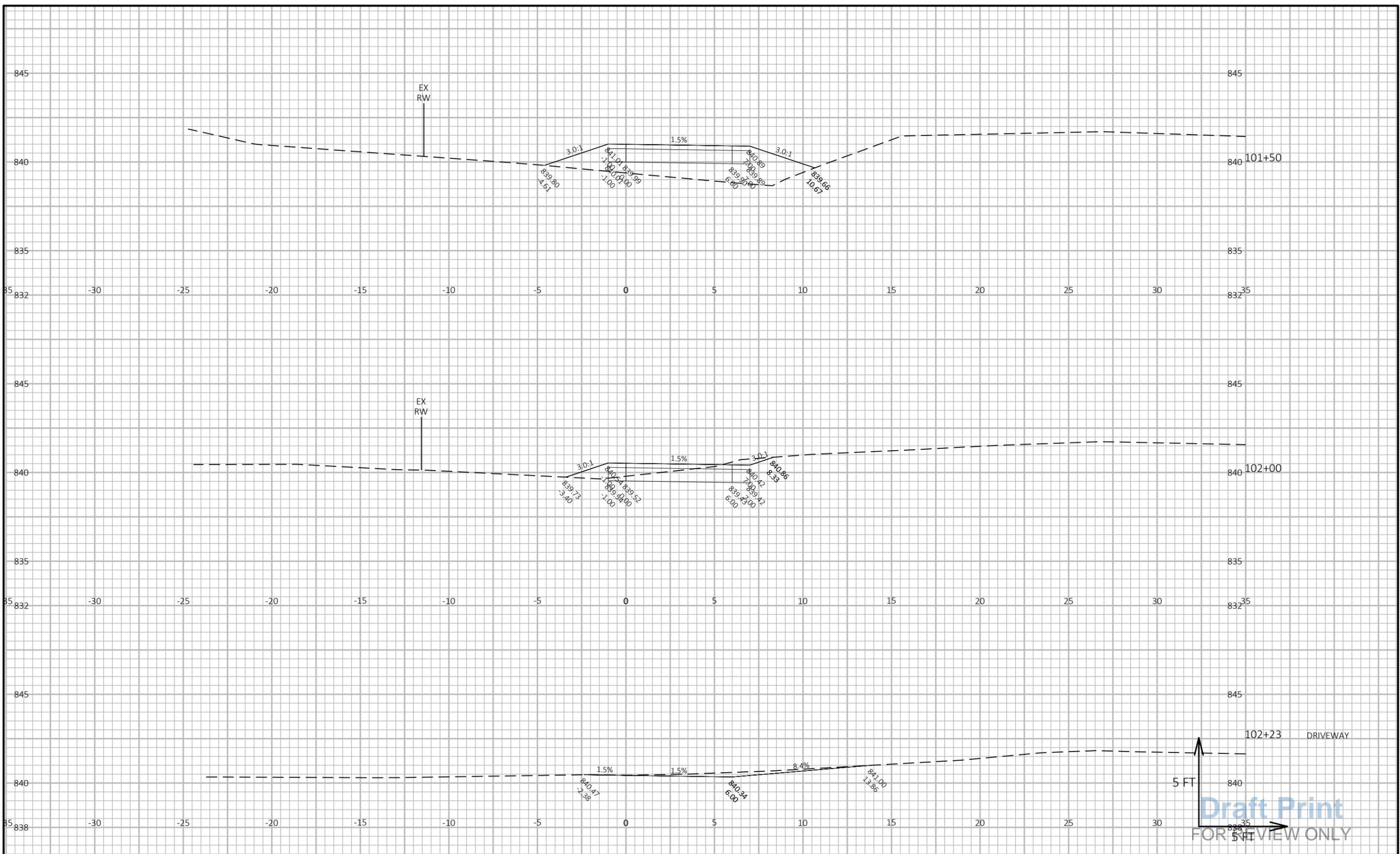


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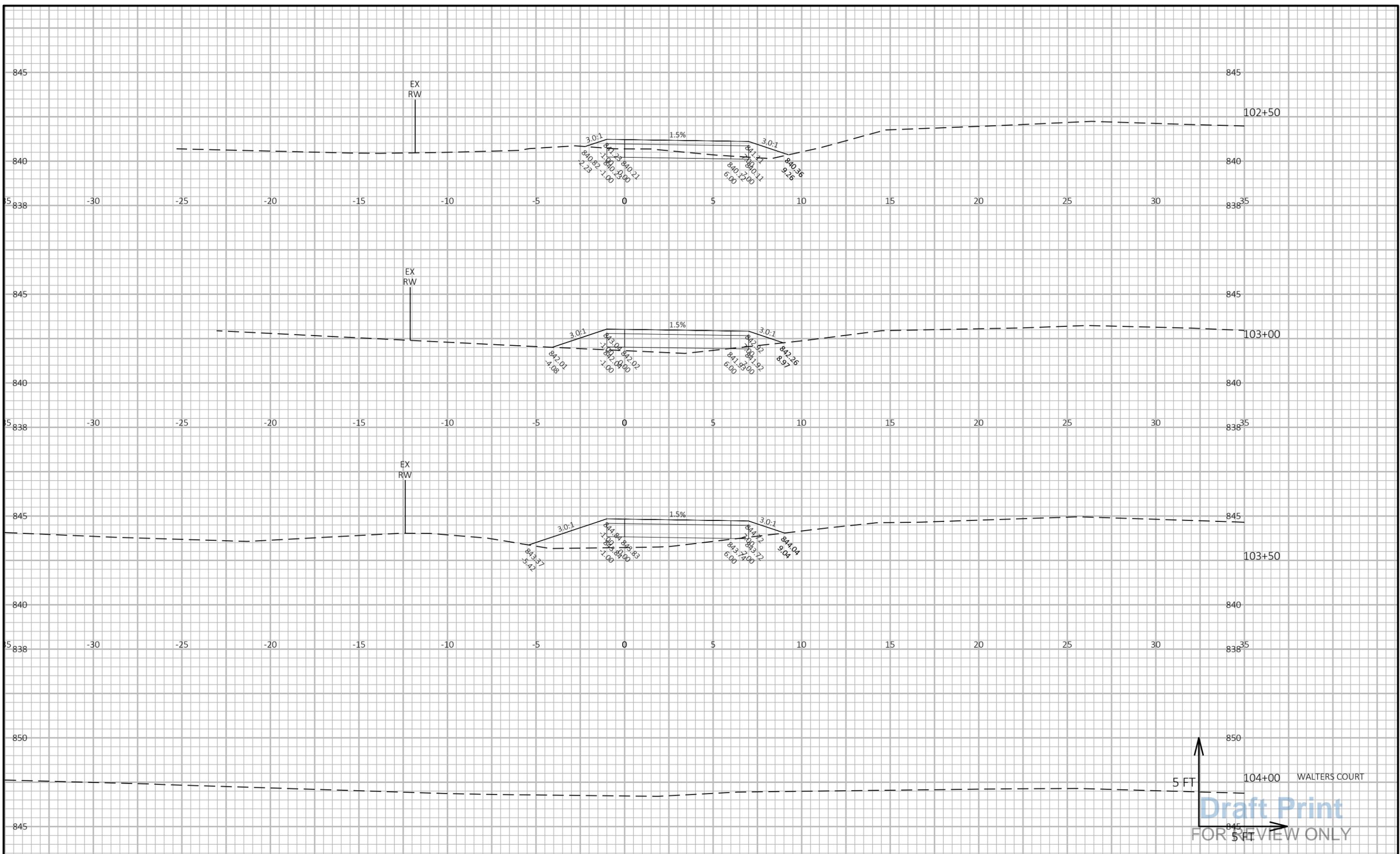


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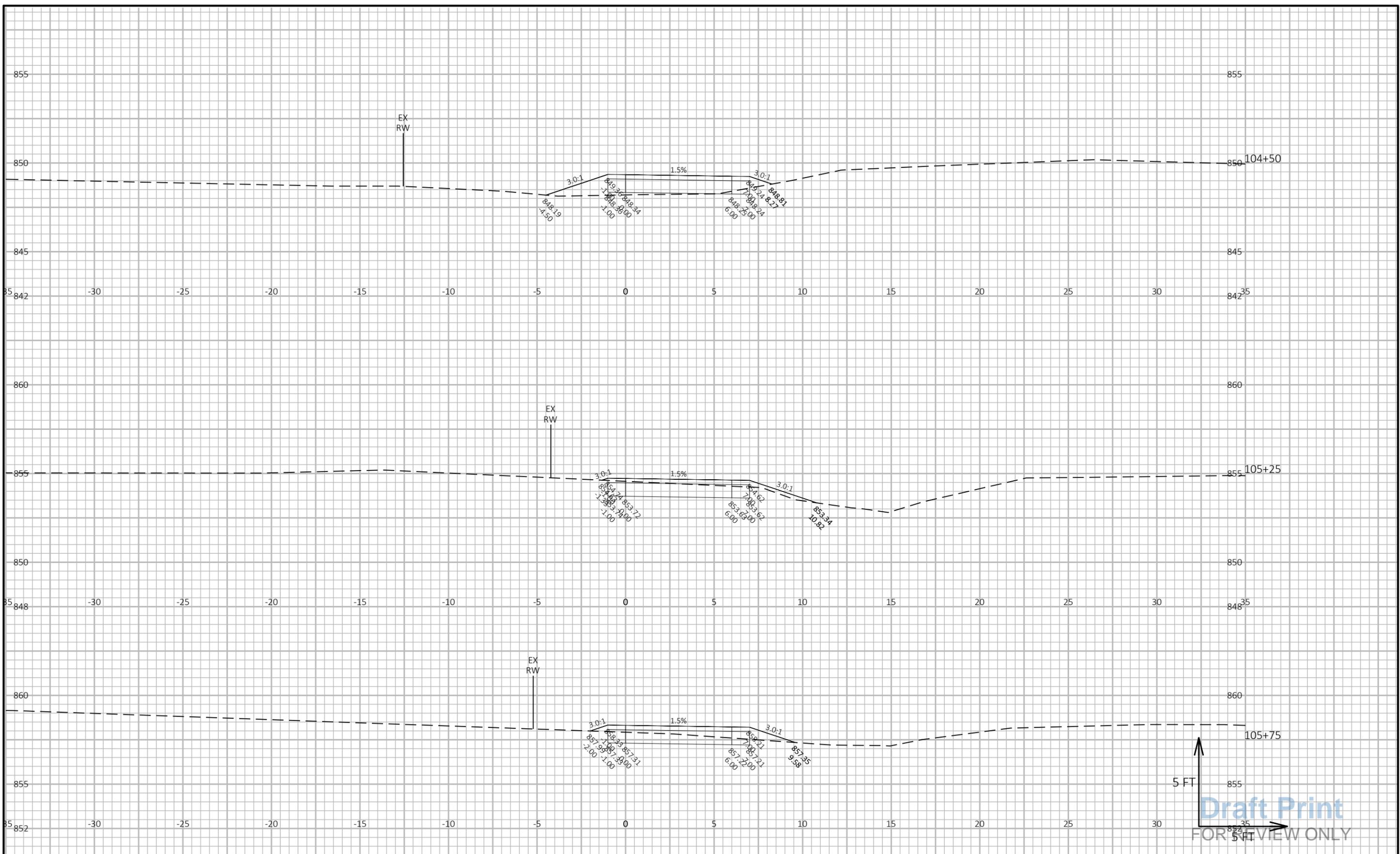


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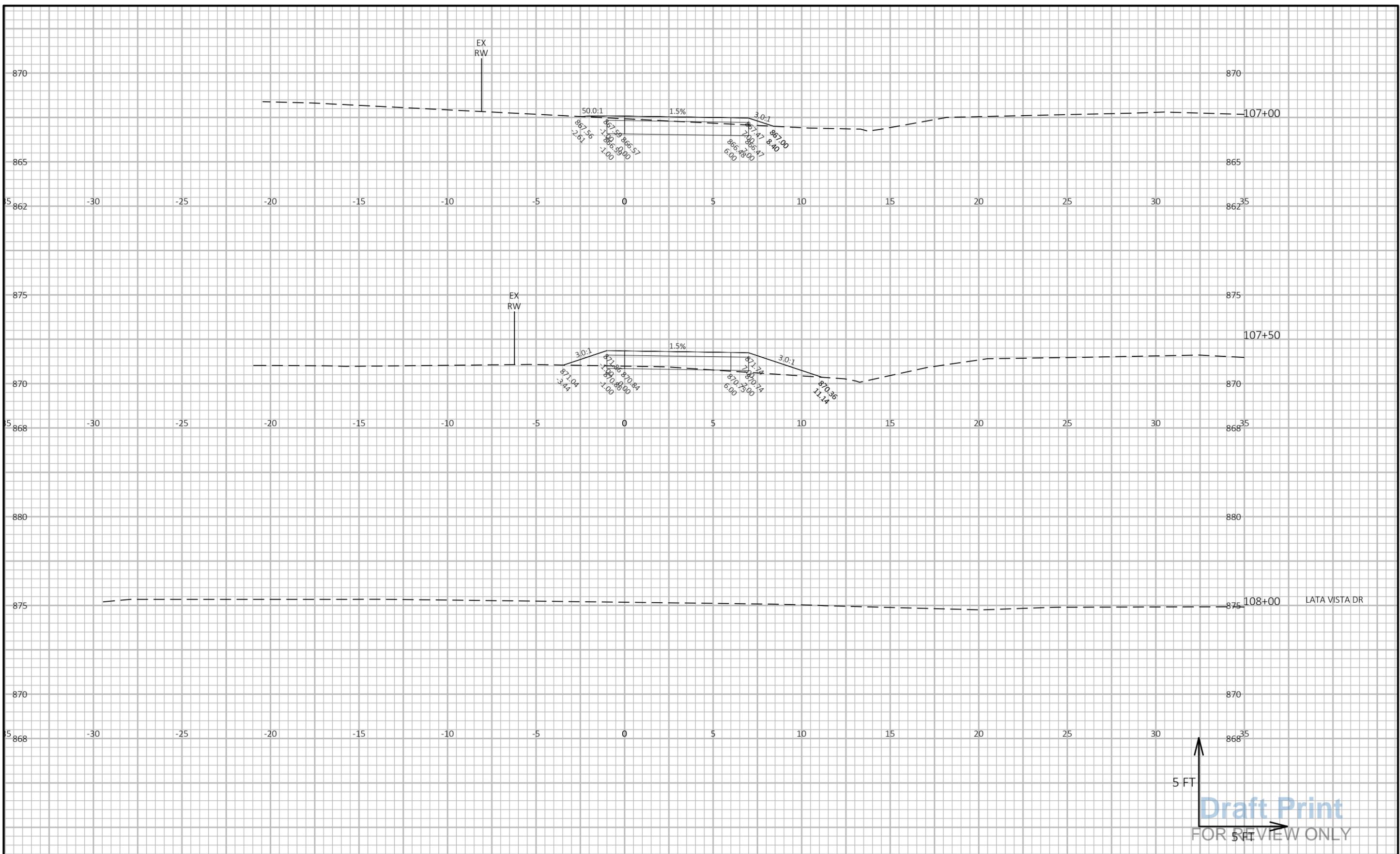
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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-06

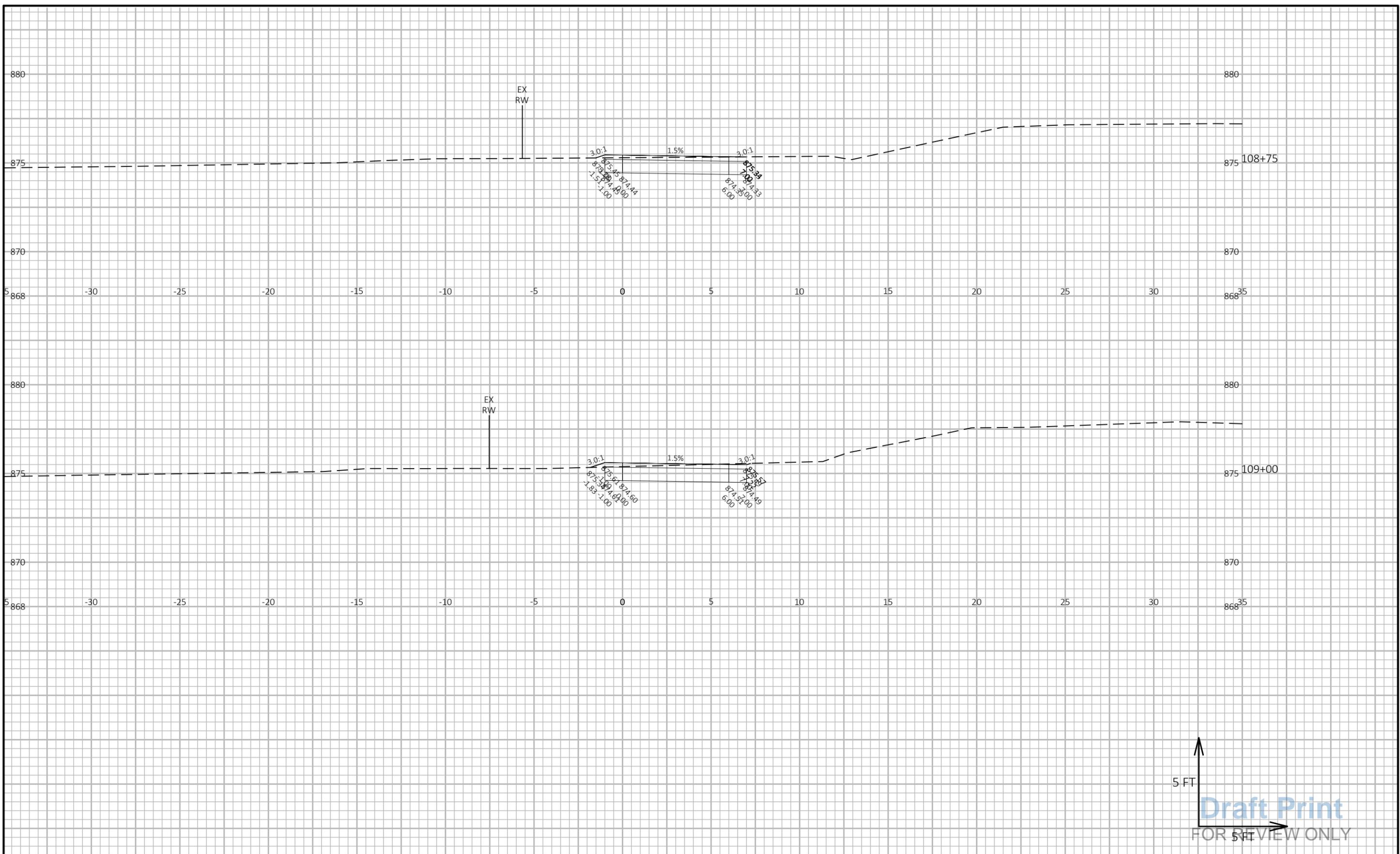
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PLOT DATE : 3/2/2026 4:43 PM

PLOT BY : ARIELLE LEWEN

G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG

FILE NAME :



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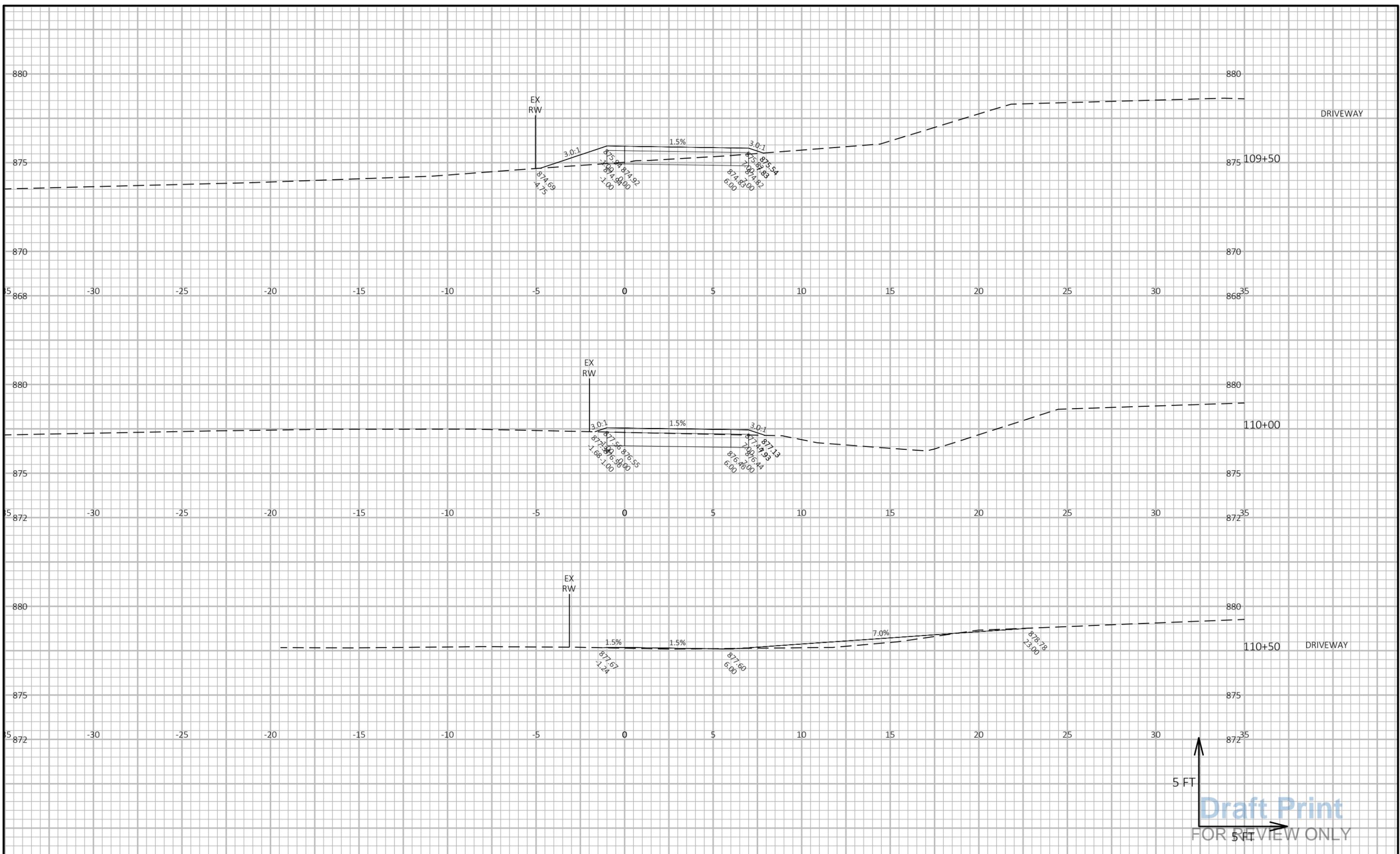
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-07

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-LXS.DWG
PLOT BY : ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:43 PM



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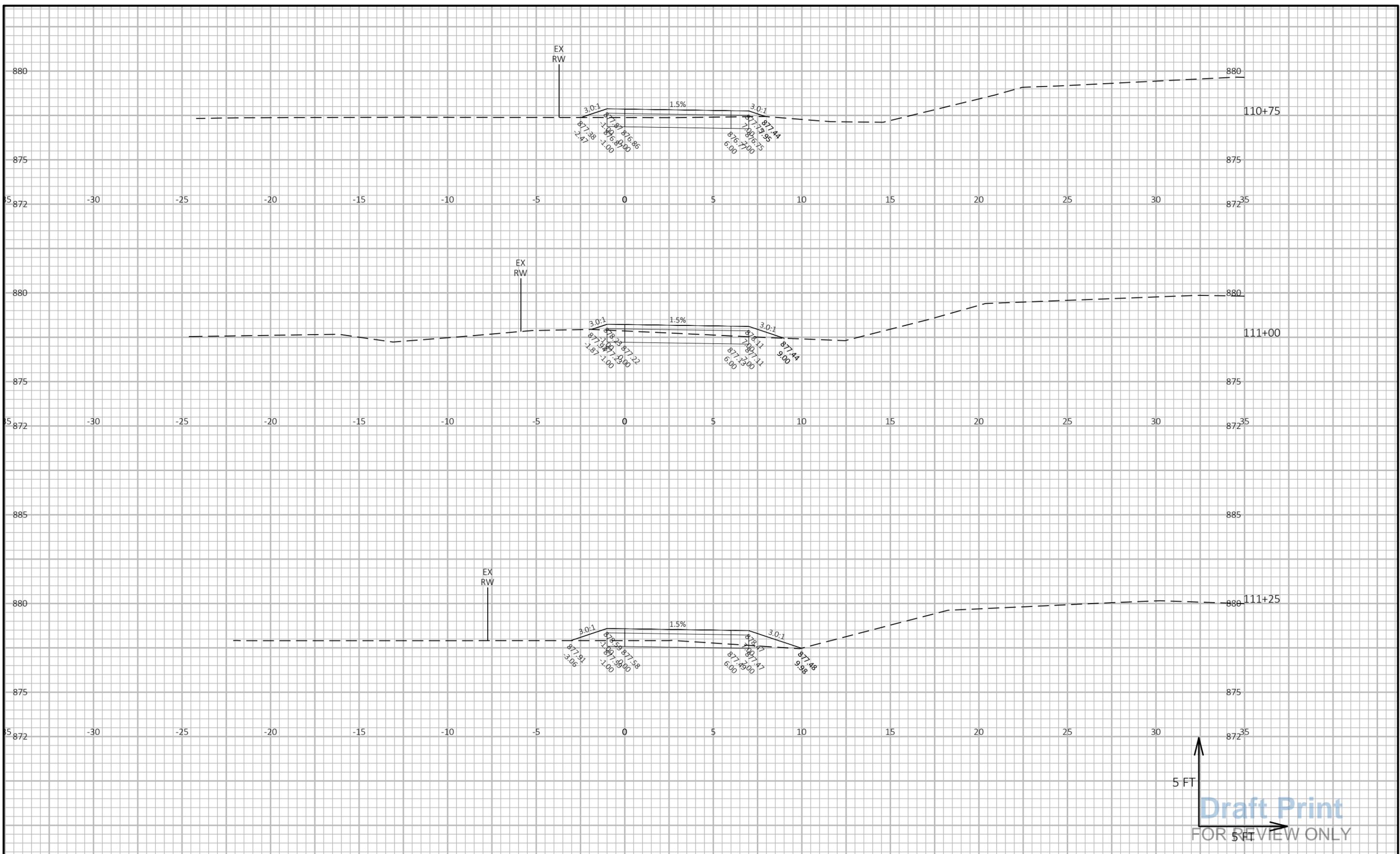


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-08

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



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CROSS SECTIONS - 2026 PATHWAY



Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-09

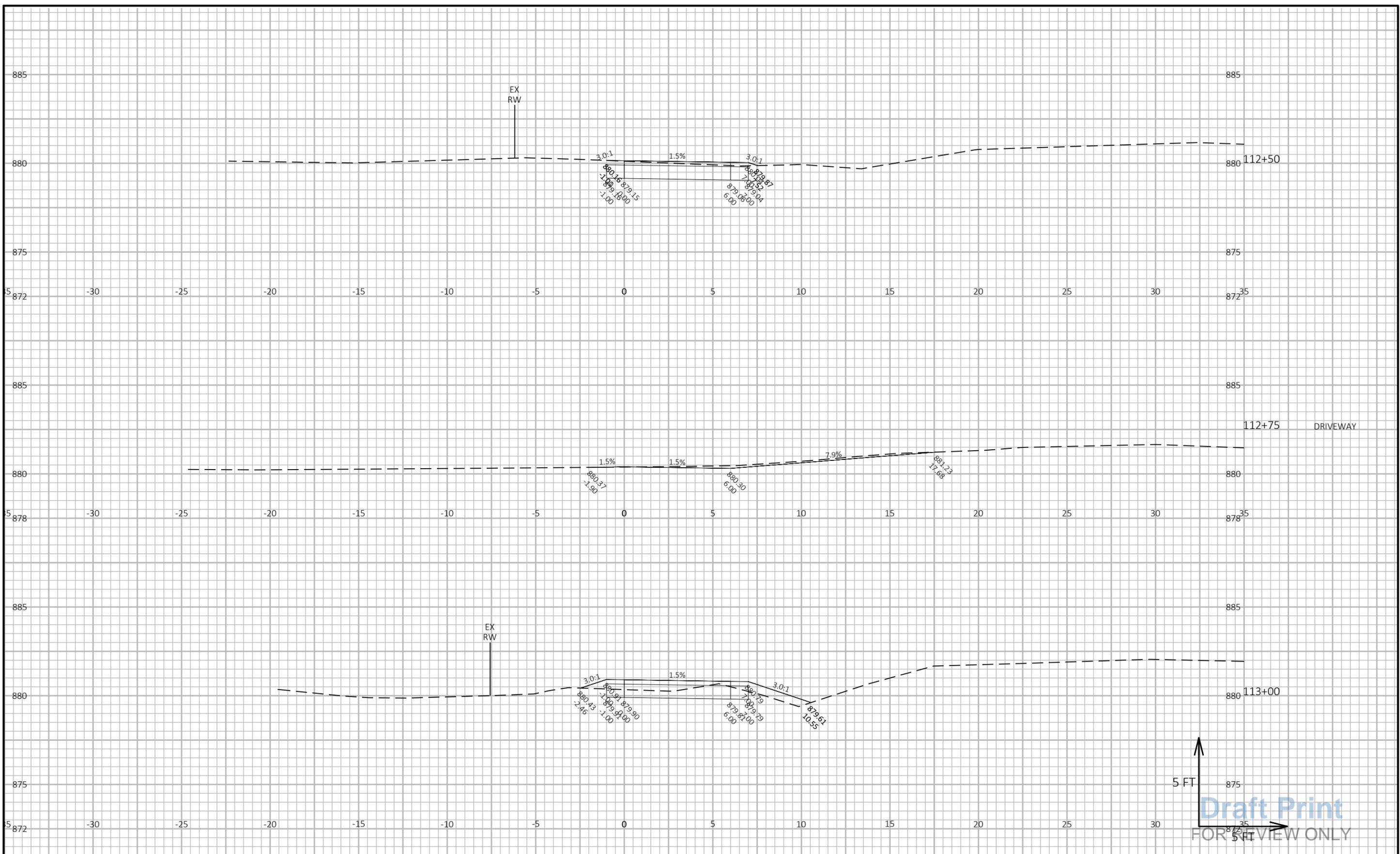
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PLOT DATE : 3/2/2026 4:43 PM

PLOT BY : ARIELLE LEWEN

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FILE NAME :



CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-11

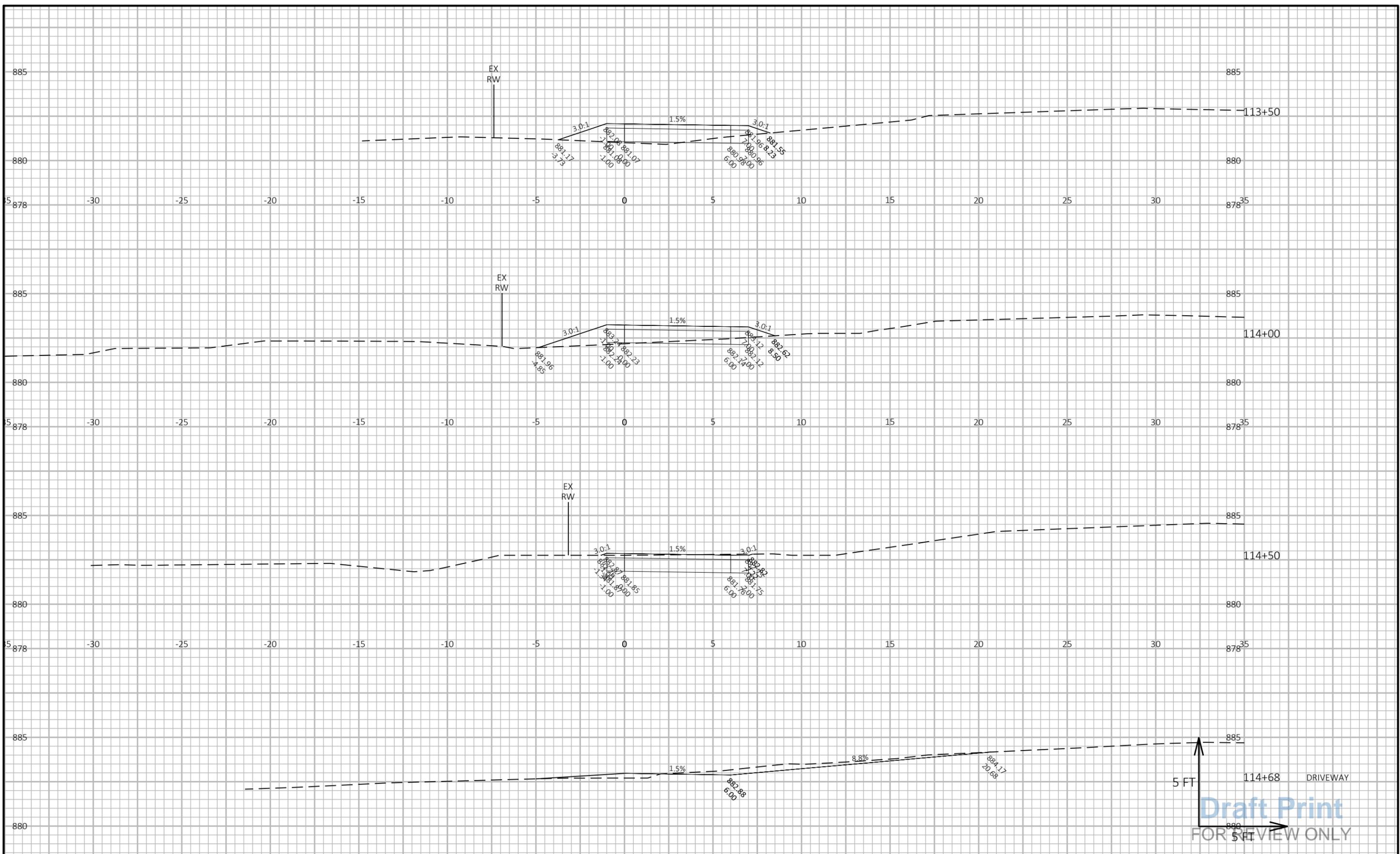
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FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-L.XSDWG

PLOT BY: ARIELLE LEWIS

PLOT DATE : 3/2/2026 4:43 PM



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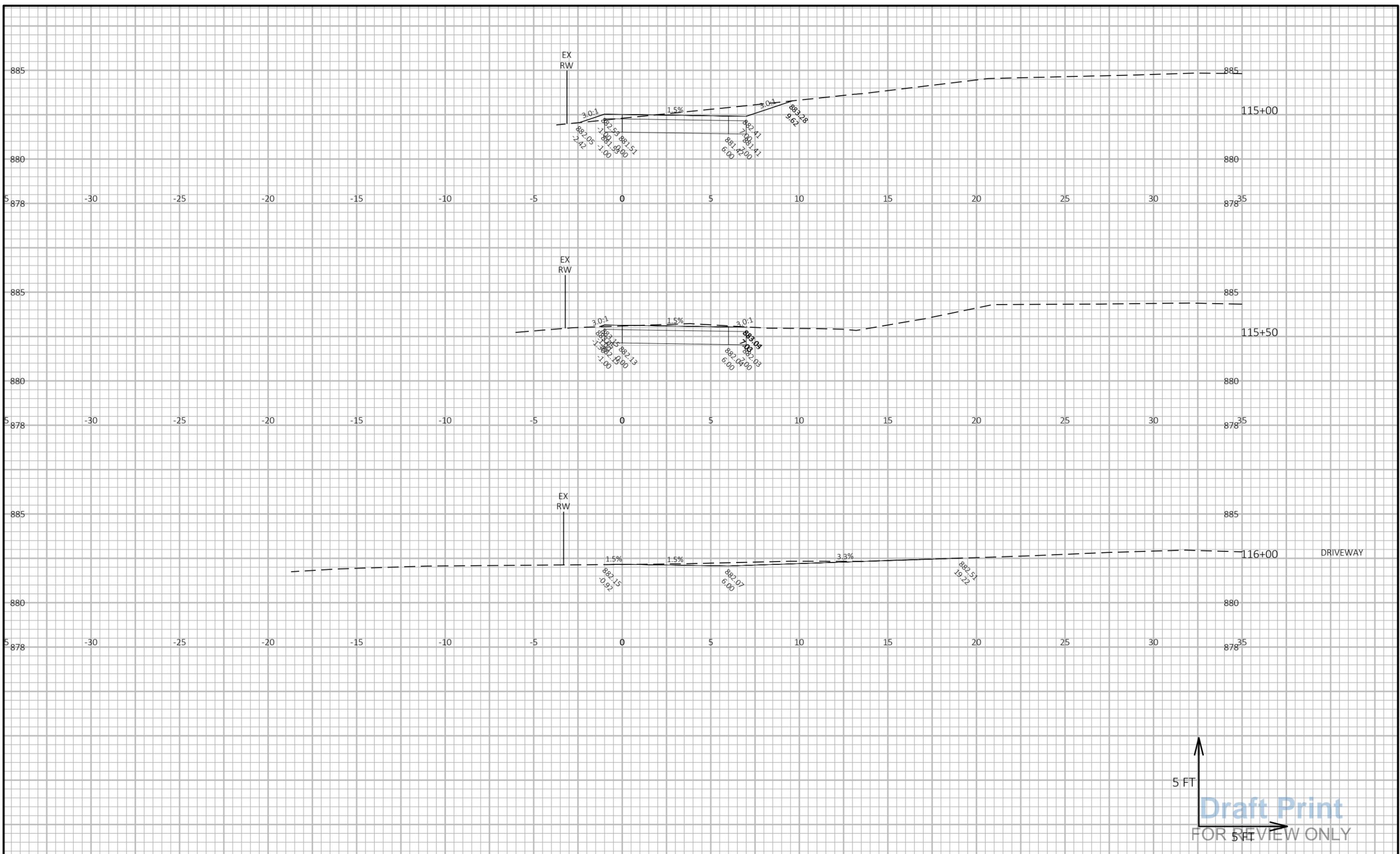


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-12

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



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CROSS SECTIONS - 2026 PATHWAY

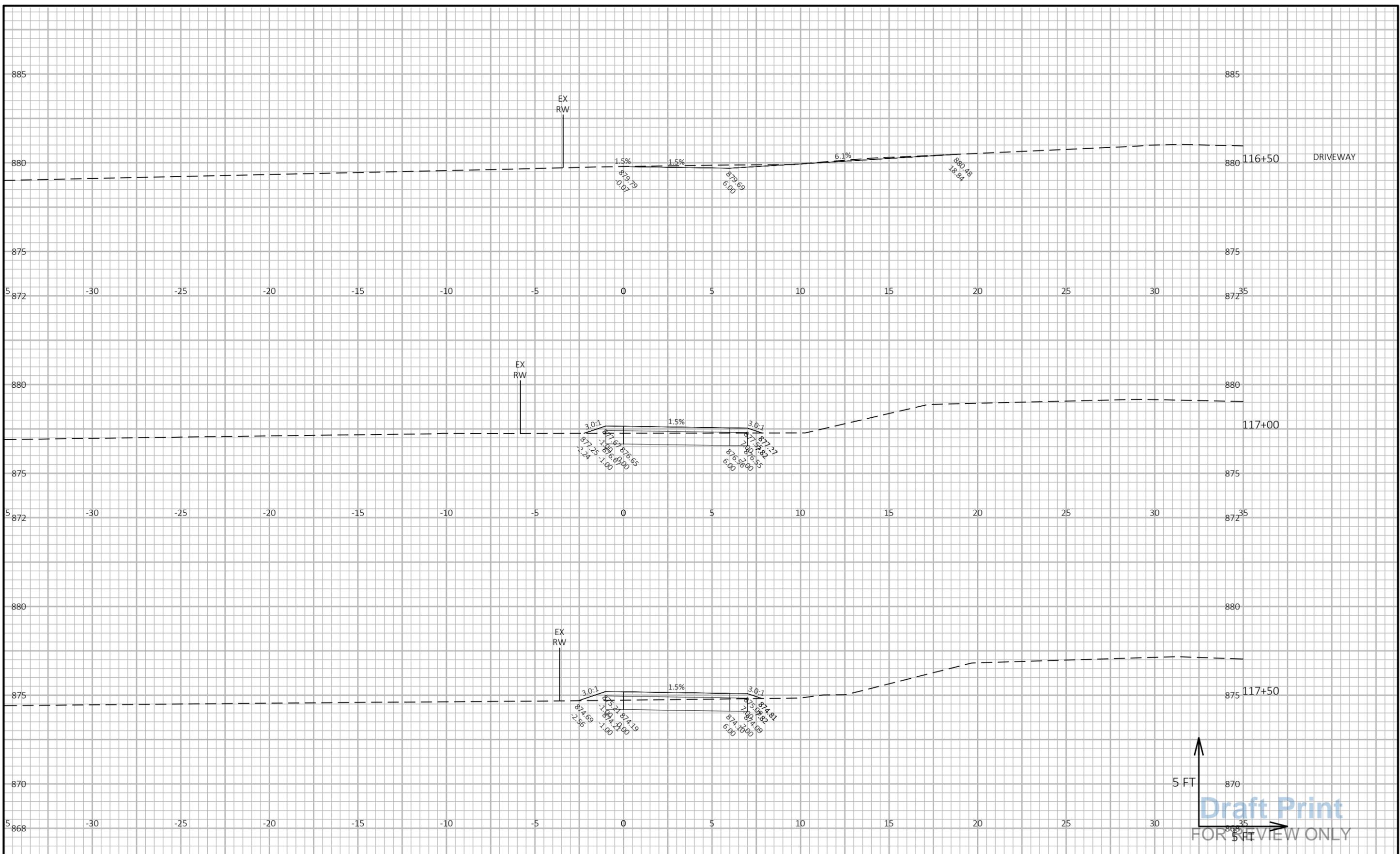


Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-13

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

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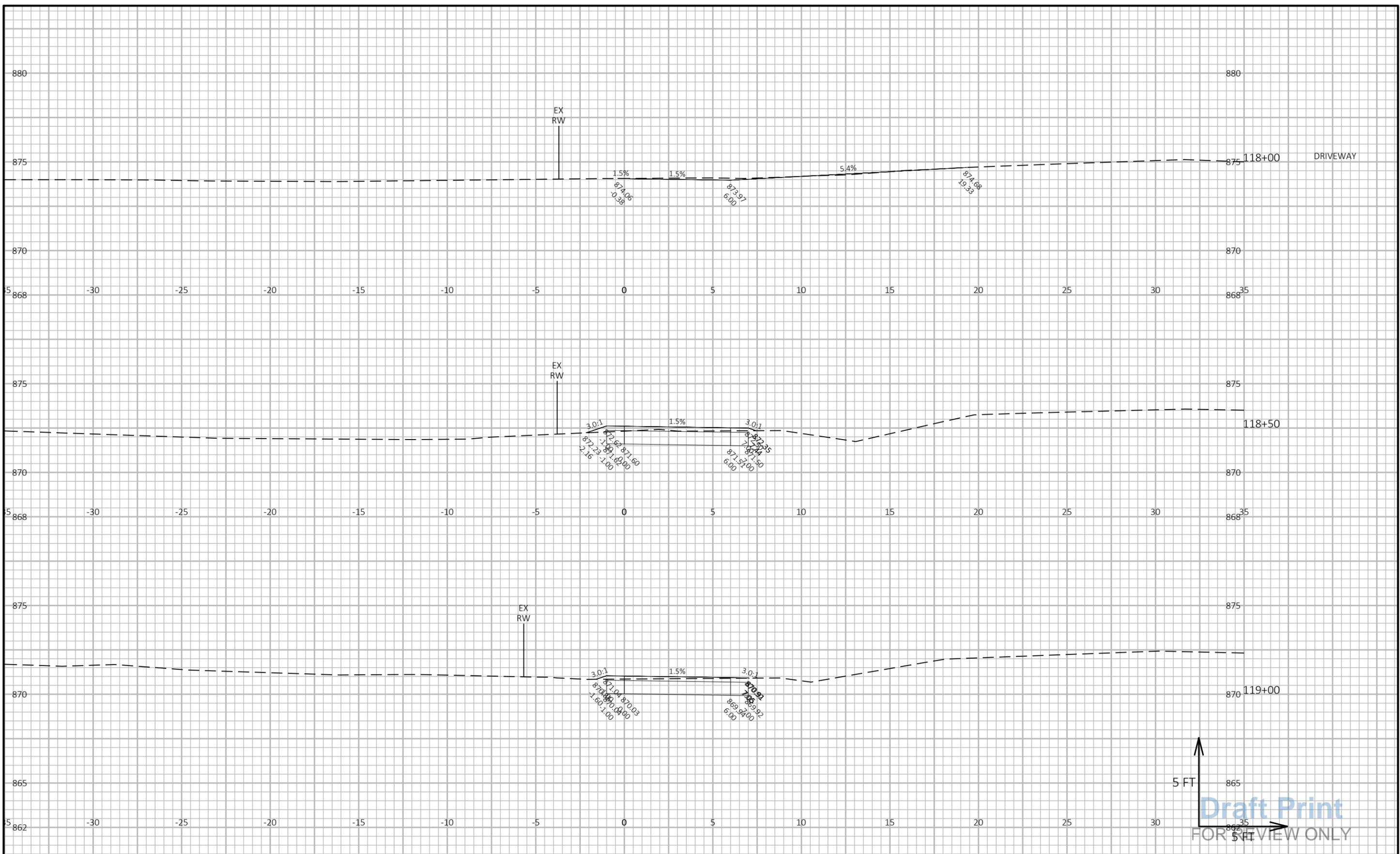
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-14

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

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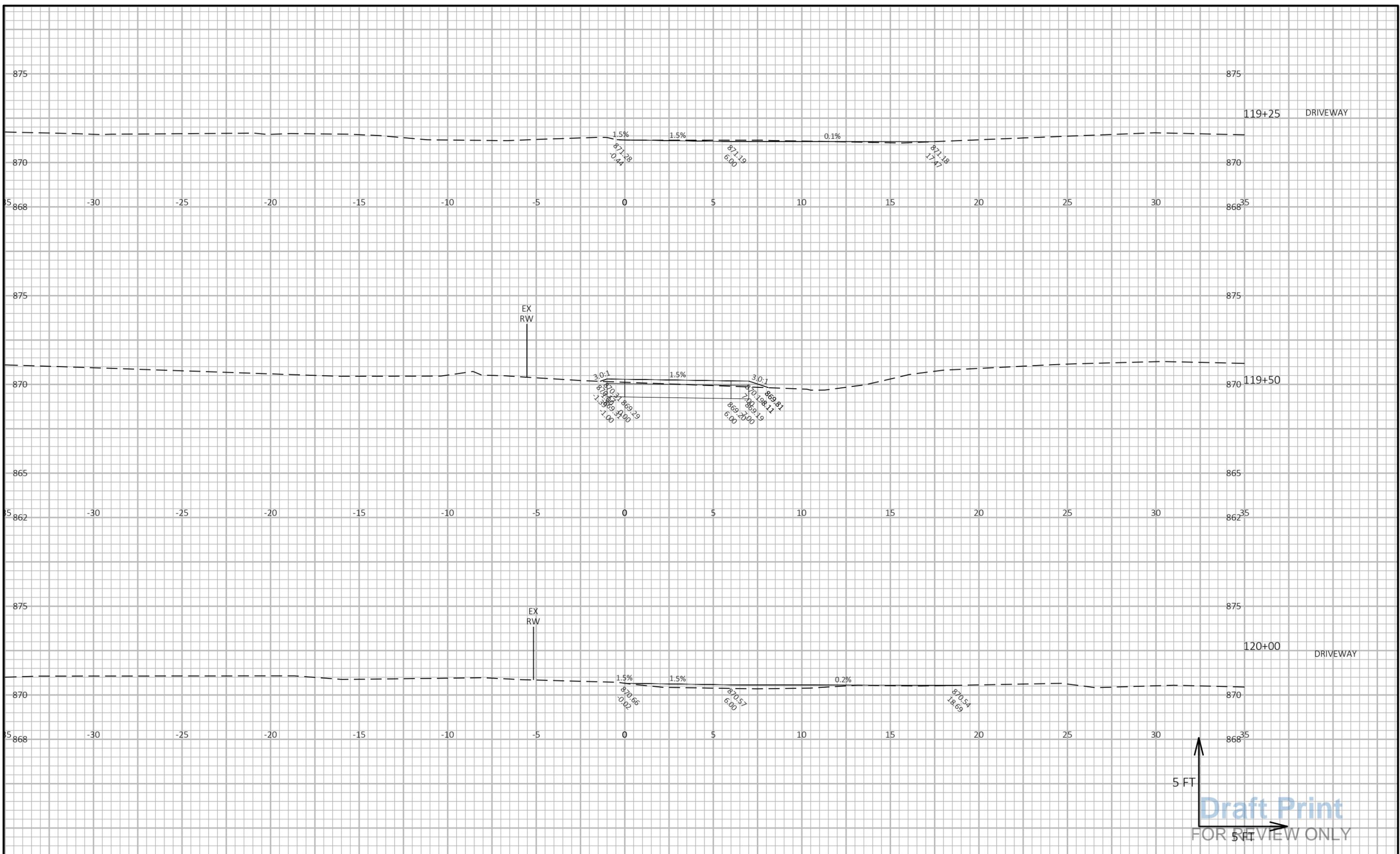
CROSS SECTIONS - 2026 PATHWAY

Project No.	25040-000	Designed By:	AGL
Date:	03-02-2026	Checked By:	SH

CS-15

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

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PLOT BY: ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:43 PM



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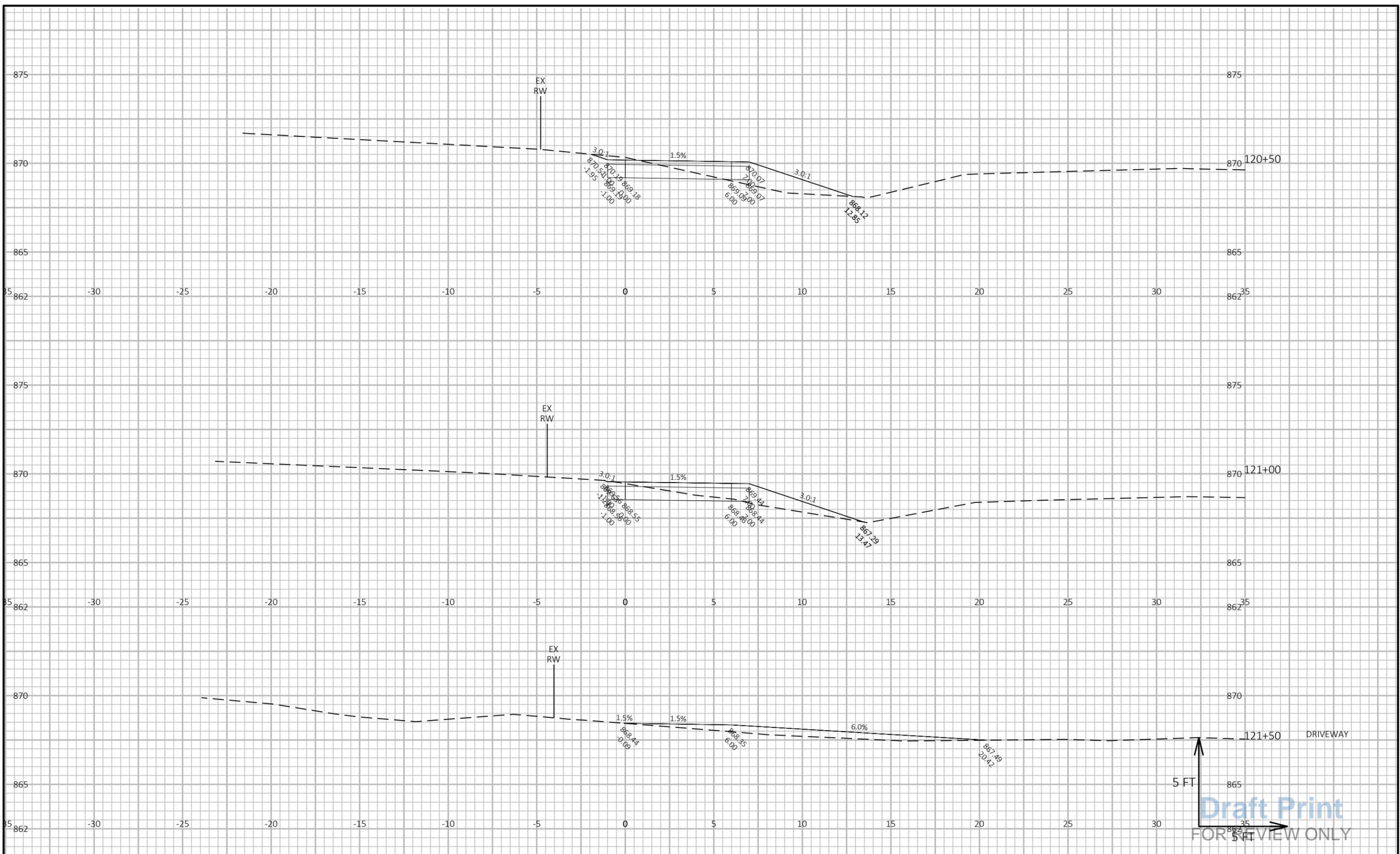
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-16

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG PLOT DATE : 3/2/2026 4:43 PM PLOT BY : ARIELLE LEWEN



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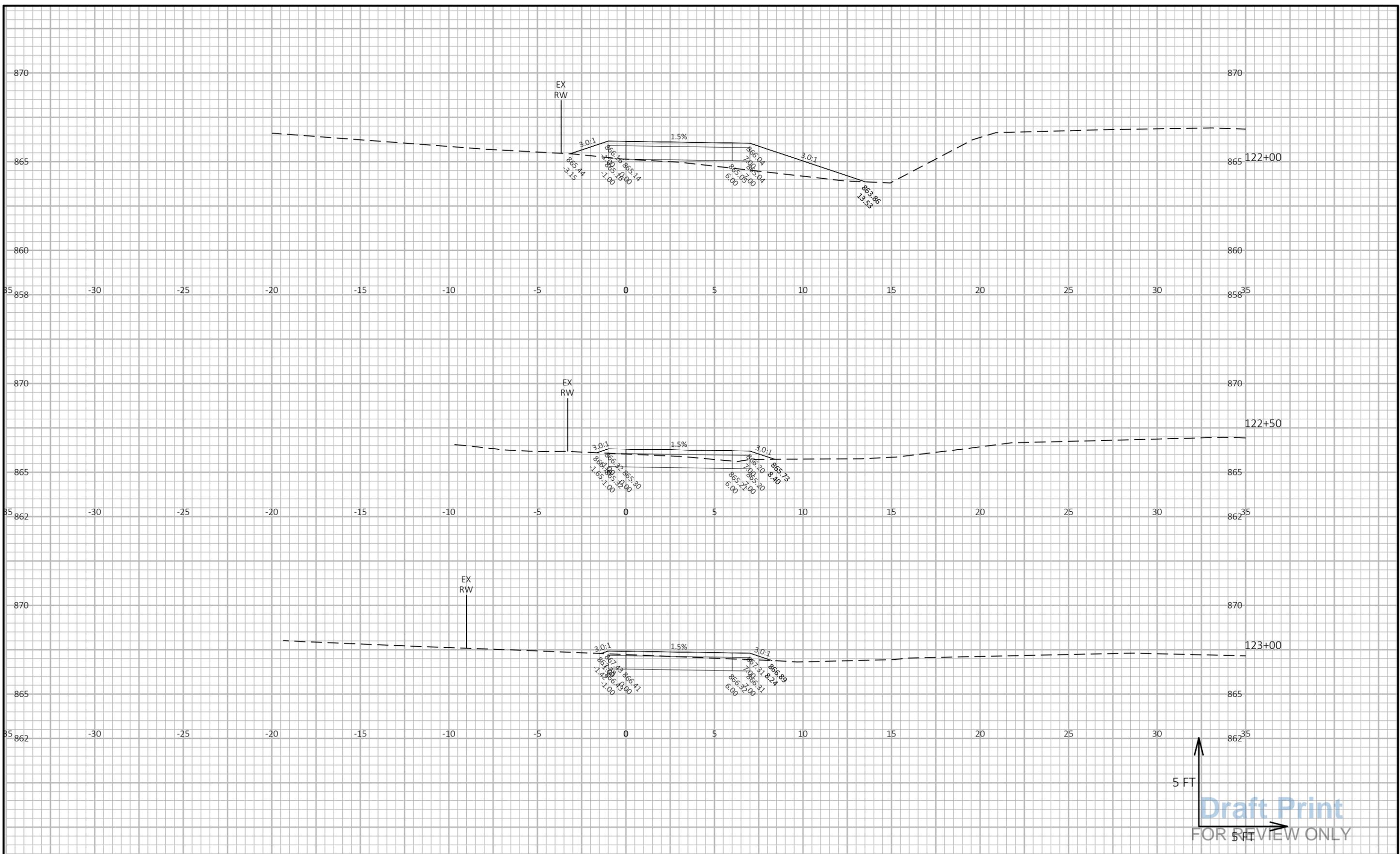


CROSS SECTIONS - 2026 PATHWAY

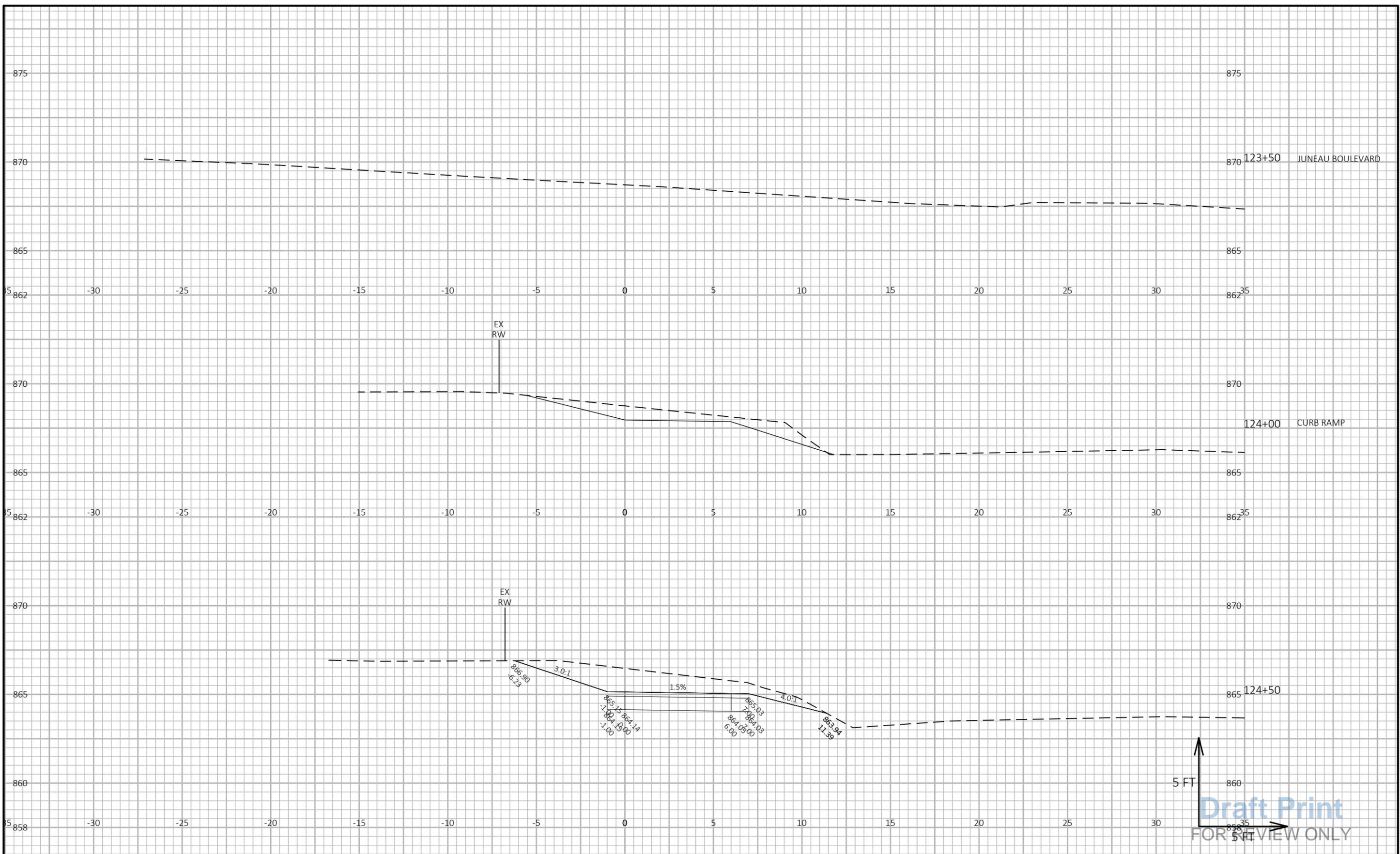
Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-17

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



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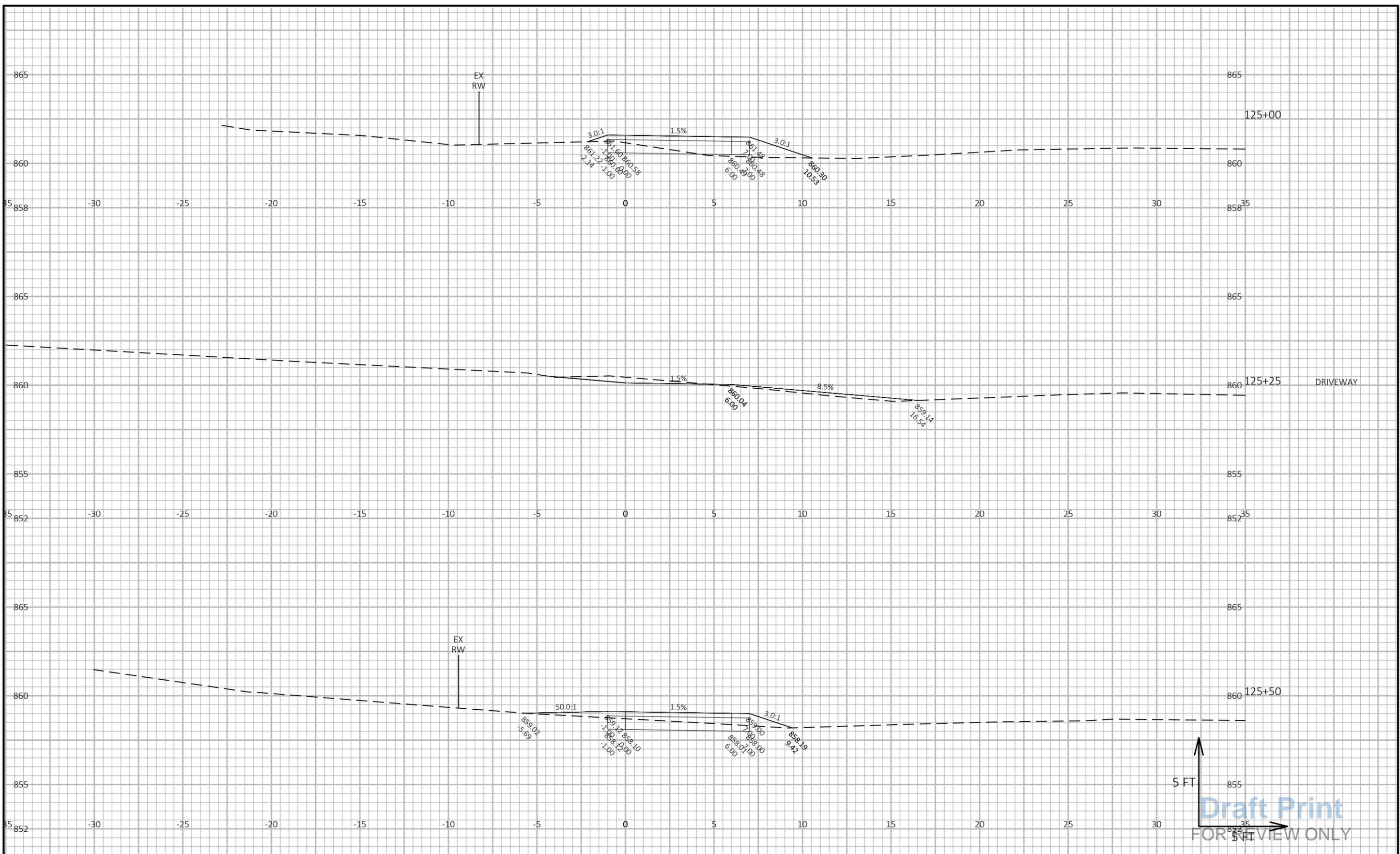
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-19

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT DATE : 3/2/2026 4:44 PM
PLOT BY : ARIELLE LEWEN



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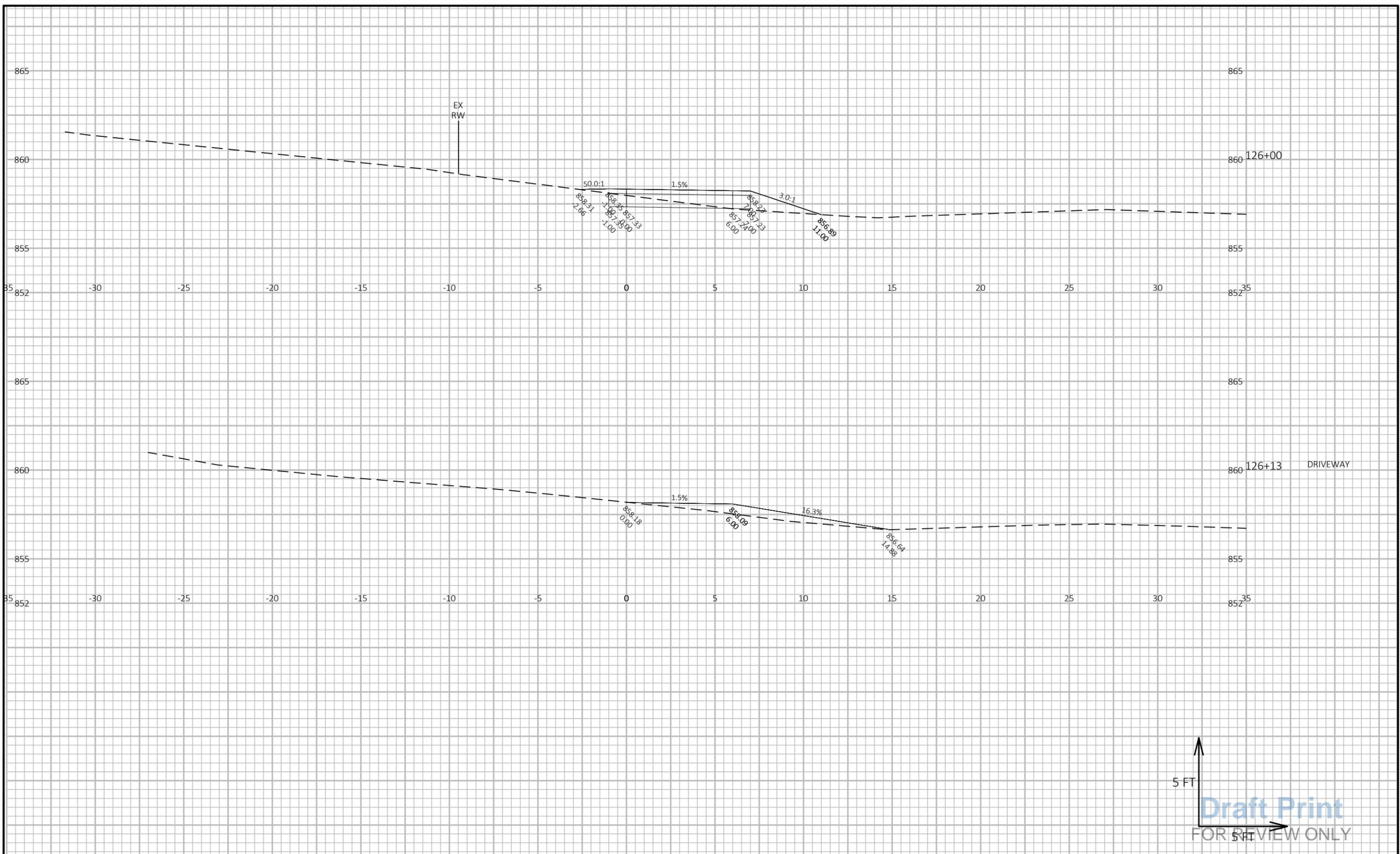
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-20

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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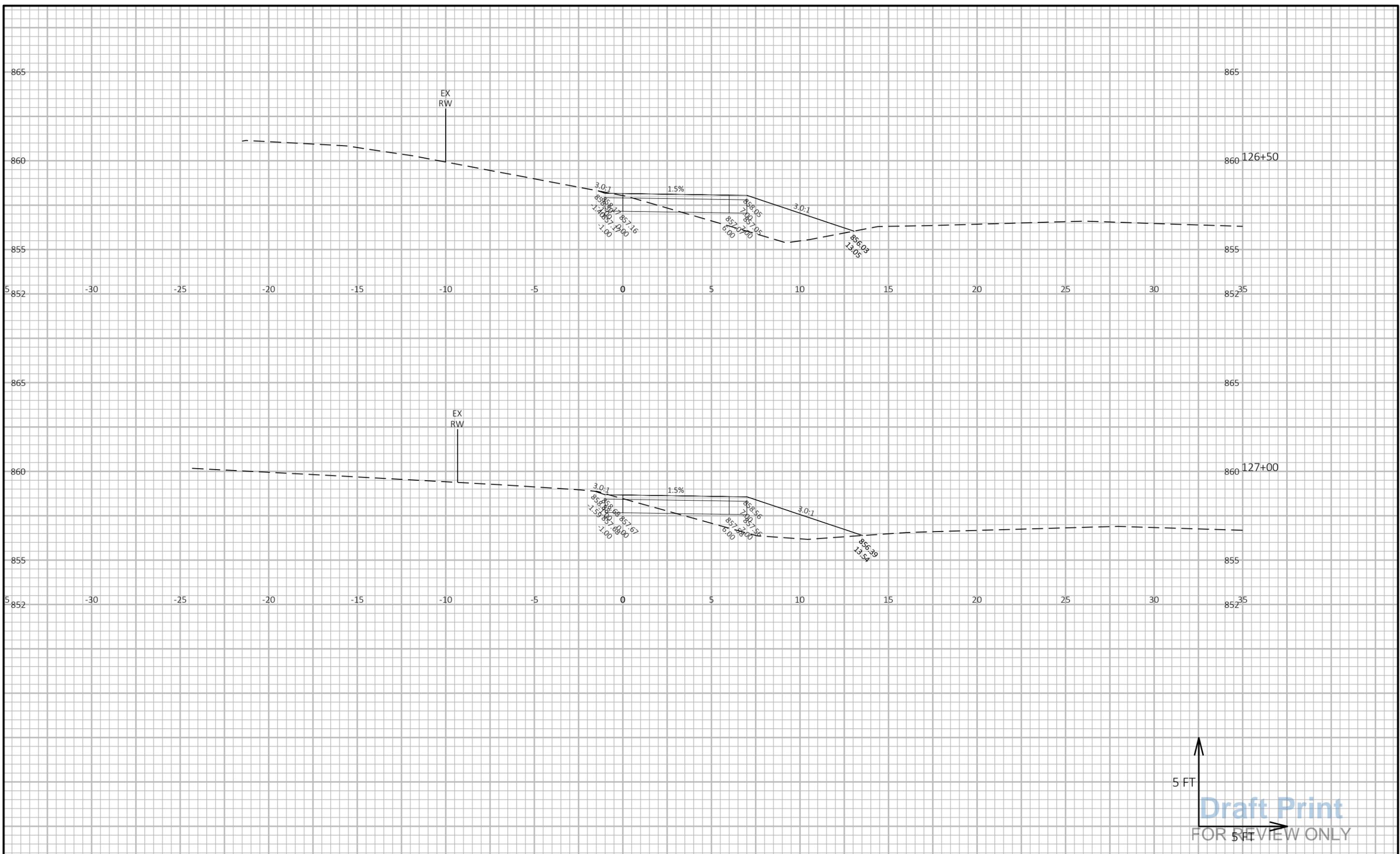
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-21

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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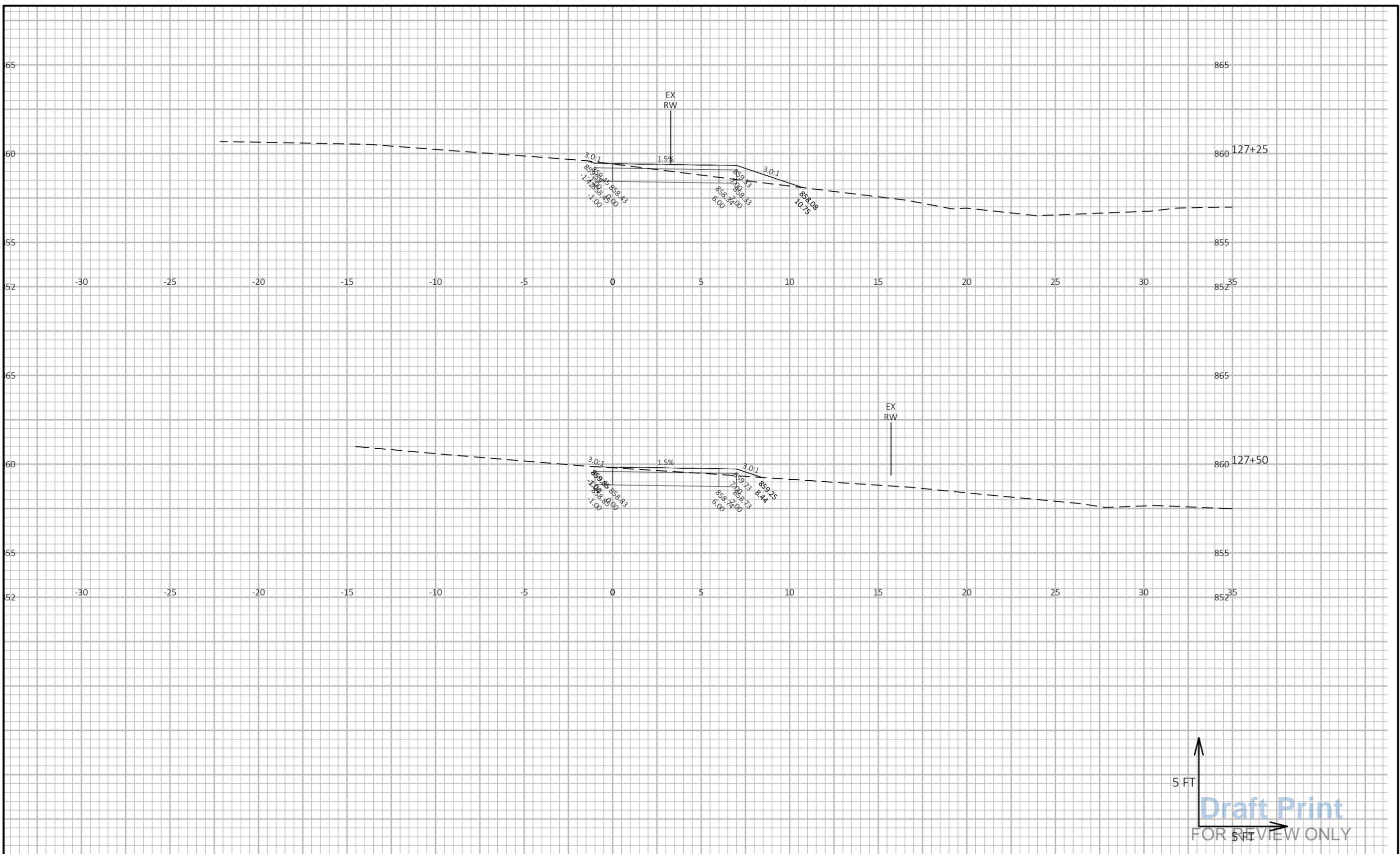
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-22

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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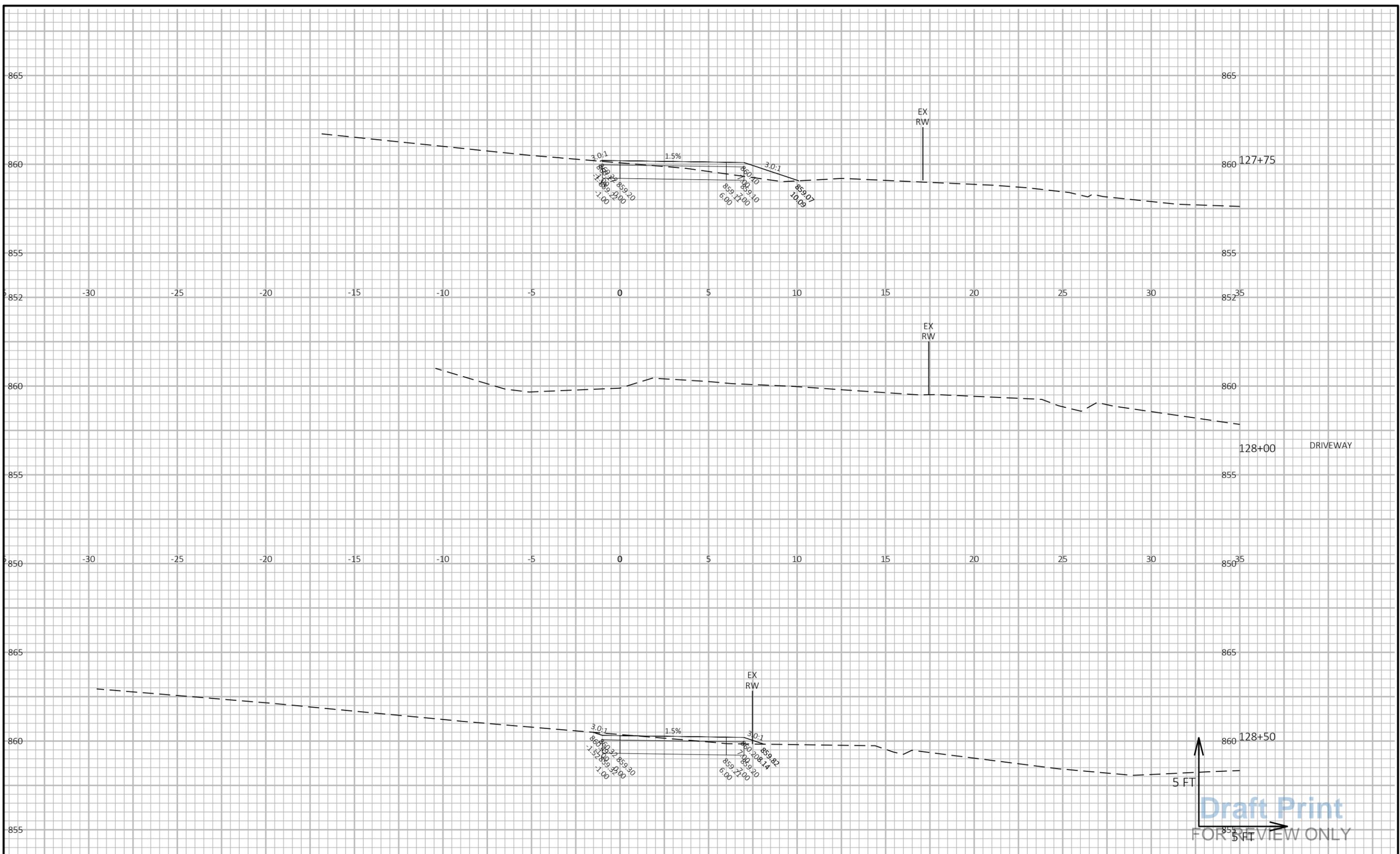
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-23

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-L.XS.DWG PLOT DATE : 3/2/2026 4:44 PM PLOT BY : ARIELLE LEWEN



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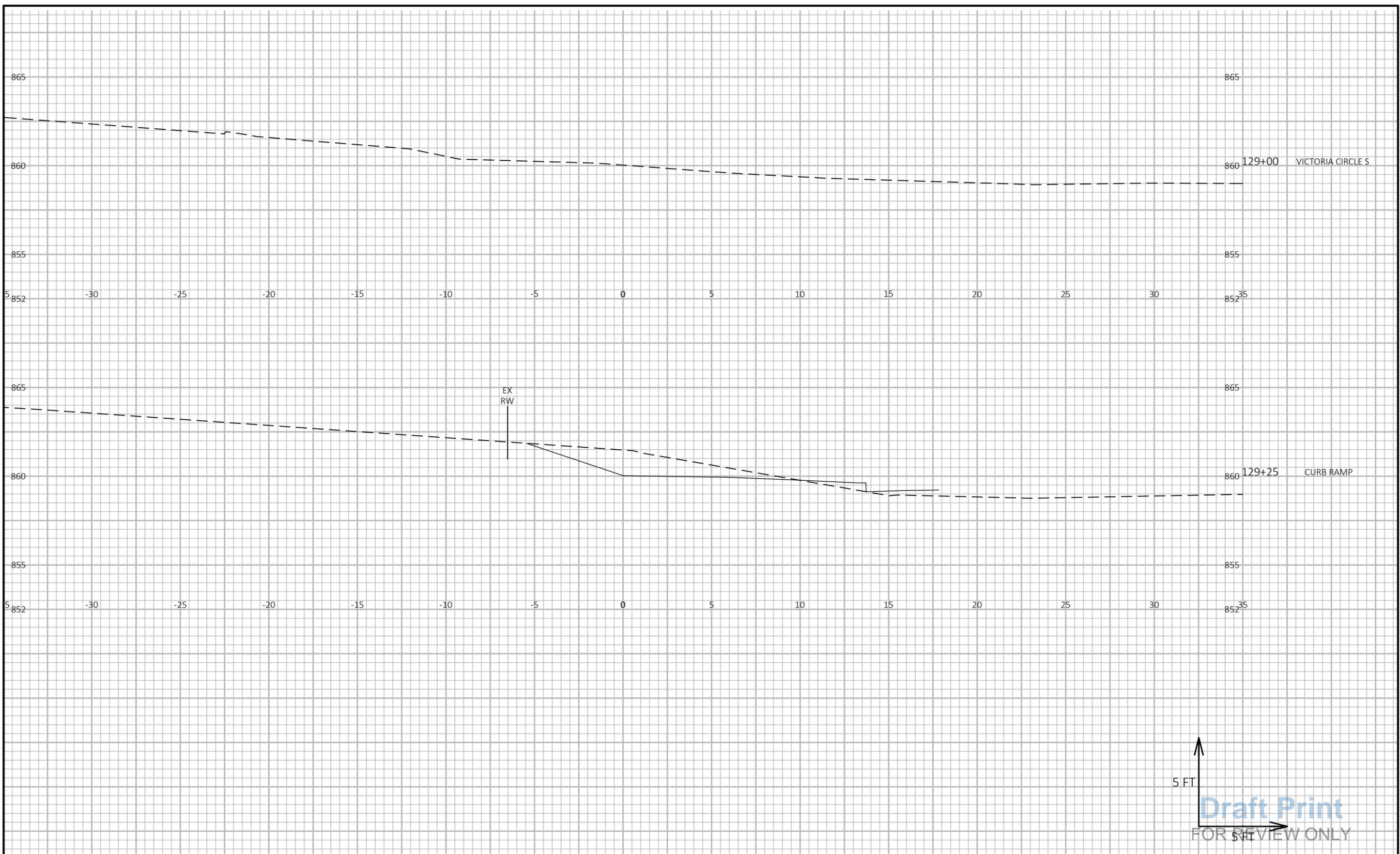
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-24

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-L-XS.DWG
PLOT BY: ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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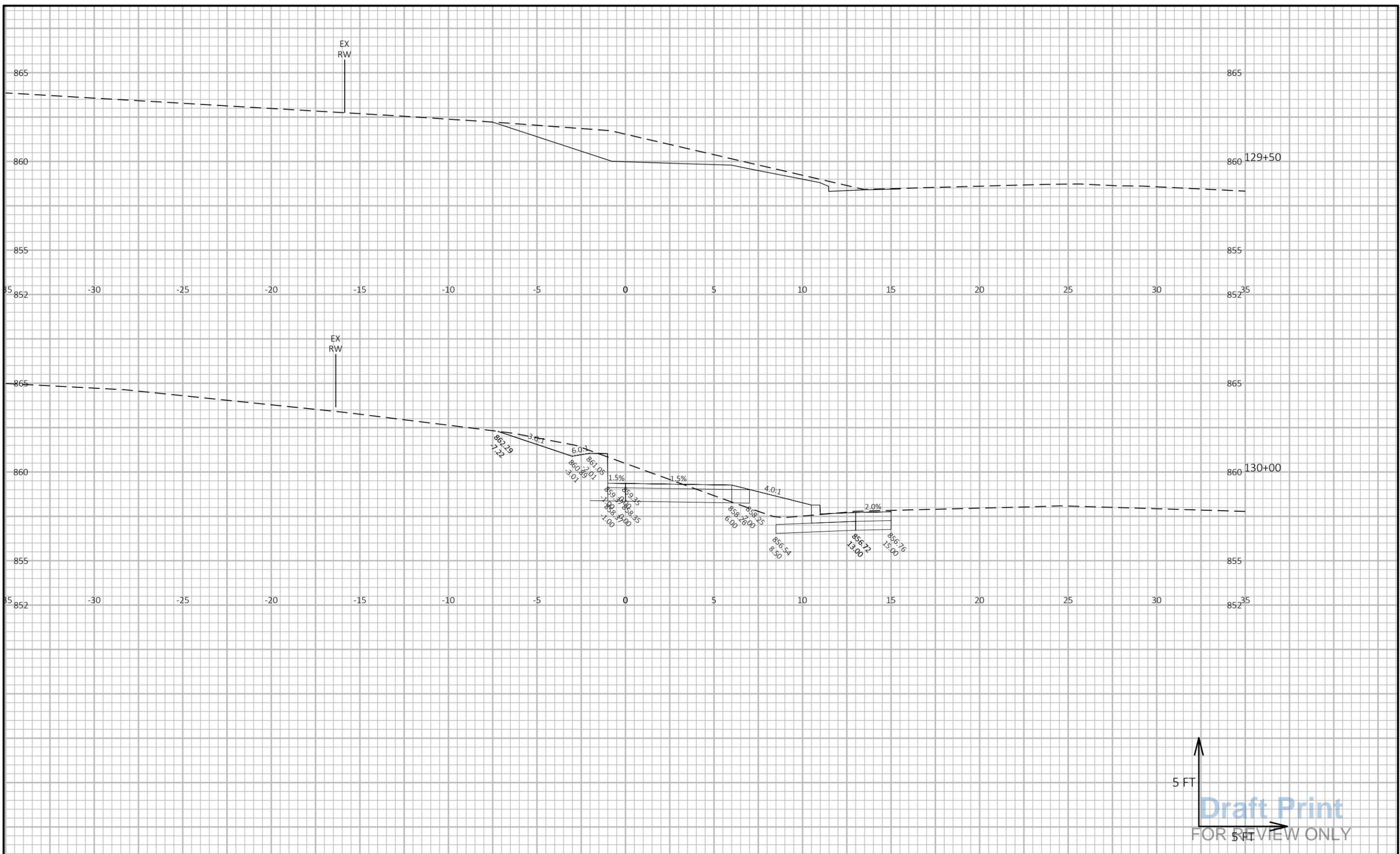
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-25

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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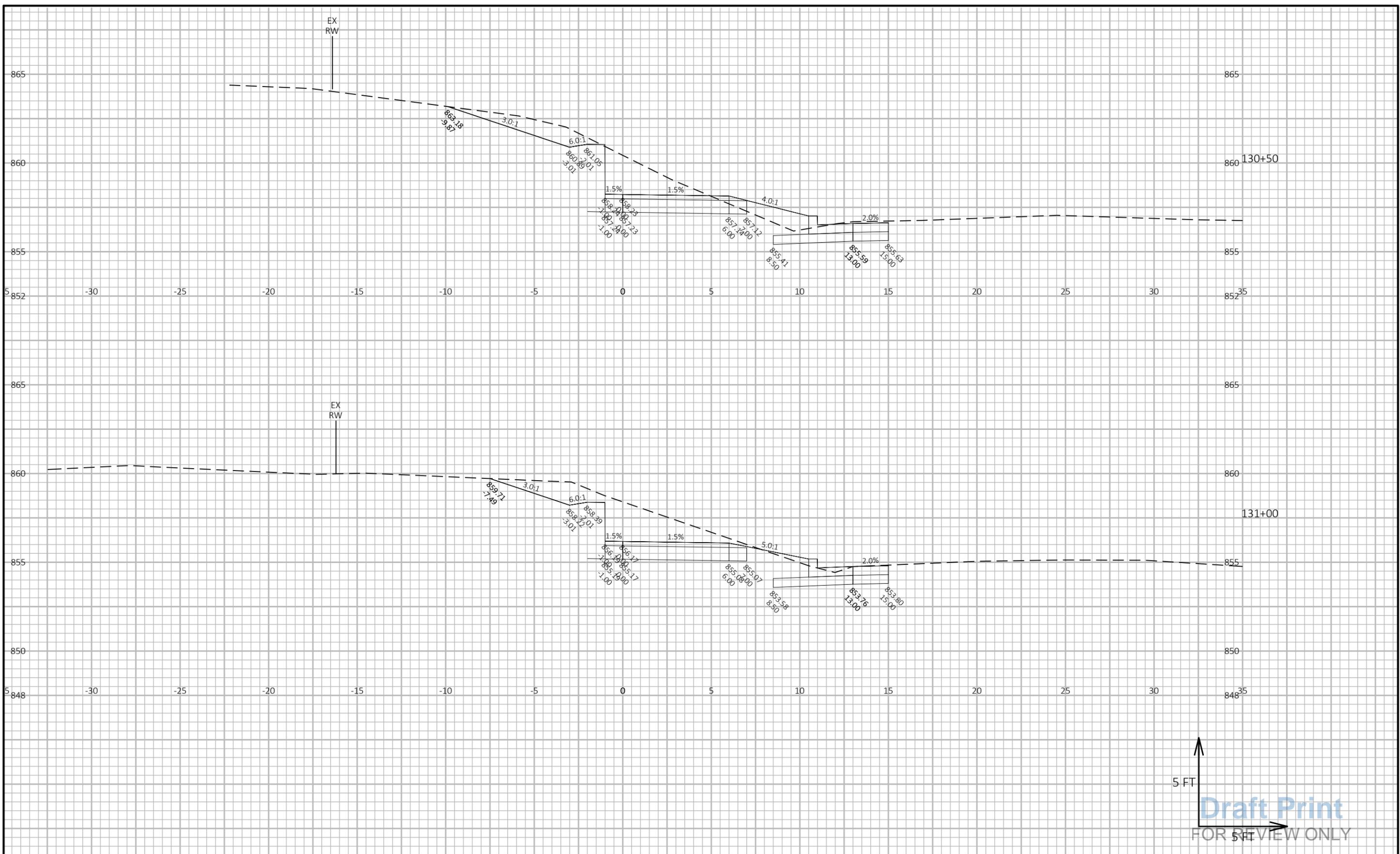
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-26

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

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PLOT BY : ARIELLE LEWIS



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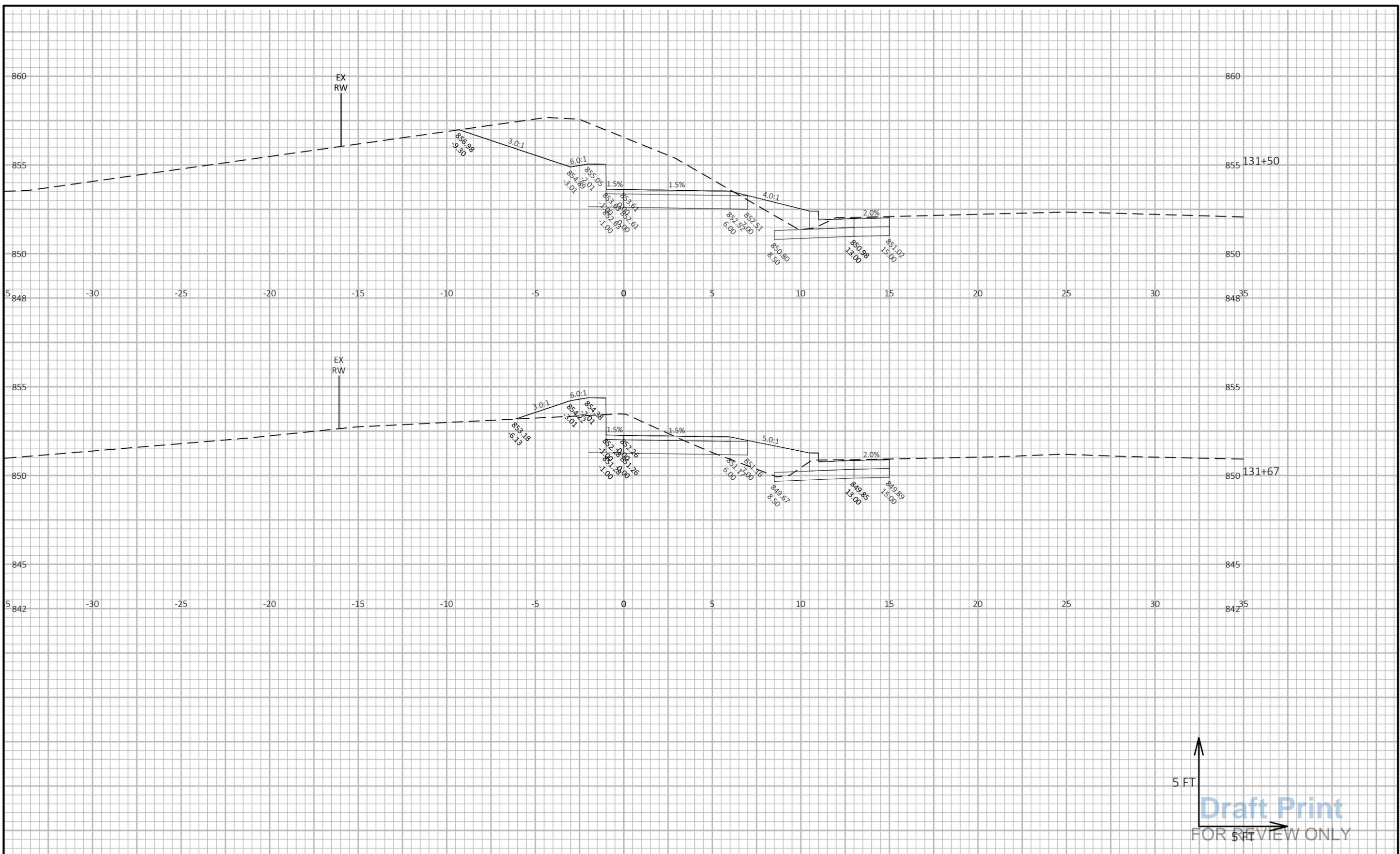
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-27

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-LXS.DWG
PLOT BY: ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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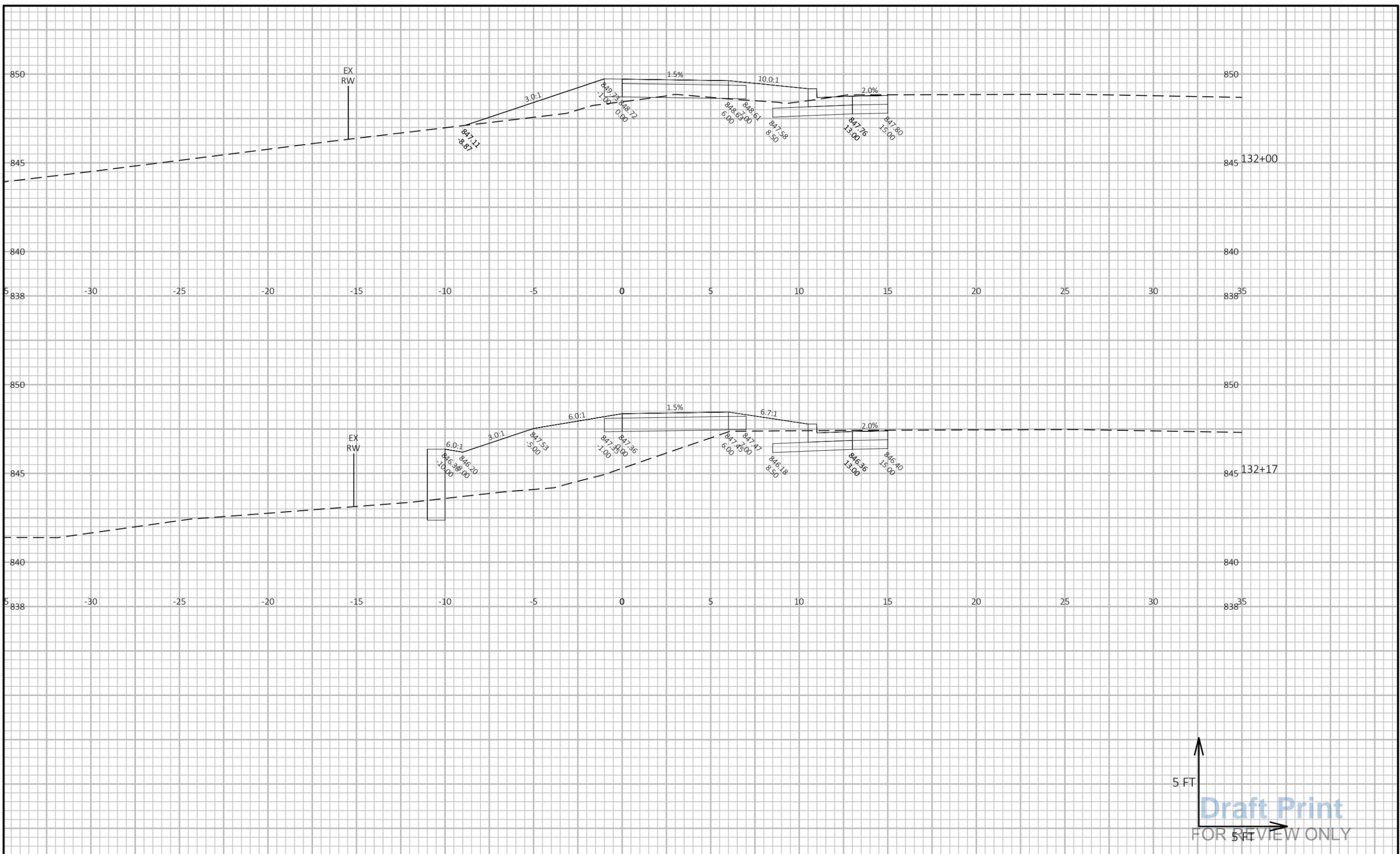
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-28

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FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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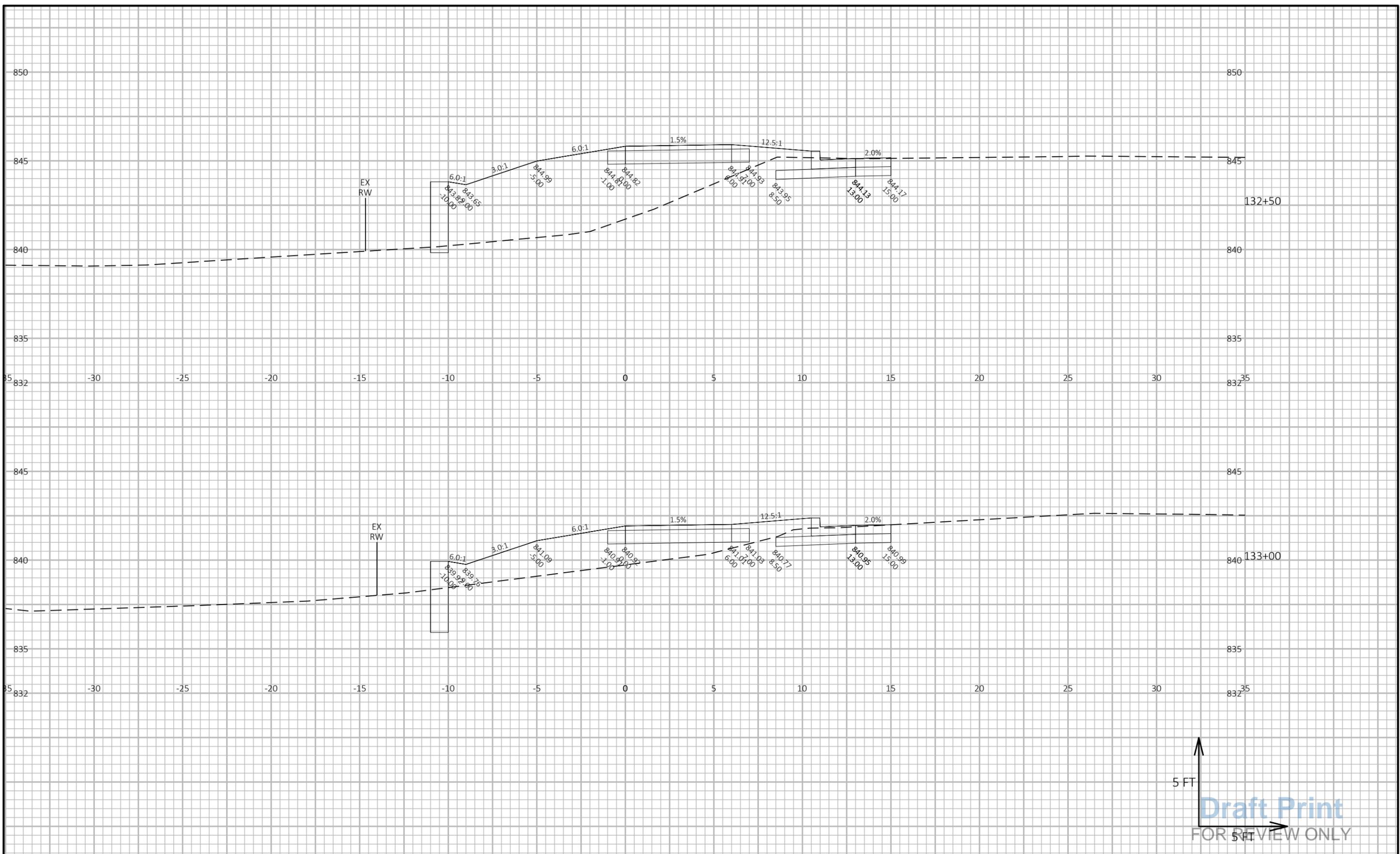
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-29

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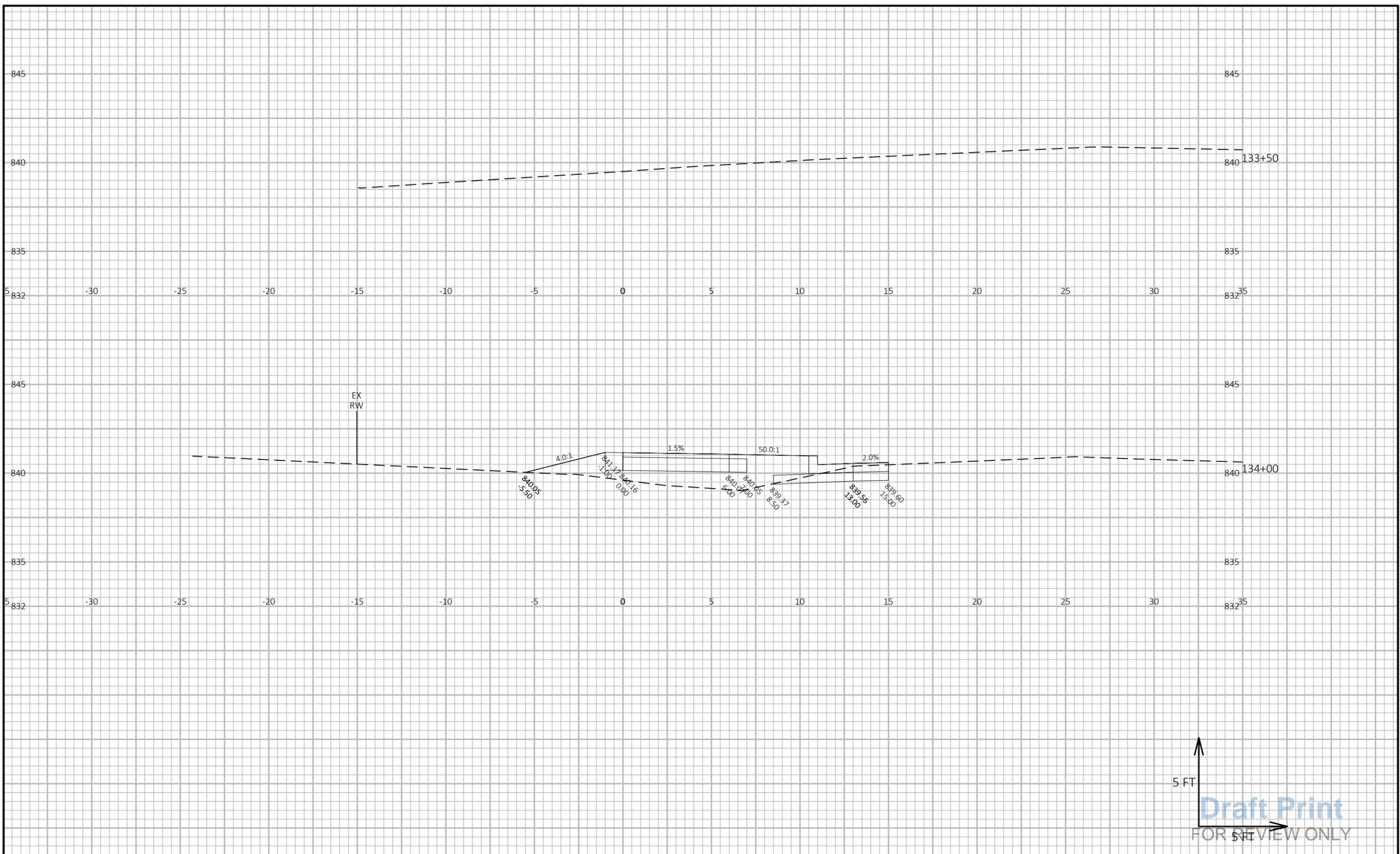


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

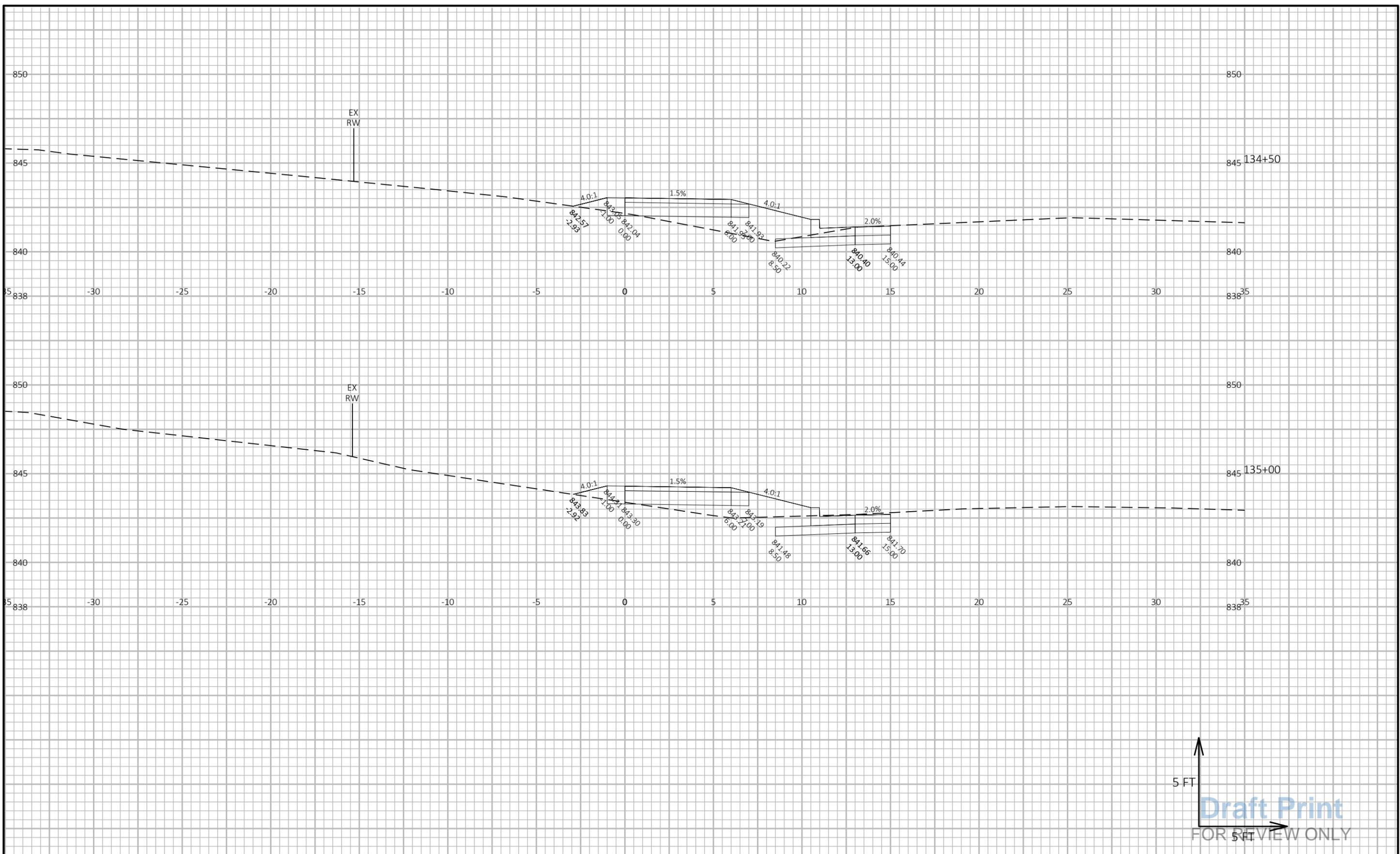
CS-30

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PLOT DATE : 3/2/2026 4:44 PM
PLOT BY : ARIELLE LEWEN



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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-32

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

PLOT DATE : 3/2/2026 4:44 PM

PLOT BY : ARIELLE LEWIS

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FILE NAME :



Draft Print
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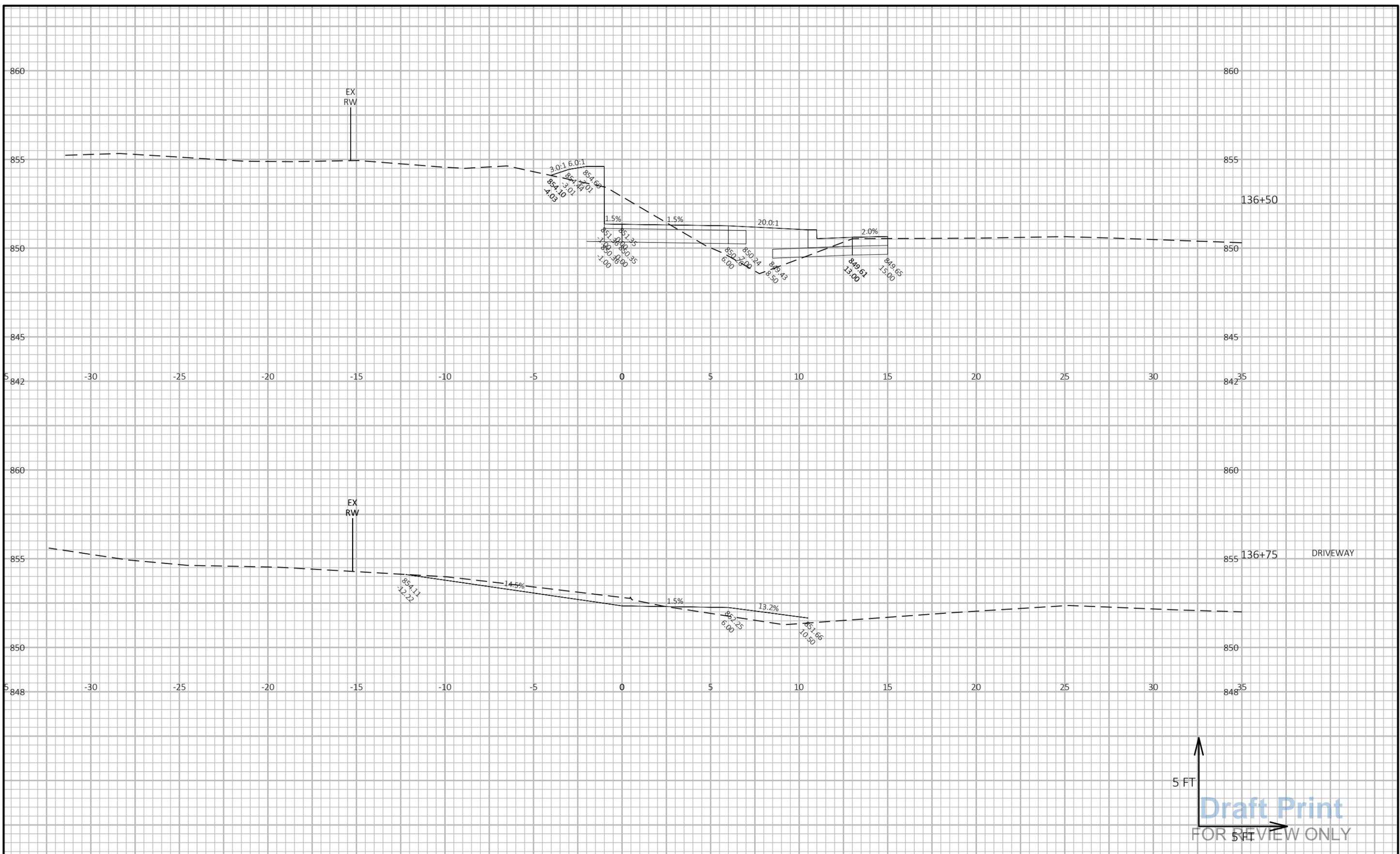
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-33

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

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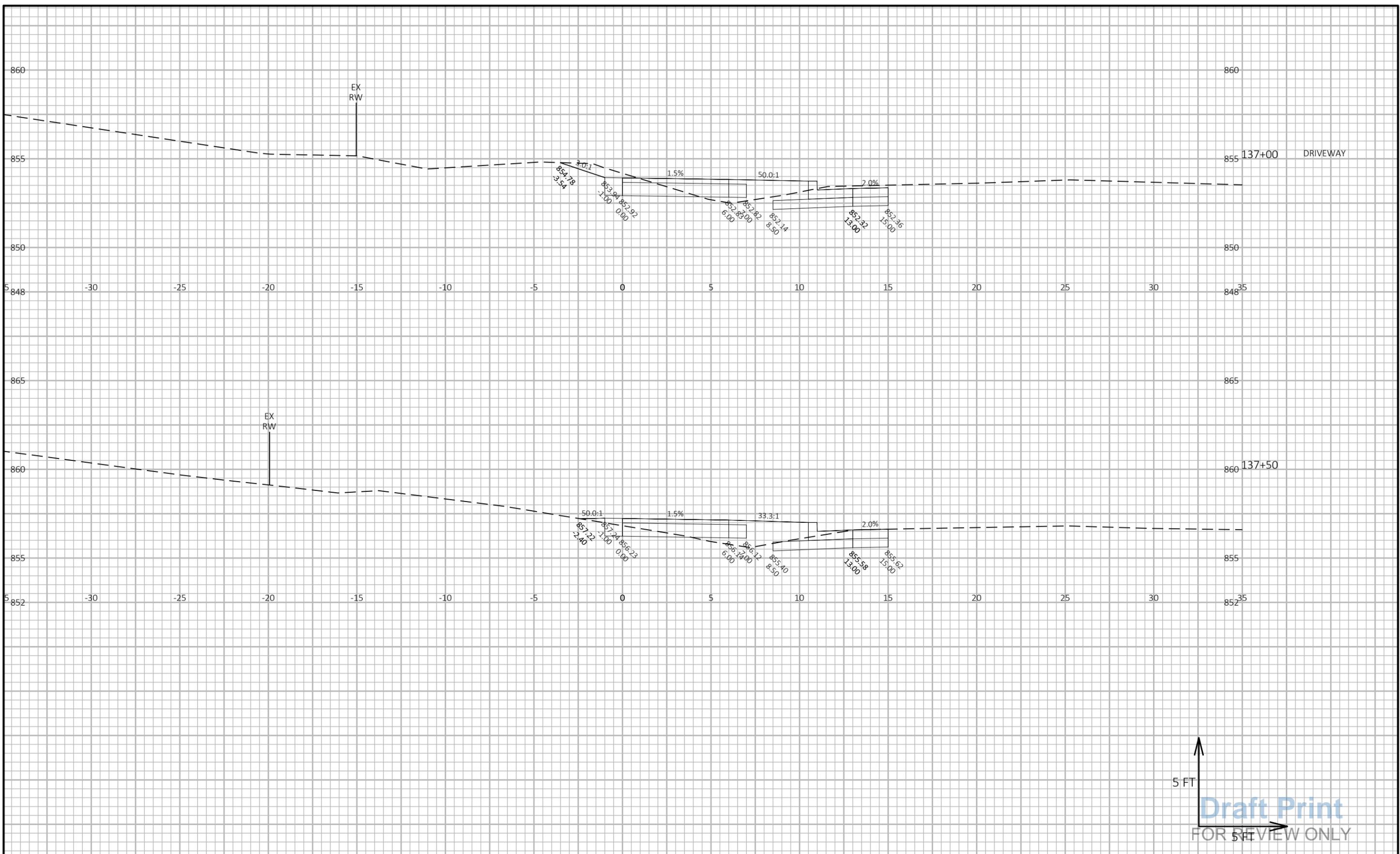
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-34

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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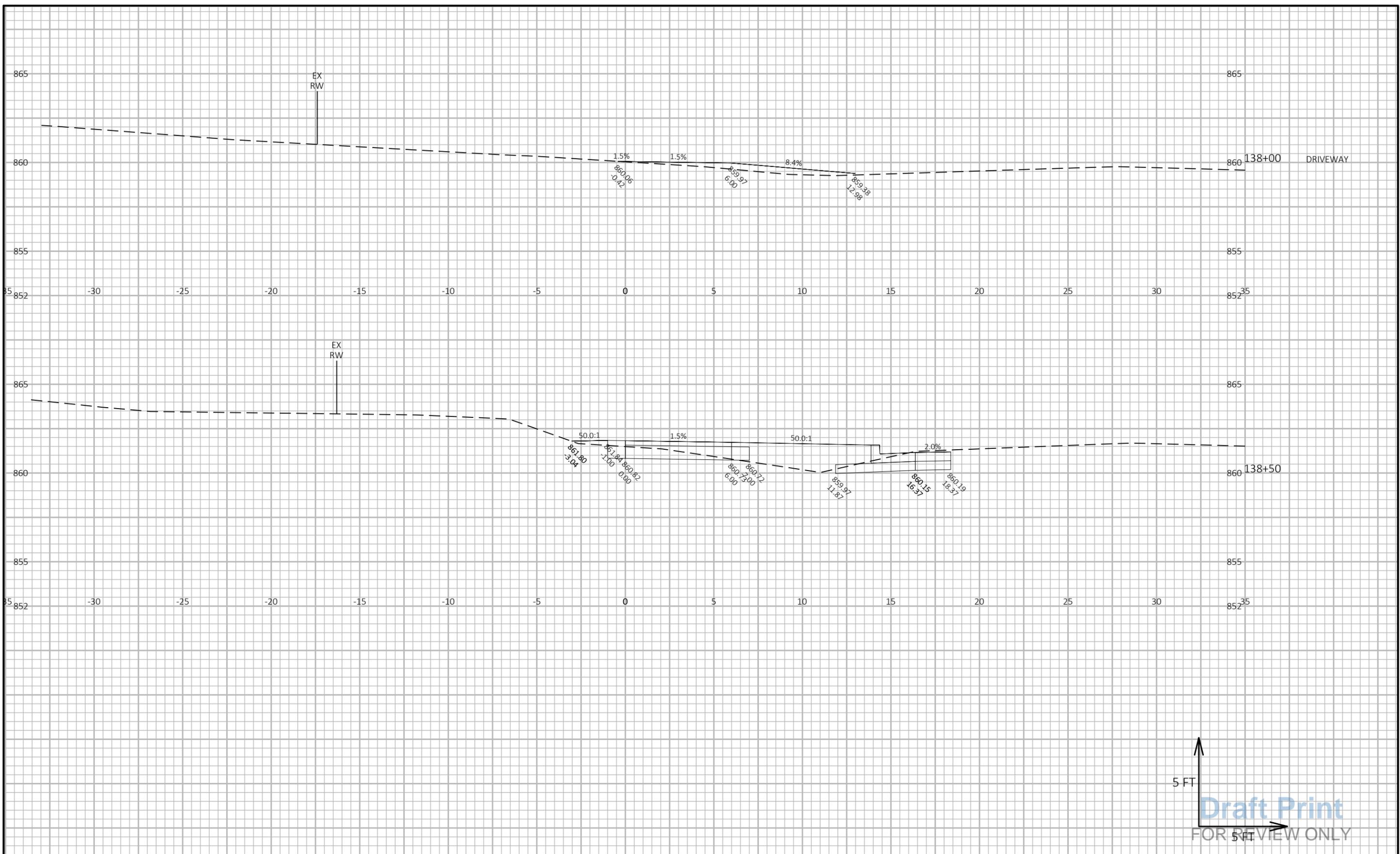
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-35

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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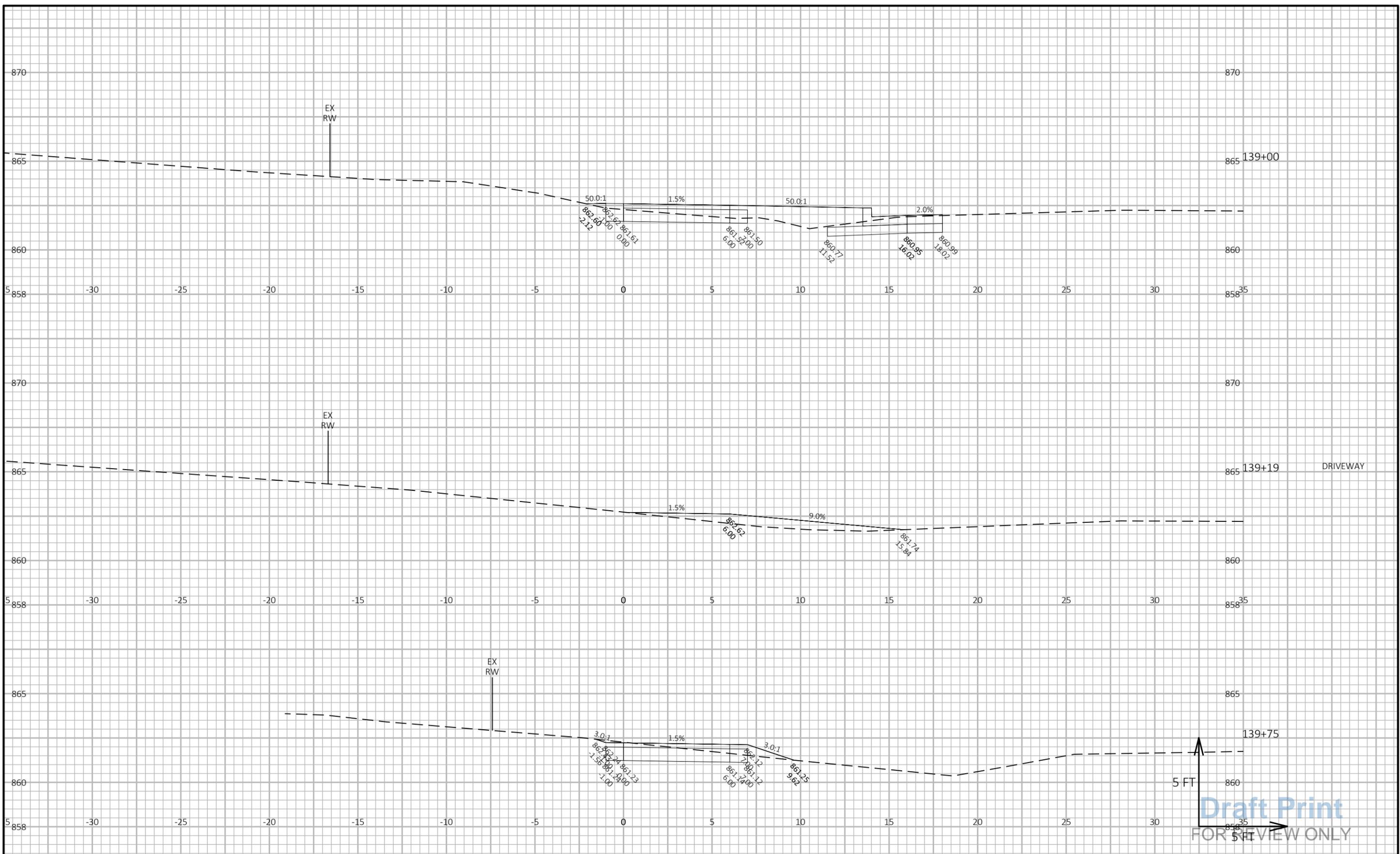
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000
Date: 03-02-2026
Designed By: AGL
Checked By: SH

CS-36

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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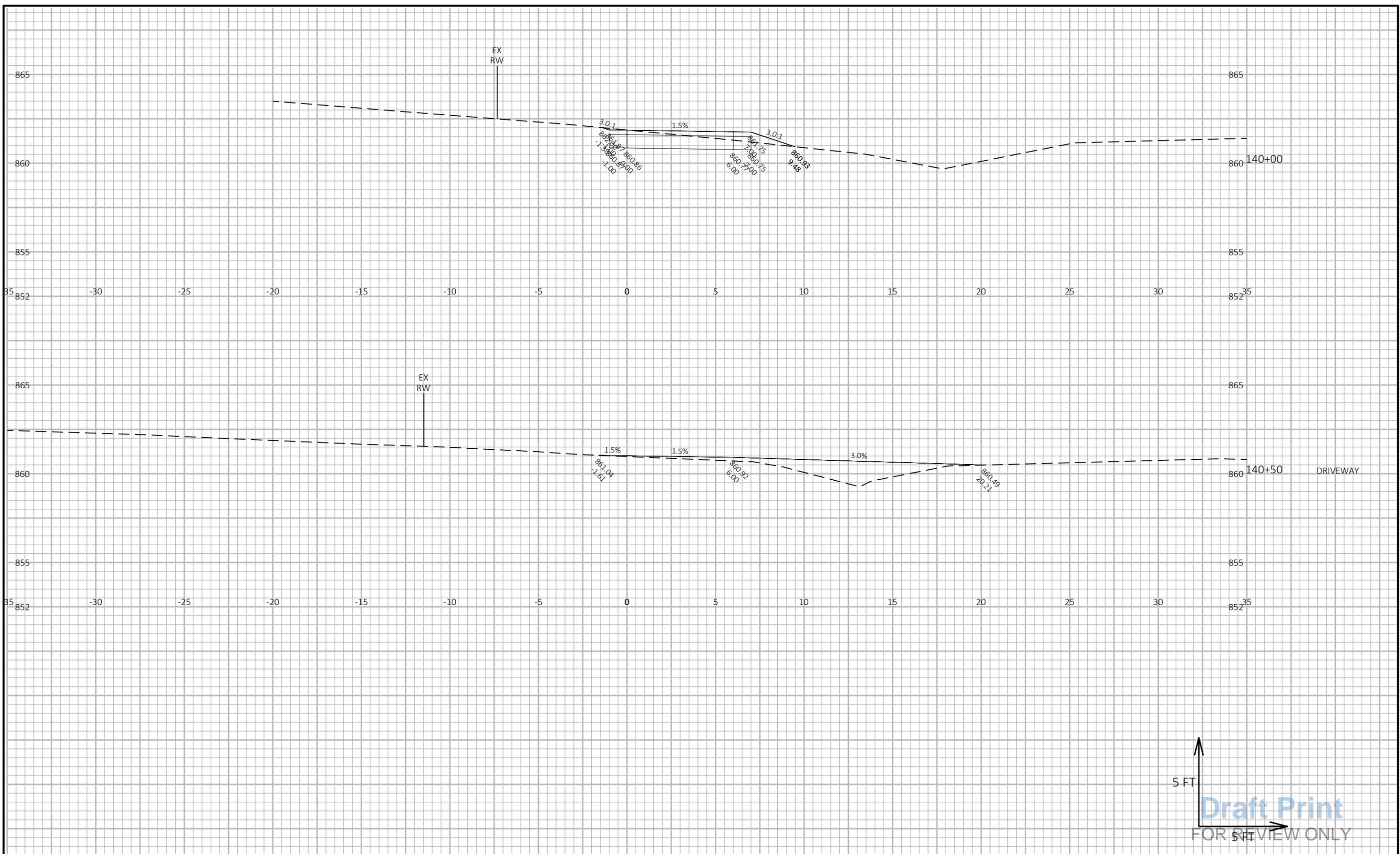
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-37

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG PLOT DATE : 3/2/2026 4:44 PM PLOT BY : ARIELLE LEWEN



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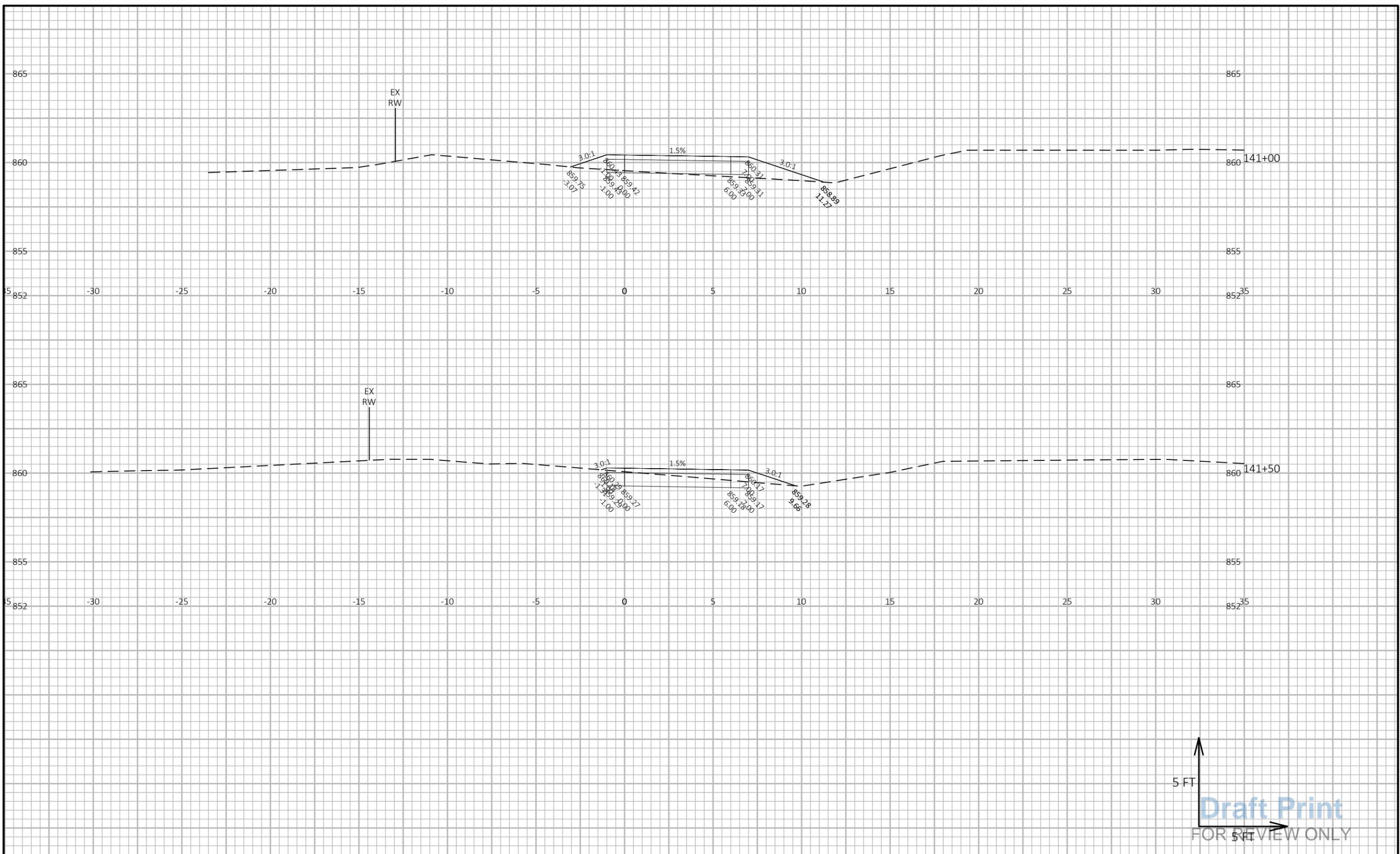
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-38

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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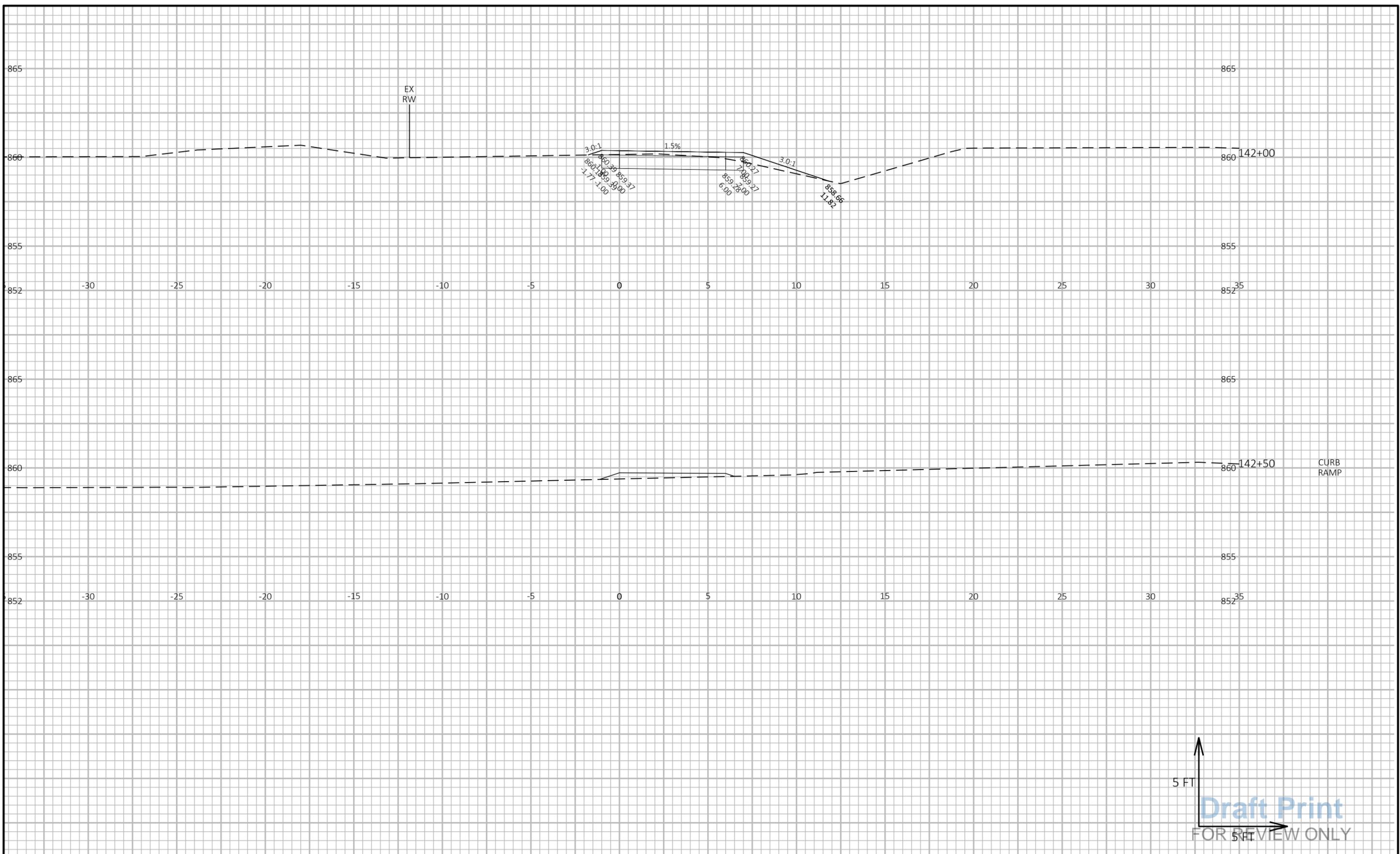
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000
Date: 03-02-2026
Designed By: AGL
Checked By: SH

CS-39

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG PLOT DATE : 3/2/2026 4:44 PM PLOT BY : ARIELLE LEWEN



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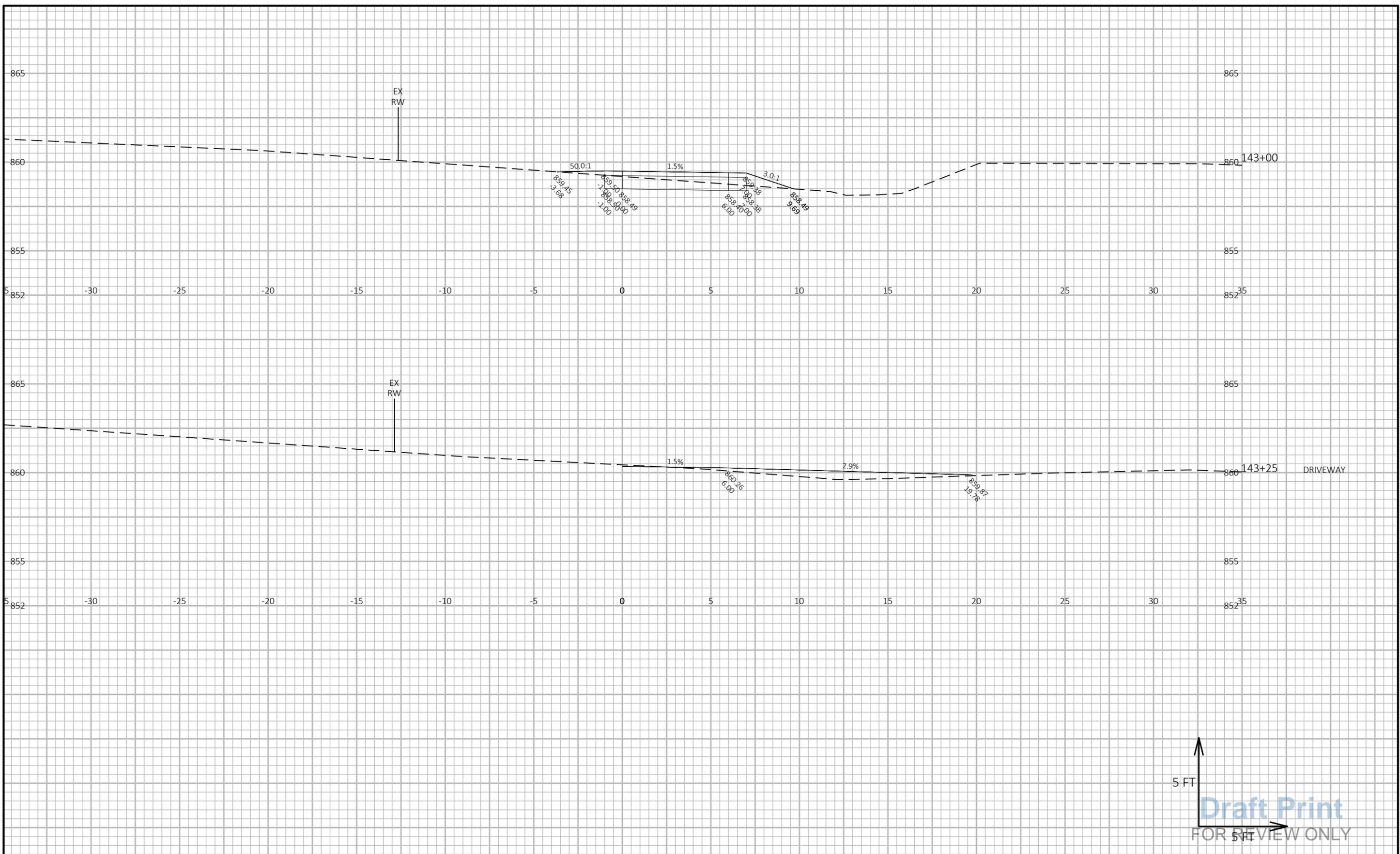
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-40

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY: ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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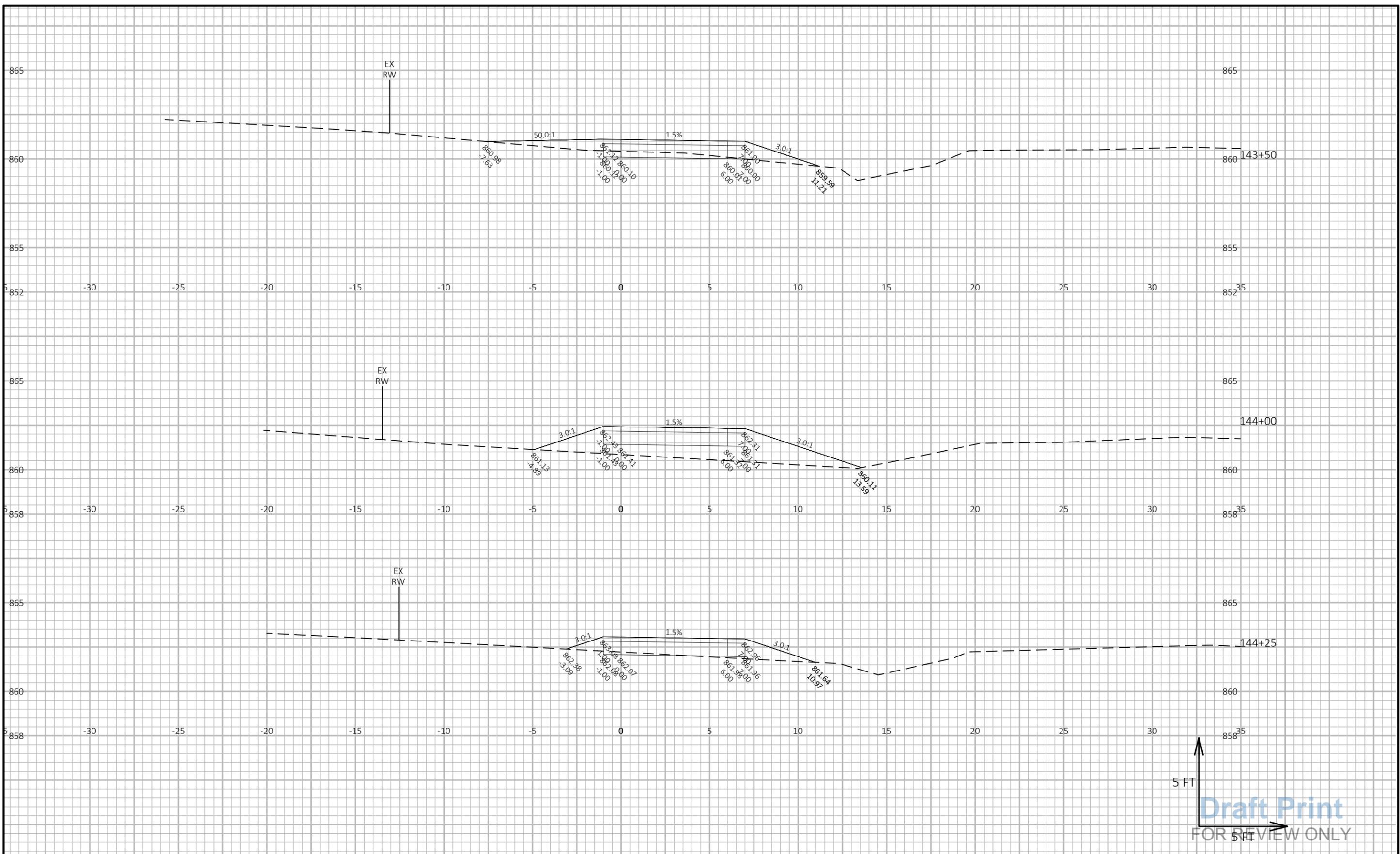


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

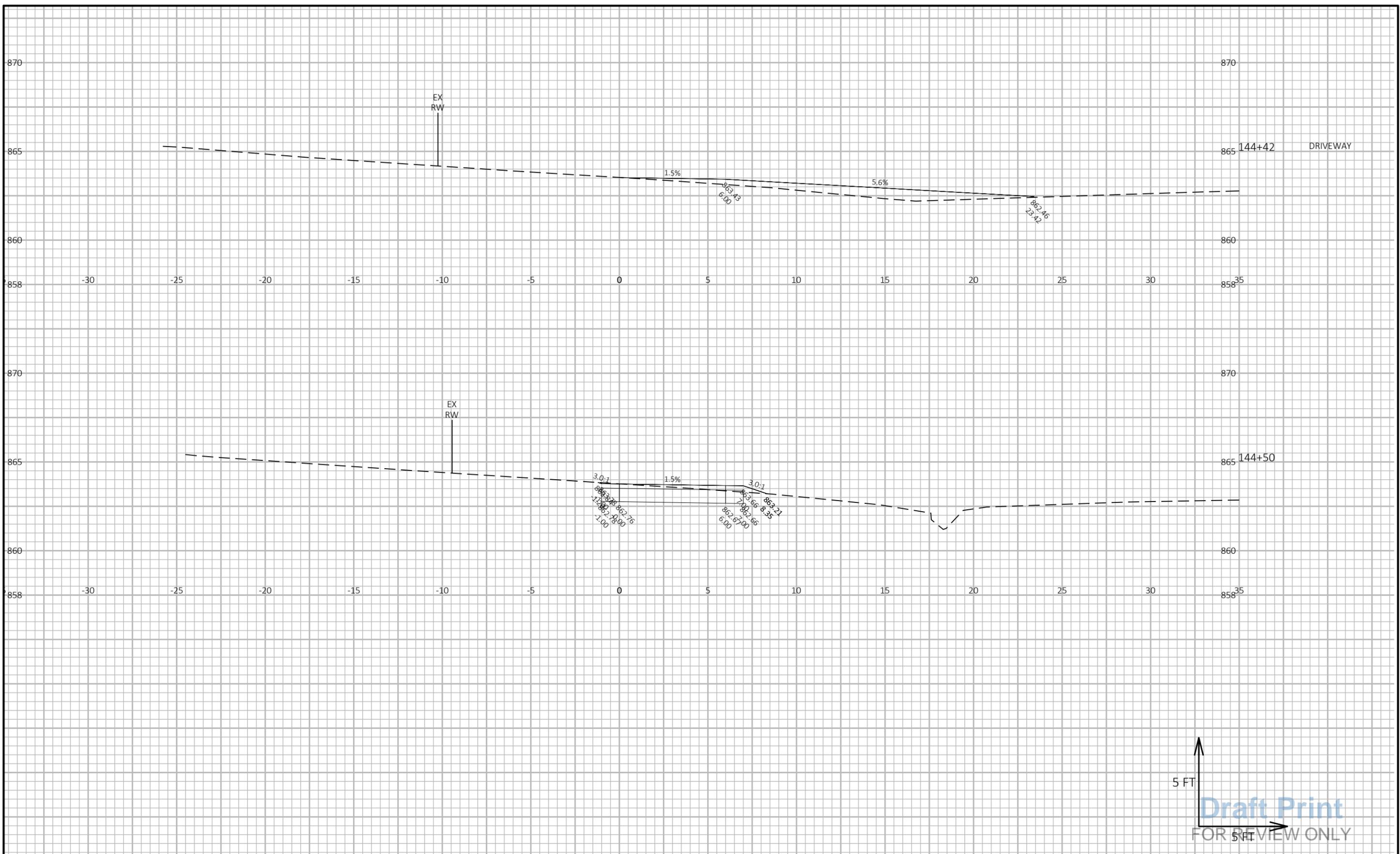
CS-41

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



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FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWIS
PLOT DATE : 3/2/2026 4:44 PM



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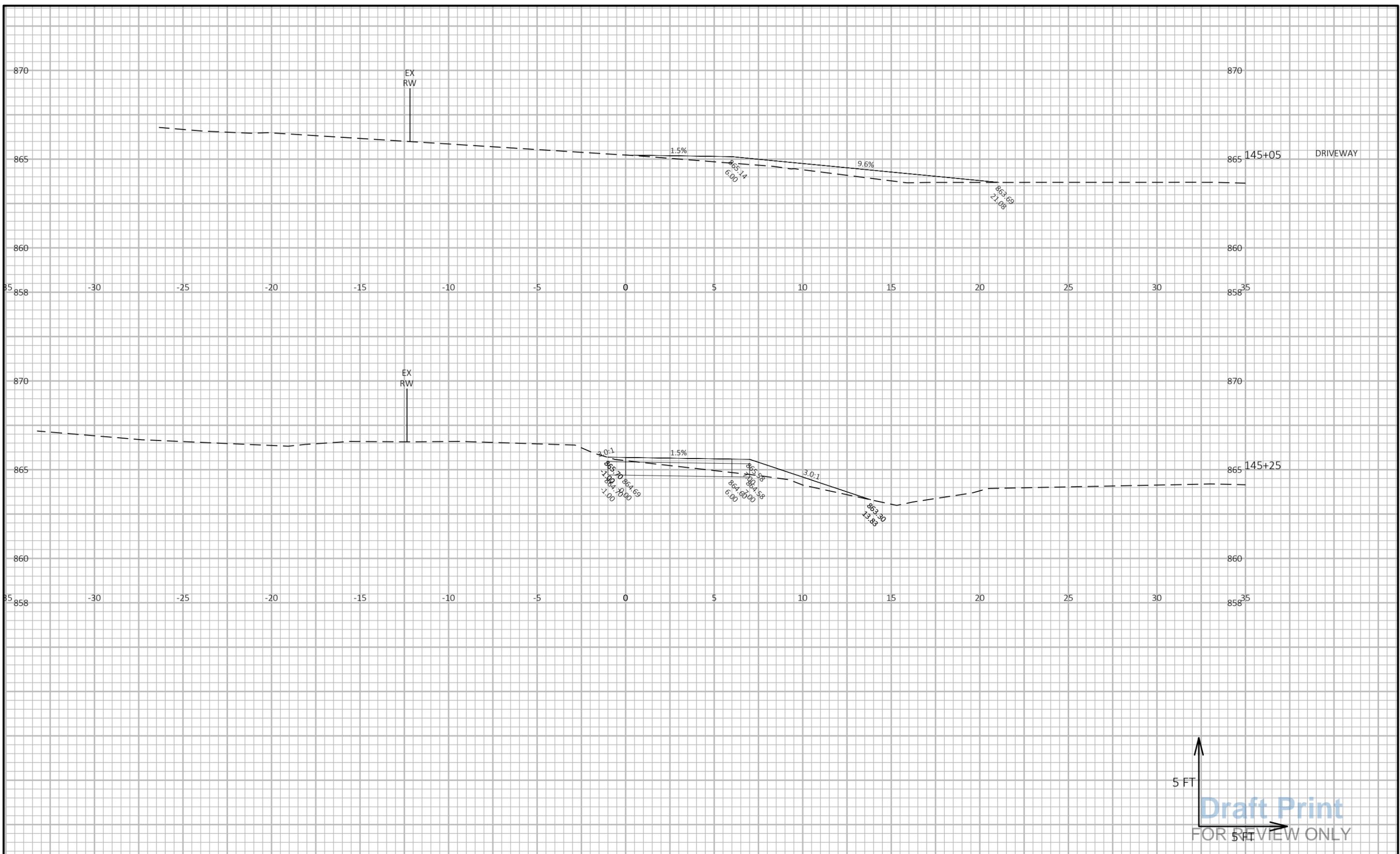
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-43

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

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG
PLOT BY : ARIELLE LEWEN
PLOT DATE : 3/2/2026 4:44 PM



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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000
Date: 03-02-2026
Designed By: AGL
Checked By: SH

CS-44

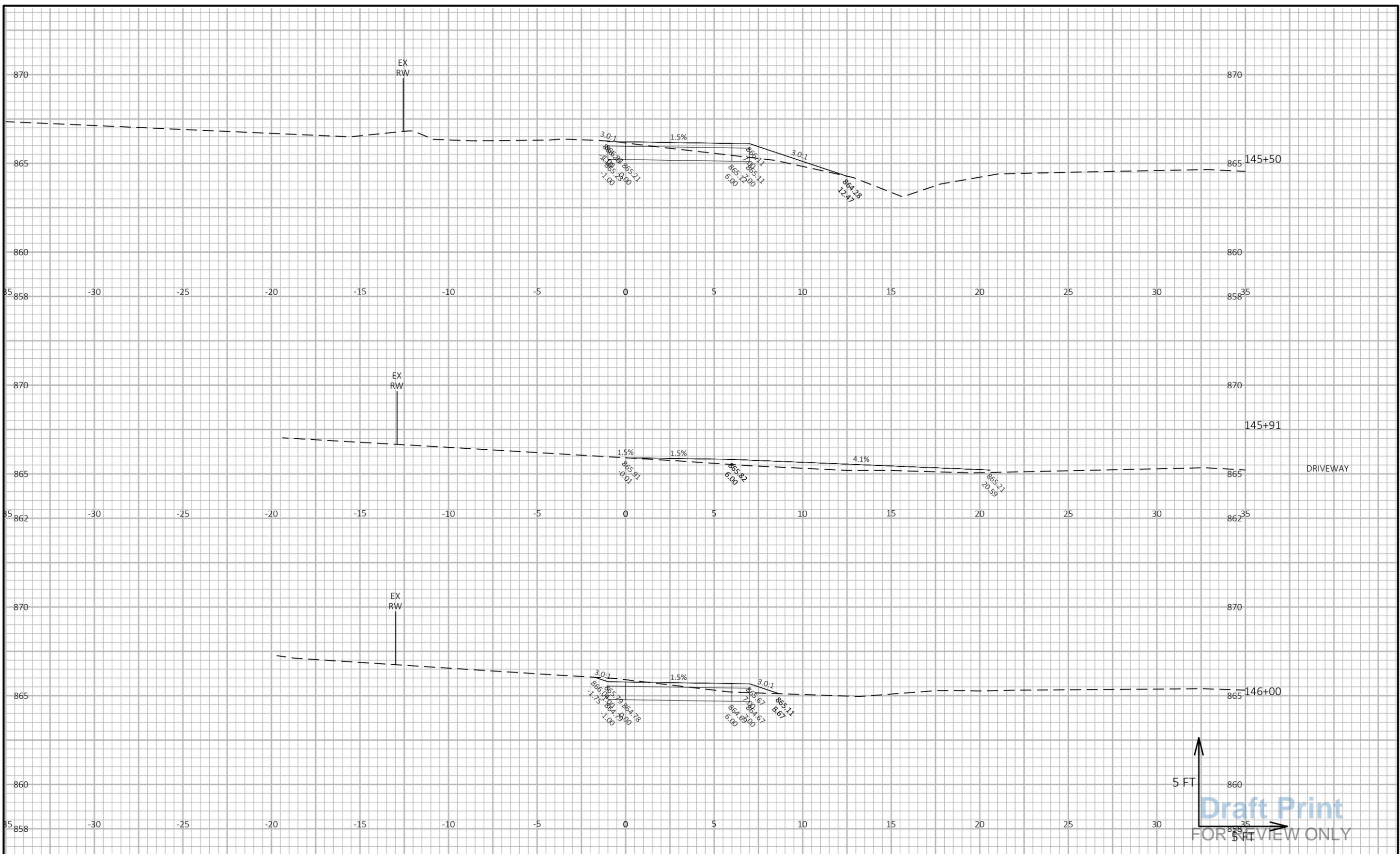
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PLOT DATE : 3/2/2026 4:44 PM

PLOT BY : ARIELLE LEWEN

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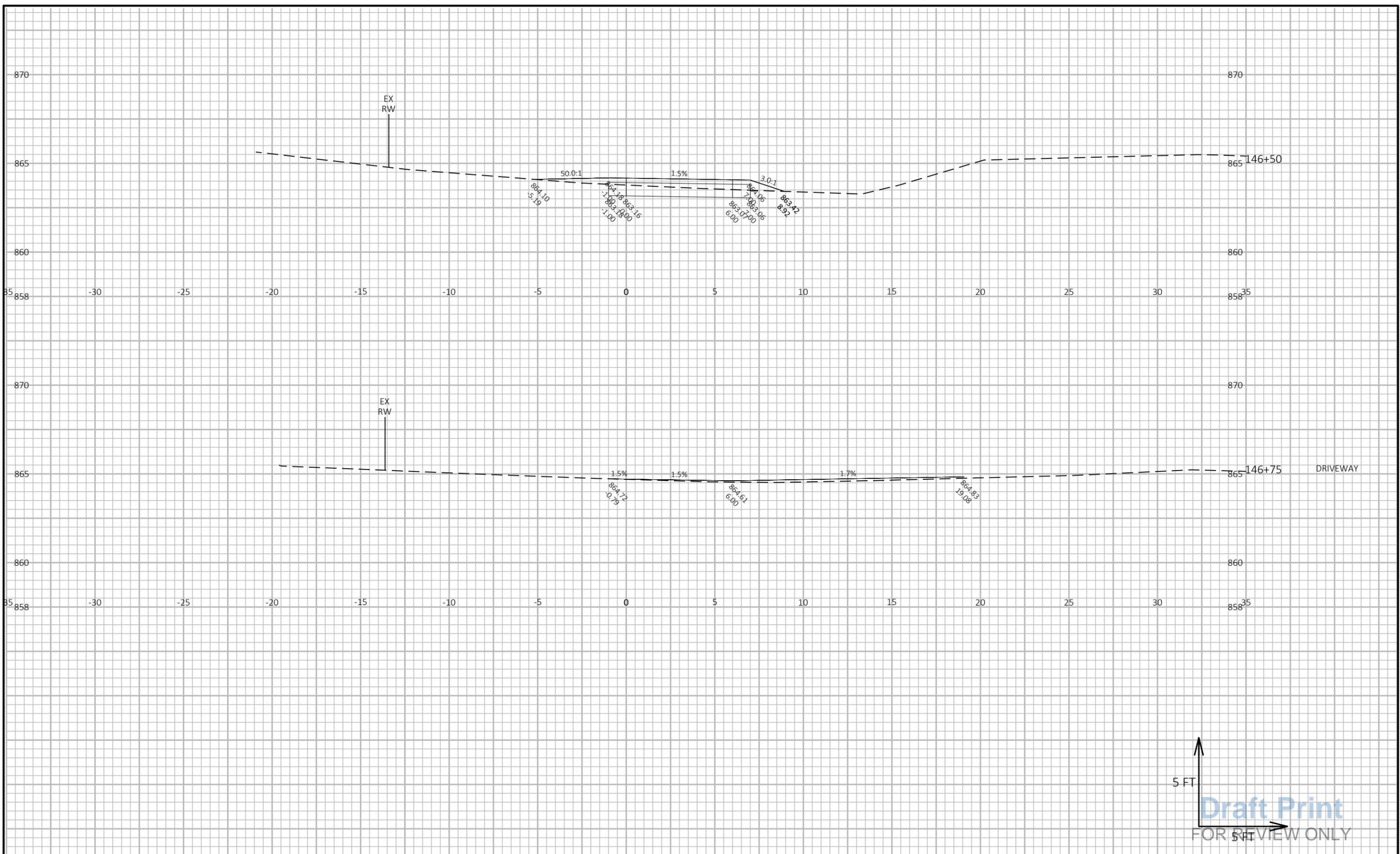
CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-45

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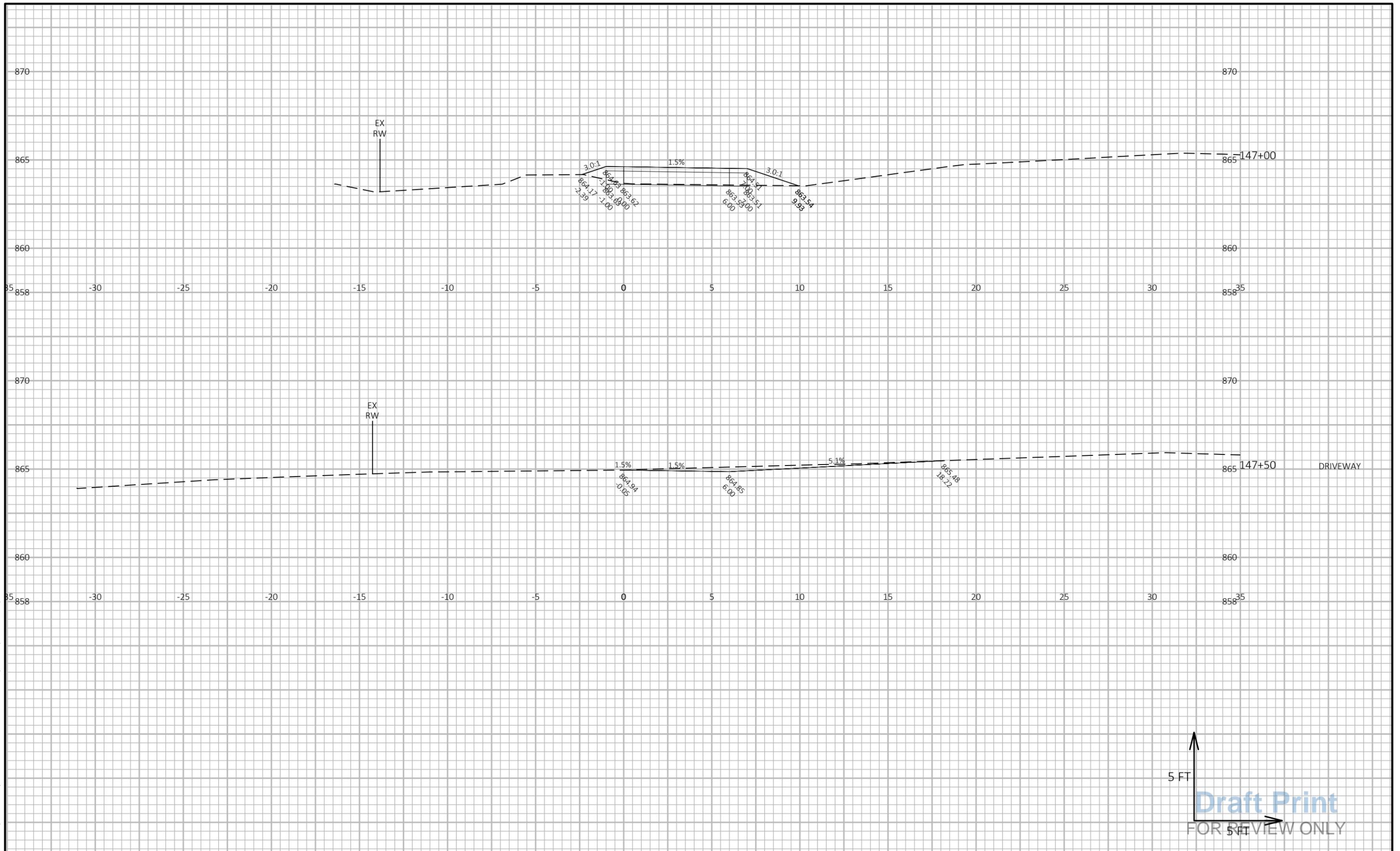


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

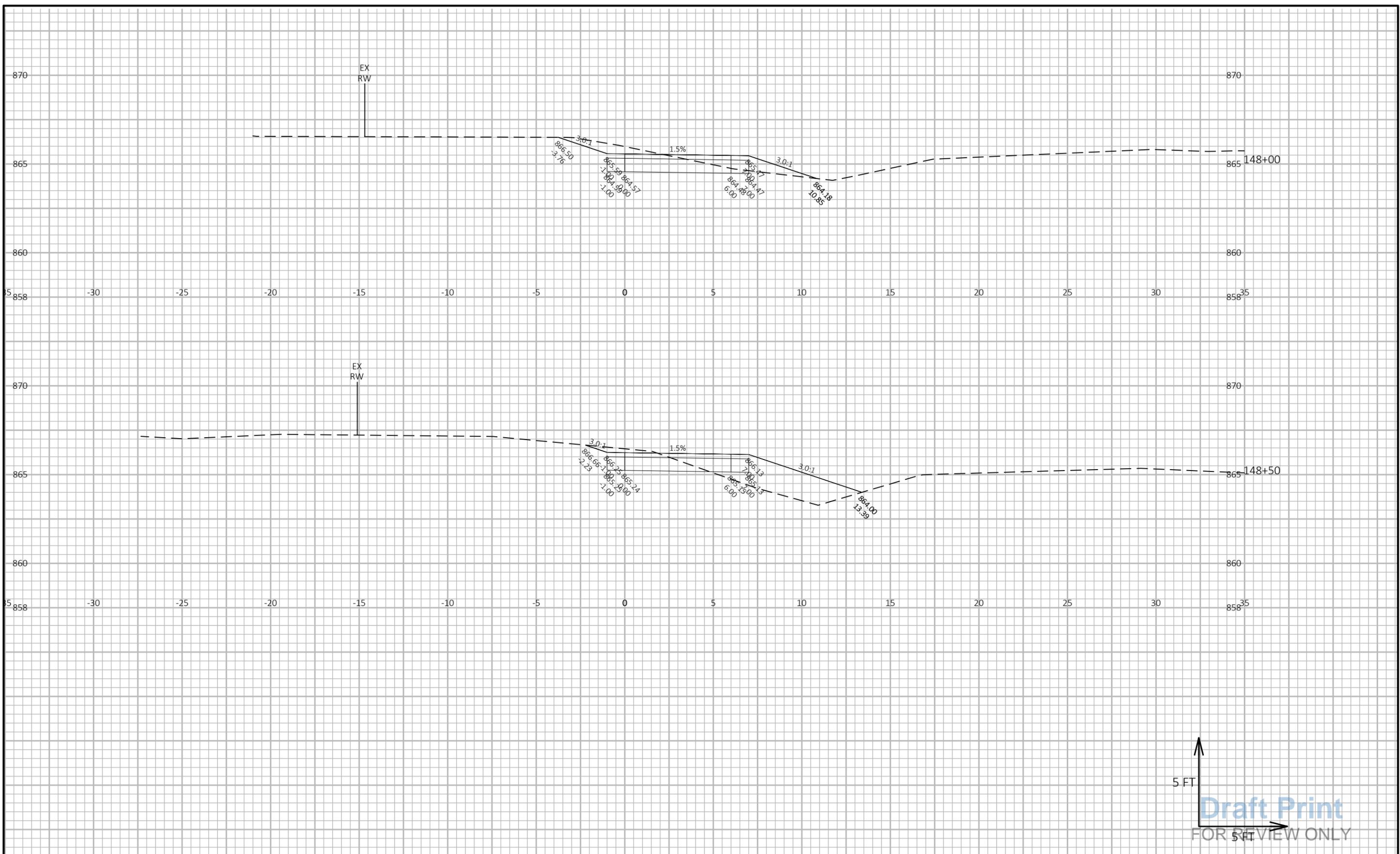
CS-46

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



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CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
Date: 03-02-2026 Checked By: SH

CS-48

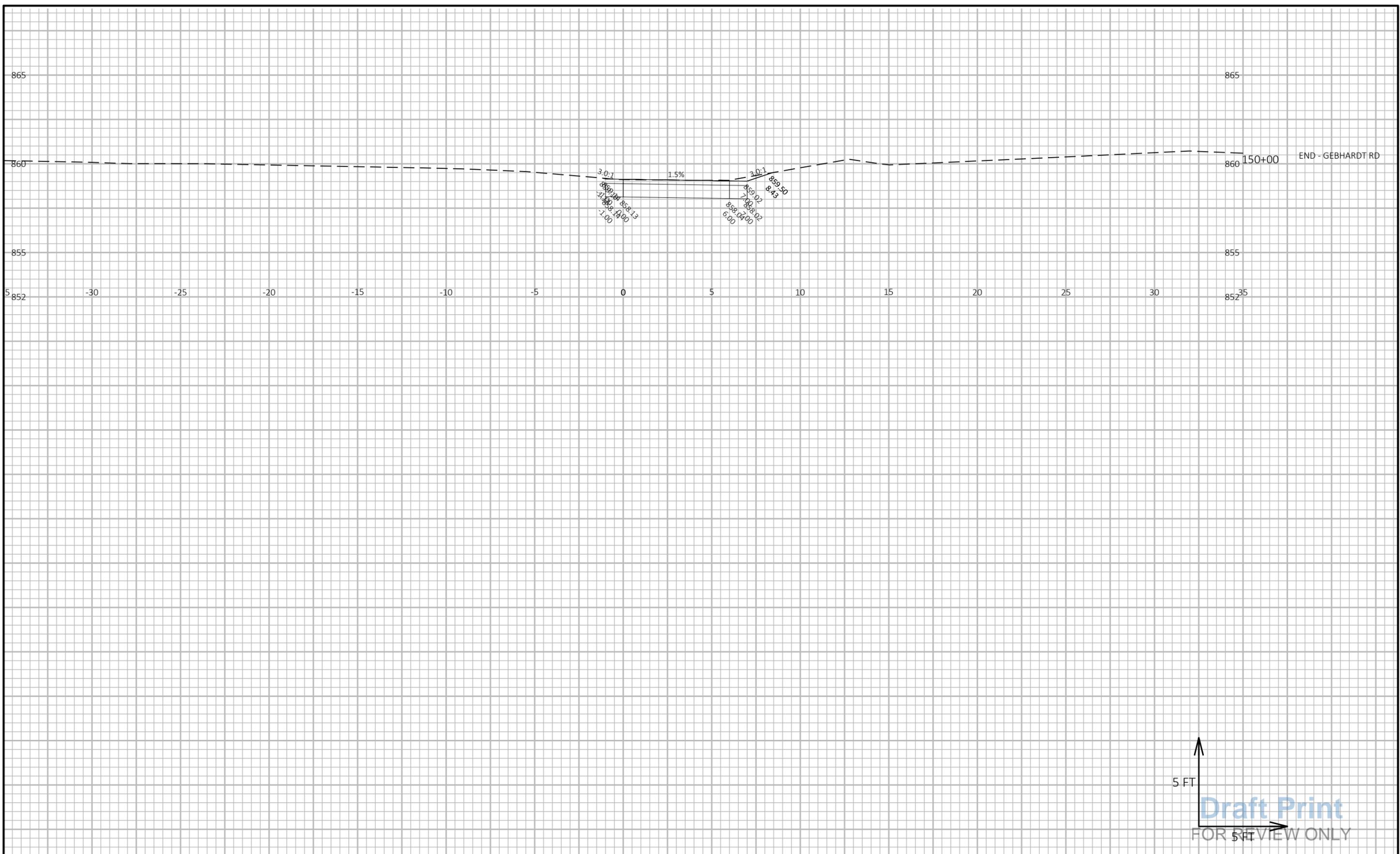
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PLOT DATE : 3/2/2026 4:44 PM

PLOT BY : ARIELLE LEWIS

FILE NAME : G:\ELM GROVE\25040-000 2026 FUTURE PATHWAYS\CIVIL 3D\SHEETS\PLAN\0201-XS.DWG

Project No. 25040-000



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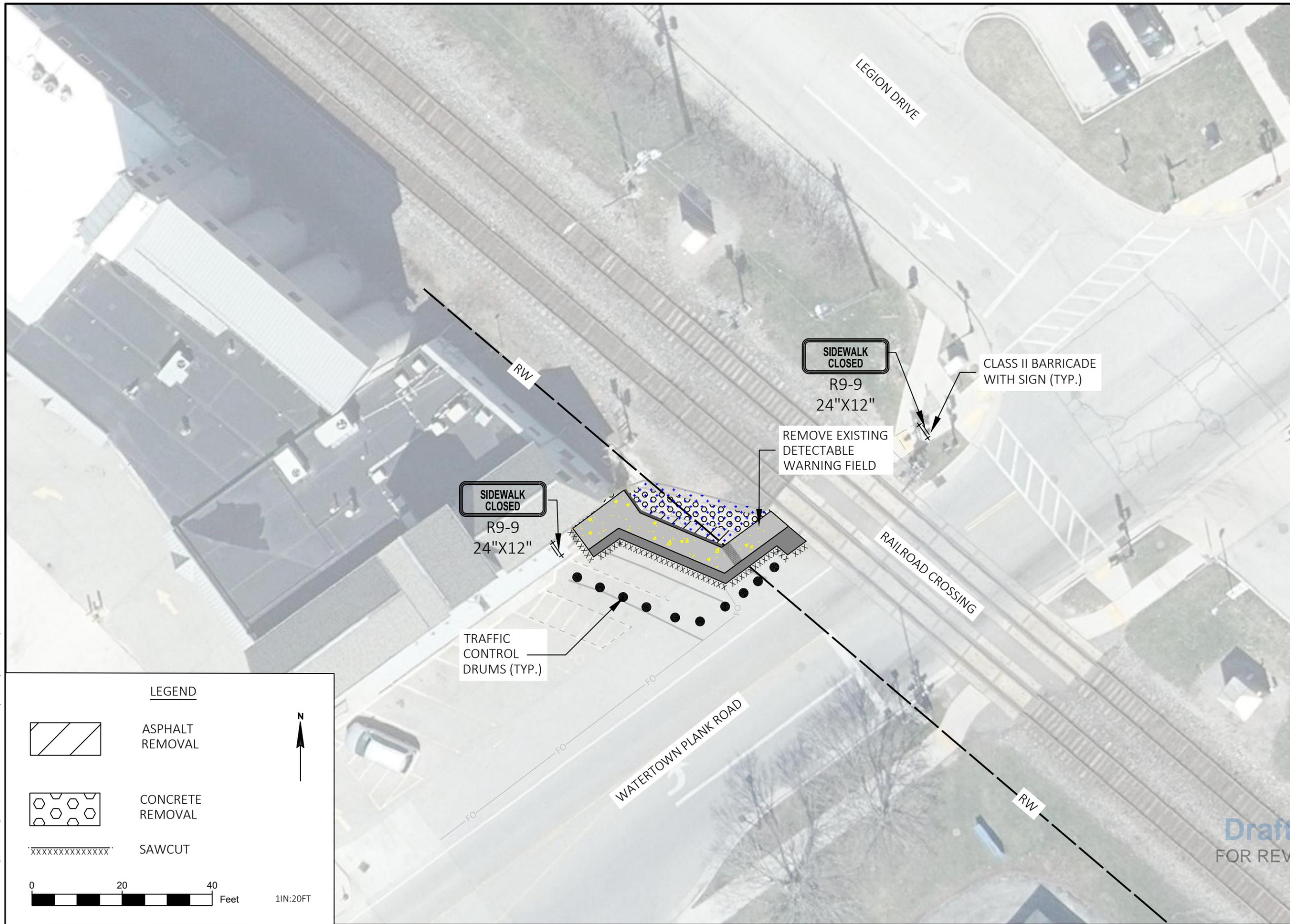


CROSS SECTIONS - 2026 PATHWAY

Project No. 25040-000 Designed By: AGL
 Date: 03-02-2026 Checked By: SH

CS-50

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



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
**WATERTOWN PLANK ROAD SIDEWALK
REMOVAL PLAN**

Project No: 25040-00
Date: 03-02-2026
Designed By: AGL
Drafted By: AGL
Checked By: TB

Revisions: XX-XX-XXXX

SHEET NO.

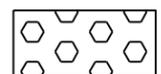
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MA-01

LEGEND



ASPHALT
REMOVAL



CONCRETE
REMOVAL



SAWCUT



1IN:20FT



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Madison, WI. 53719

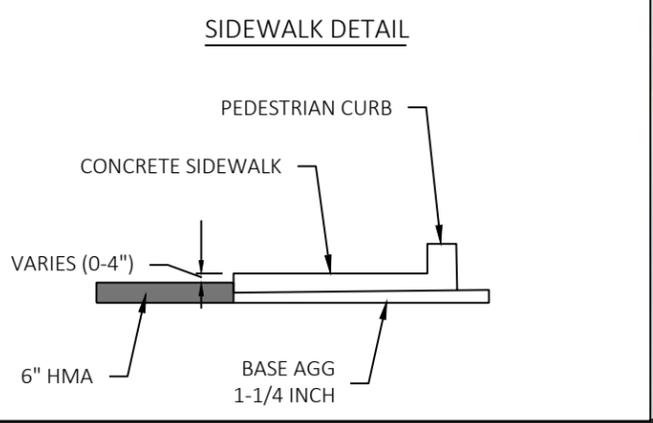
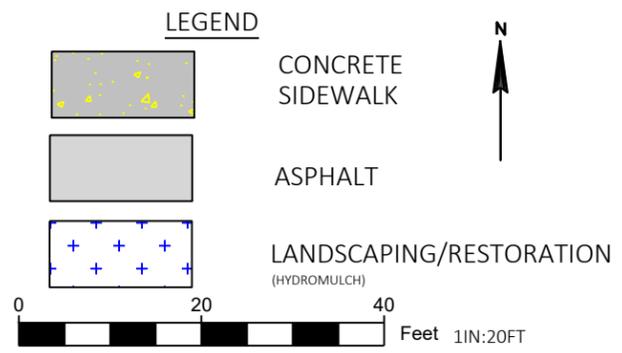
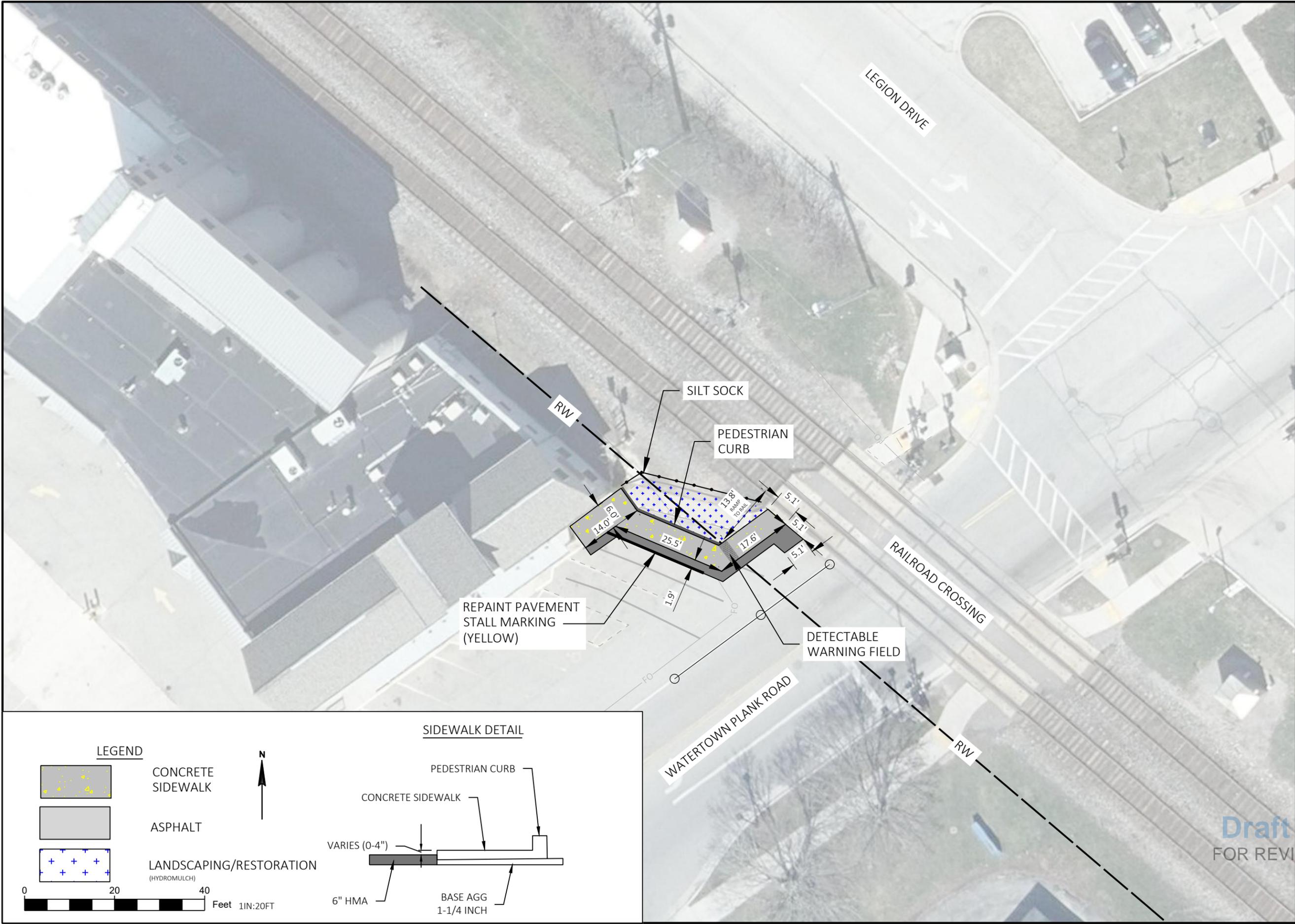
Phone: (608) 663-1218

Phone: (800)-810-4012

http://klengineering.com

email@klengineering.com

VILLAGE OF ELM GROVE
**WATERTOWN PLANK ROAD SIDEWALK
LAYOUT PLAN**



Project No:	25040-000
Date:	03-02-2026
Designed By:	AGL
Drafted By:	AGL
Checked By:	TB

Revisions: XX-XX-XXXX

Draft Print
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SHEET NO.
MA-02



Engineering

[A] Better Experience

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Madison, WI. 53719

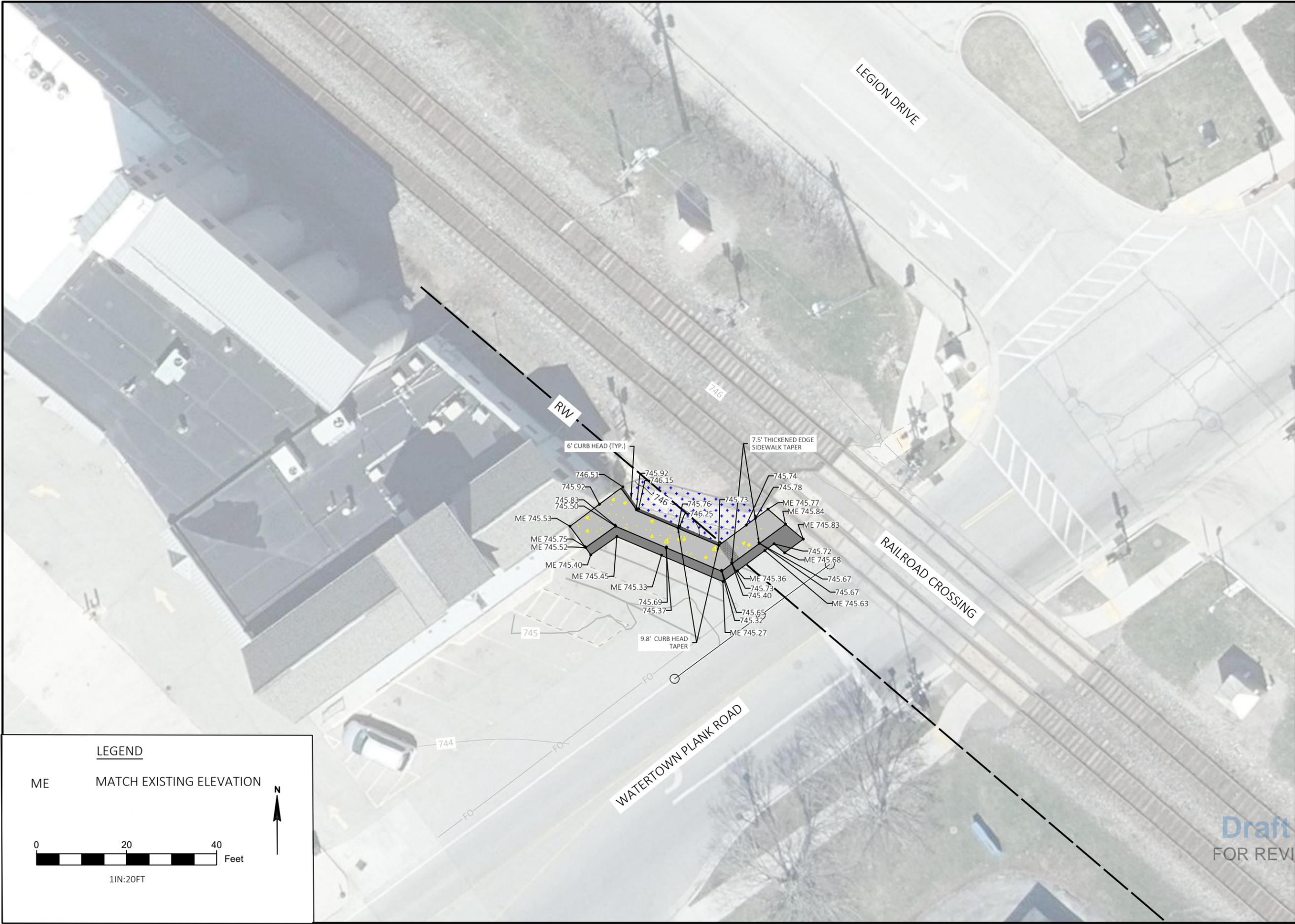
Phone: (608) 663-1218

Phone: (800)-810-4012

http://klengineering.com

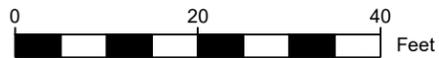
email@klengineering.com

VILLAGE OF ELM GROVE
WATERTOWN PLANK ROAD SIDEWALK
GRADING PLAN



LEGEND

ME MATCH EXISTING ELEVATION



1IN:20FT



Project No: 25040-000
Date: 03-02-2026
Designed By: AGL
Drafted By: AGL
Checked By: TB

Revisions: XX-XX-XXXX

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SHEET NO.
FOR REVIEW ONLY

MA-03

Estimated Construction Cost - 90 % PLAN (March 3, 2026)

Highland Pathway (Watertown Plank - Gebhardt Rd)

Village of Elm Grove

Highland Drive: Watertown Plank Rd -Gebhardt Road

Line No.	Item No.	Description of Work	Est. QTY	Unit	Unit Price	TOTAL	Comments
1	201.0105	Clearing	32	STA	\$ 1,400.00	\$ 44,800.00	
2	201.0205	Grubbing	32	STA	\$ 1,000.00	\$ 32,000.00	
3	203.0100	Removing Small Culvert Pipes	4	EACH	\$ 1,200.00	\$ 4,800.00	
4	204.0100	Removing Concrete Pavement	155	SY	\$ 30.00	\$ 4,650.00	
5	204.0110	Removing Asphaltic Surface	1280	SY	\$ 11.00	\$ 14,080.00	
6	204.0220	Removing Inlets	1	EACH	\$ 700.00	\$ 700.00	
7	204.0245	Removing Storm Sewer	20	LF	\$ 20.00	\$ 400.00	
8	205.0100	Excavation Common (EBS)	660	CY	\$ 70.00	\$ 46,200.00	50% of pathway length, assumed 1ft cut
9	305.0120	Base Aggregate Dense 1 1/4-Inch	3000	TON	\$ 41.00	\$ 123,000.00	9" path & driveway sections
10	311.0110	Breaker Run	1320	TON	\$ 30.00	\$ 39,600.00	If required, based on EBS quantity (2 tons/CY EBS)
11	465.0105.01	Asphaltic Surface 3-inch	4325	SY	\$ 31.00	\$ 134,075.00	Pathway Pavement
12	465.0105.02	Asphaltic Surface 4-inch	1170	SY	\$ 36.00	\$ 42,120.00	Driveways and path through driveways
13	465.0105.03	Asphaltic Surface 6-inch	229	SY	\$ 85.00	\$ 19,465.00	Roadway Patches
14	520.8000	Concrete Collars for Pipe	1	EACH	\$ 1,200.00	\$ 1,200.00	
15	522.0415	Culvert Pipe Reinforced Concrete Class IV 15-Inch	44	LF	\$ 110.00	\$ 4,840.00	
16	522.0512	Culvert Pipe Reinforced Concrete Class V 12-Inch	48	LF	\$ 105.00	\$ 5,040.00	
17	601.0411	Concrete Curb & Gutter 30-Inch Type D	876	LF	\$ 40.00	\$ 35,040.00	
18	602.0415	Concrete Sidewalk 6-Inch	1037	SF	\$ 14.00	\$ 14,518.00	
19	602.0515	Curb Ramp Detectable Warning Field Natural Patina	108	SF	\$ 50.00	\$ 5,400.00	
20	602.0615	Curb Ramp Detectable Warning Field Radial Natural Patina	94	SF	\$ 60.00	\$ 5,640.00	
21	608.0412	SSPRC Class IV 12-Inch	1195	LF	\$ 120.00	\$ 143,400.00	
22	608.0415	SSPRC Class IV 15-Inch	179	LF	\$ 130.00	\$ 23,270.00	
23	608.0512	SSPRC Class V 12-Inch	10	LF	\$ 120.00	\$ 1,200.00	
24	611.0624	Inlet Covers Type H	7	EACH	\$ 1,200.00	\$ 8,400.00	
25	611.0642	Inlet Cover Type MS	11	EACH	\$ 1,000.00	\$ 11,000.00	
26	611.1004	Catch Basins 4-FT Diameter	3	EACH	\$ 3,600.00	\$ 10,800.00	
27	611.3230	Inlets 2x3-FT	4	EACH	\$ 2,900.00	\$ 11,600.00	
28	611.3901	Inlets Median 1 Grate	9	EACH	\$ 3,600.00	\$ 32,400.00	
29	611.3902	Inlets Median 2 Grate	1	EACH	\$ 6,500.00	\$ 6,500.00	
30	619.1000	Mobilization	1	EACH	\$ 75,000.00	\$ 75,000.00	
31	628.7010	Inlet Protection Type B	15	EACH	\$ 90.00	\$ 1,350.00	
32	628.7015	Inlet Protection Type C	8	EACH	\$ 100.00	\$ 800.00	
33	628.7555	Culvert Pipe Checks	25	EACH	\$ 70.00	\$ 1,750.00	
34	645.0120	Geotextile Fabric Type HR	20	SY	\$ 6.00	\$ 120.00	
35	645.0220	Geogrid Type SR	2000	SY	\$ 12.00	\$ 24,000.00	If required, assumed 50% of pathway length
36	646.7405	Marking Crosswalk Paint Transverse Line 6-Inch	450	LF	\$ 12.50	\$ 5,625.00	X-Walks at all sideroads, and north side of Highland Juneau Intersection
37	646.9012	Marking Removal Line Water Blasting 6-Inch	600	LF	\$ 5.00	\$ 3,000.00	Removing existing x-walk markings on east side of Juneau intersection
38	690.0150	Sawing Asphalt	2185	LF	\$ 2.50	\$ 5,462.50	
39	690.0250	Sawing Concrete	115	LF	\$ 3.00	\$ 345.00	
40	SPV.0060.01	Traffic Control	1	EACH	\$ 50,000.00	\$ 50,000.00	
41	SPV.0060.02	Construction Staking	1	EACH	\$ 15,000.00	\$ 15,000.00	
42	SPV.0060.03	Construct Pathway to Subgrade	1	EACH	\$ 102,000.00	\$ 102,000.00	
43	SPV.0060.04	12-Inch Drainage Basin w/ Lid	3	EACH	\$ 1,000.00	\$ 3,000.00	
44	SPV.0090.01	Silt Sock	225	LF	\$ 10.00	\$ 2,250.00	
45	SPV.0090.02	8-Inch PVC	40	LF	\$ 90.00	\$ 3,600.00	
46	SPV.0090.02	Cedar Split Rail Fence	36	LF	\$ 50.00	\$ 1,800.00	
47	SPV.0165.01	Modular Block Retaining Wall	1650	SF	\$ 120.00	\$ 198,000.00	
48	SPV.0180.01	Landscaping/Restoration (Hydromulch)	3300	SY	\$ 16.00	\$ 52,800.00	
49	SPV.0180.02	Landscaping/Restoration (Emat)	150	SY	\$ 12.00	\$ 1,800.00	
50	SPV.0180.03	Salvaged Field Stone Riprap	50	CY	\$ 200.00	\$ 10,000.00	
						Subtotal Construction (BASE) =	\$ 1,384,000.00

MANDATORY ALTERNATE #1 - Watertown Plank Sidewalk

Line No.	Item No.	Description of Work	Est. QTY	Unit	Unit Price	TOTAL	COMMENTS
MA1-1	204.0110	Removing Asphaltic Surface	36	SY	\$ 11.00	\$ 396.00	
MA1-2	204.0155	Removing Concrete Sidewalk	29	SY	\$ 30.00	\$ 870.00	
MA1-3	305.0120	Base Aggregate Dense 1 1/4-Inch	25	TON	\$ 41.00	\$ 1,025.00	Assuming 9" base
MA1-4	465.0105.03	Asphaltic Surface 6-inch	15	SY	\$ 85.00	\$ 1,275.00	
MA1-5	602.0415	Concrete Sidewalk 6-Inch	31	SF	\$ 14.00	\$ 434.00	
MA1-6	601.0600	Concrete Curb Pedestrian	26	LF	\$ 53.00	\$ 1,378.00	
MA1-7	602.0515	Curb Ramp Detectable Warning Field Natural Patina	10	SF	\$ 50.00	\$ 500.00	
MA1-8	628.7010	Inlet Protection Type B	1	EACH	\$ 65.00	\$ 65.00	
MA1-9	646.8305	Marking Parking Stall Paint	23	LF	\$ 12.50	\$ 287.50	
MA1-10	690.0150	Sawing Asphalt	57	LF	\$ 2.50	\$ 142.50	
MA1-11	690.0250	Sawing Concrete	6	LF	\$ 3.00	\$ 18.00	
MA1-12	SPV.0090.01	Silt Sock	33	LF	\$ 10.00	\$ 330.00	
MA1-13	SPV.0180.01	Landscaping/Restoration (Hydromulch)	24	SY	\$ 16.00	\$ 384.00	
						Subtotal Construction (ALT 1) =	\$ 8,000.00

Total Construction (Base + Alt 1) = \$ 1,392,000.00

Contingency (20% of Base Bid) = \$ 276,800.00

TOTAL OF ALL ESTIMATED PRICES + CONTINGENCY = \$ 1,668,800.00

Note: Estimate does not currently include any costs for railroad insurance or flagging at Watertown Plank

Village of Elm Grove – 2026 Highland Drive Pathway (Watertown Plank – Gebhardt Rd)

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: March 3, 2026

KL Engineering is pleased to submit the 90% 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

- Property owner coordination continues having met with or communicated with:
 - 14800 Watertown Plank
 - 1845 Lata Vista
 - 14800 Lata Vista
 - 1045 Highland Dr
 - 14800 Juneau
 - 1245 Highland
 - 1255 Highland
 - 1300 Victoria Cir S
 - 1400 Victoria Cir N
 - 1405 Highland
 - 1655 Highland
 - 1675 Highland

Items of Interest

- **MMSD Chapter 13 Surface Water and Stormwater**
 - MMSD responded that this project can proceed as planned
 - MMSD cited future collaboration on Elm Grove initiatives and planned to set up an annual meeting with Elm Grove to discuss proposed timelines for future projects
- **Easement (1255 Highland)**
 - Alignment was modified with review from homeowner
 - Owner ok with alignment, requested KL stake path for visual reference on site
 - KL in process of drafting easement exhibits
- **Retaining Wall**
 - Retaining wall type and style will match that of the Gebhardt/Highland wall
 - KL able to modify grading at wall near STA 132 – 133 to avoid railing
 - KL suggested split rail fence behind wall near STA 136+25 – 136+68 to delineate drop off from adjacent driveway that is within 5ft
 - Village to provide feedback

- **Traffic Control**
 - Road Closed option was preferred based on 60% review
 - Elm Grove police reviewed plans as well
 - Discussion had on removing and replacing existing curb ramp on NE quad of Juneau/Highland, then installing new crosswalk pavement marking
 - Crosswalk advanced warning signs to be installed north and south of crosswalk link Juneau path to Highland.
 - Public notice to be sent prior to construction

- **Utilities**
 - Utility coordination continuing
 - 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
 - Final storm sewer plans sent to utilities on 3/2 for review and consideration

- **Mandatory Alternate 1 – Reinders Sidewalk (Watertown Plank)**
 - All work in a cost share with property owner
 - All items broken out into separate mandatory bid alternate for review and acceptance by owner
 - Railroad coordination ongoing
 - Unclear as to what needs to be included with project for insurance and flagging purposes at this time
 - No costs included within 90% estimate for flagging or other coordination efforts as it is unknown at this time

- **Estimate:**
 - 60% Plan Estimate (w/ 20% Contingency) = \$1,606,800.00
 - 90% Plan Estimate (w/ 20% Contingency) = \$1,668,800.00
 - Increase in estimate amount from 60% a result of:
 - Updated asphalt qty and unit prices
 - Greater clarity on storm sewer items
 - More accurate concrete qty with creation of ramp details
 - Updated wall qty and unit price
 - Greater erosion control/restoration detail with solidified path alignment

Next Steps of Project

- To maintain proposed project schedule, KL requests comments from Village review to be received no later than **Friday March 13th, 2026**.
- KL will continue coordination efforts with homeowners
- KL to compile 90% comments and work to deliver final PS&E docs for bid advertisement
 - Final Construction details will be compiled and inserted into plans
- Estimated remaining projects schedule is as follows:
 - 3/9/26 – PWUC review meeting
 - 3/13/26 – 90% review comments due to KL
 - 3/20/26 – Advertise project on Quest
 - 4/9/26 – Let date
 - 4/10/26 – Bid review provided by KL
 - 4/13/26 – April PWUC meeting to review bids
 - TBD – Board review and approval
 - TBD – NTP issued
 - June 2026 – Construction Start
 - 9/4/26 – Substantial Completion Date

Richard Paul Jr

From: John Kannall <jhkannall@gmail.com>
Sent: Friday, March 6, 2026 10:48 AM
To: Tom P. Harrigan
Cc: Richard Paul Jr; Travis Brush; John Kannall
Subject: **SPAM_RBL** Re: Village Contacts for Public Works

My name is John Kannall. I live at 1045 Highland Drive. The purpose for this meeting is to discuss the new pathway and how it impacts my turnaround zone, specifically the safe use of my driveway.

My home was built in 1950. The original driveway had a small turnaround zone that bordered the village right of way. At some point in the 1950s, the turnaround zone was extended closer to the road to allow cars to easily back into the turnaround zone and pull out straight into the street as opposed to backing into the street. This additional concrete slab was probably installed some 30 years or more prior to me purchasing the house in 1988.

My concern with the new pathway project is purely one of safety. There is a peak in the road on Highland Drive approximately 250 feet north of my driveway that creates a blind spot making it difficult to see cars when exiting my driveway.

Emergency vehicles driving at 60 mph and speeders at 40 mph come over the peak in the road frequently. It only takes 3 to 5 seconds, respectively, before reaching my driveway. It is hard enough to avoid this traffic when pulling straight out into the street and almost impossible to avoid these vehicles when backing into the street.

My next door neighbor, Anna Ratas, who lives at 1035 Highland Drive further south of my driveway has had 3 near misses with cars exceeding the speed limit in the last month, and she pulls straight out into the street. We have both lost mailboxes, 3 at my house and 2 at her house over the years, from vehicles running into them. Hence, traffic is exceeding the speed limit much of the time.

The new pathway design is proposing to remove a significant portion of my turnaround zone that makes it impossible to use for safe exiting of my driveway. It would be just a matter of time before there is an accident at my driveway.

For the safety of my wife and I, my children and grandchildren who visit often, I am requesting that the removal of my turnaround zone be replaced with asphalt that will include the pathway and adjacent space for my turnaround zone. Or as an alternative, I request the pathway be installed leaving the remaining adjacent concrete slab in place which would still leave ample room in my turnaround zone for exiting purposes. This alternative would be the least-cost solution for the village.

I will present hand drawings of the layout at the meeting on Monday March 9.

Respectfully,

John
Kannall

1045 Highland
Drive

414-491-0505

On Wed, Mar 4, 2026 at 3:23 PM Tom P. Harrigan <tharrigan@elmgroviewi.org> wrote:

John-

Please send your submittal here for the Public Works Committee review on Monday.

Thanks-

Tom Harrigan
Village Manager, Elm Grove

Agreement for Stormwater Trees at 13600 Juneau Boulevard

This agreement is between the Milwaukee Metropolitan Sewerage District (the “District”) and the Village of Elm Grove (the “Village”), effective as of the date signed by the District and the Village.

The District is responsible for managing wastewater and stormwater within its service area and employs natural flood infrastructure, including trees, to strengthen the ecological processes that prevent stormwater from overwhelming surface waters and sewerage systems.

Through its Reforestation and Wetland Restoration Program, the District seeks to plant six million trees and restore 4,000 acres of wetlands.

Mature trees and healthy wetlands are naturally effective resources to manage stormwater and bring additional local benefits of water and air quality improvement, reduction in the urban heat island effect, and habitat restoration.

Such natural flood management captures and holds stormwater where it falls, reducing the volume of stormwater in the sewerage system and the amount of pollution discharged to surface waters.

The District provides wastewater service to the Village, and the Underwood Creek carries surface water from the Village to the Menomonee River in the District’s service area.

The Village has an ad hoc Beautification Committee whose goals align with District objectives for stormwater management and owns property at 13600 Juneau Boulevard (“Village Park”).

Pursuant to Wis. Stat. § 66.0301, the District and the Village therefore agree as follows.

1. District Responsibilities

- A. The District shall develop a tree planting plan acceptable to the Village for Village Park to include at least 900 trees.
- B. The District shall communicate with the Village regarding this agreement via the contact person identified below.
- C. The District shall pay for all trees and deer protection materials and pay for and manage delivery of all items according to the tree planting plan.
- D. The District shall manage the vendor contract for tree and deer protection procurement and delivery.
- E. The District shall draft and execute an 11-year maintenance covenant or an 11-year limited Term Conservation Easement.

2. Village Responsibilities

- A. The Village shall provide feedback to the District and to the Southeastern Wisconsin Regional Planning Commission on the tree planting plan and approve a final design.

- B. The Village shall provide any required permits for planting trees on the property at no cost to the District.
- C. The Village shall prepare the planting areas for tree planting. The Village shall arrange for Diggers Hotline to mark the planting areas in advance of planting.
- D. The Village shall install the trees and deer protection on or before December 31, 2028.
- E. The Village shall execute an 11-year maintenance covenant or an 11-year limited term conservation easement if required by the District.
- F. The Village shall water and maintain the trees in good health for at least 11 years after planting.

3. Contact Information

The parties shall contact each other through the following points of contact.

<p>Jamie Ferschinger, Senior Project Planner Milwaukee Metropolitan Sewerage District 260 West Seeboth Street Milwaukee, Wisconsin 53204 jferschinger@mmsd.com (414) 225-2052</p>	<p>Nicci Sternitzky, Chair Elm Grove Beautification Committee Village Hall, 13600 Juneau Boulevard Elm Grove, Wisconsin 53122 egbeautification@gmail.com(262) 782-6700</p>
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4. Modifying this Agreement

The parties may modify this agreement only in a writing signed by the District and the Village.

5. Terminating this Agreement

Any party to this agreement may terminate it at any time by providing written notice to the other party indicating the effective date of the termination and the reasons for the termination.

6. Severability

If a court of competent jurisdiction holds any part of this agreement unenforceable, the remainder of the agreement will continue in effect.

7. Governing Law

The laws of Wisconsin govern any dispute arising under or related to this agreement.

8. Conflicts of Interest

No officer, employee, or agent of either party to this agreement who has any responsibility for implementing this agreement may have any interest in any consultant, contractor, or vendor providing anything for the project pursuant to this agreement.

9. Resolving Disputes

If a dispute arises under this agreement, the parties will first try to resolve the dispute with the help of a mutually acceptable mediator in Milwaukee County. The parties will equally share the costs and fees associated with the mediation, except that each party will be responsible for its own attorney fees. If the dispute is not resolved within 30 days after the mediation session, any party to this agreement may take the matter to court.

10. Liability

The parties will be liable for their own negligent acts, errors, and omissions. If litigation requires one party to respond for the acts, errors, or omissions of the other party, then the parties will hold each other harmless for any losses, damages, costs, or expenses, including but not limited to reasonable attorney fees and litigation expenses. Nothing in this Agreement is a waiver of any otherwise applicable immunity, limited immunity, or limitation on liability under Wisconsin law.

11. Independence of the Parties

This agreement does not create a partnership, and neither party may enter into contracts on behalf of another party.

12. Counterparts

This agreement may be signed in one or more counterparts, each of which, taken together, constitutes one and the same document.

13. Signature Authority

The persons signing this agreement certify that they have the authority from the entity they represent to execute this agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their authorized representatives.

**MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT**

VILLAGE OF ELM GROVE

By: _____
Kevin Shafer, P.E.
Executive Director

By: _____
Tom Harrigan
Village Manager

Date: _____

Date: _____

Approved as to form

Attorney for the District

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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.

Deleted: Purpose. It is the purpose of this article to preserve the natural resources; to protect the quality of the waters of the state and the Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.¶

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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.

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Deleted: AGRICULTURAL LAND USE ¶
Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

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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

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CONSTRUCTION SITE CONTROL MEASURE ¶

A control measure used to meet the requirements of § 325-8B.¶

CONTROL MEASURE ¶

A practice or combination of practices to control erosion and attendant pollution.¶

CONTROL PLAN ¶

A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this article submitted by the applicant for review and approval by the Public Works Director.¶

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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.

Deleted: Any man-made change of the land surface, including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, harvesting of trees and landscaping modifications.

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

Deleted: LANDOWNER ¶
Any person holding title to or having an interest in land.¶
LAND USER ¶
Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

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:

Deleted: 6
Deleted: Design criteria, standards and specifications for control measures.

Deleted: All control measures required to comply with this article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Public Works Director.¶

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(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

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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.

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(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

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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:

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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.

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.

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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.

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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.

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(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.

Deleted: § 325-7. Maintenance of control measures.

All sedimentation basins and other control measures necessary to meet the requirements of this article shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

§ 325-8. Control of erosion and pollutants during land disturbance and development.

A.

Applicability. This article applies to the following sites of land development or land disturbing activities:

[Amended 3-8-1999]

(1)

Those requiring a subdivision plat approval or the construction or demolition, as that term is defined in Chapter 106, Building Construction, § 106-12A of the Village Code, of any house or commercial, industrial or institutional buildings.

(2)

Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

(3)

Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

(4)

Those involving excavation or filling or a combination of excavation and filling affecting 40 cubic yards or more of dirt, sand or other excavation or fill material.

[Amended 2-24-2009]

(5)

Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

(6)

Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

B.

... [1]

Deleted: § 325-9. Permit and control plan required.

No landowner or land user may commence a land disturbance or land development activity subject to this article without receiving prior approval of a control plan for the site and a permit from the Public Works Director. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this article shall submit an application for a permit and a control plan and pay an application fee to the Village of Elm Grove. By submitting an application, the applicant is authorizing the Village personnel and agents to enter the site to obtain information required for the review of the control plan.

A.

... [2]

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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.

Deleted: 16

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.

Deleted: 17

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.

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[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.

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~~§ 325-21. Interference with Village officers prohibited.~~

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

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[§ 325-22. Emergencies.](#)

Deleted: 20

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.](#)

Deleted: 21

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

[§ 325-24. Purpose.](#)

Deleted: 22

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

Deleted: The purpose of this article is to promote the public health, safety and general welfare of this community and to diminish threats to the environment by:¶

A.¶

Establishing procedures to control the adverse impacts of stormwater runoff and assure and protect the adequacy of existing drainage facilities to store and convey stormwater;¶

B.¶

Promoting the attainment and maintenance of surface and ground water quality;¶

C.¶

Minimizing the damages to public and private property, the dangers to public health and safety and the inconveniences and inefficiencies caused by poor surface drainage and flooding;¶

D.¶

Reducing the adverse impacts of new land use development and redevelopment on the quantity and quality of stormwater runoff; and¶

E.¶

Reducing stream channel erosion and sedimentation.¶

Deleted: 23

Deleted: It is the intent of this article to achieve the aforementioned purpose by requiring the preparation and implementation of duly approved site-specific stormwater management plans for sites proposed to be developed or redeveloped and properties proposed to be divided or subdivided and for logical subwatershed areas containing such sites or properties. All discharges of stormwater shall be made in a manner consistent with approved site-specific stormwater management plans, and all land development and redevelopment activities are intended to include stormwater management facilities and measures set forth in the approved plans. Where the Village has prepared and adopted a stormwater management system plan encompassing the site proposed to be developed or redeveloped or property proposed to be subdivided, the site-specific plan required shall be consistent with the system plan.¶

Deleted: 24

previously adopted or issued pursuant to laws. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

§ 325-28. Interpretation.

Deleted: 25

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.

Deleted: 26

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.

Deleted: 27

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.

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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

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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.

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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.

Deleted: AGRICULTURAL ACTIVITIES ¶

The planting, growing, cultivating and harvesting of crops, including sod; growing and tending of gardens and trees; harvesting of trees; and pasturing or yarding of livestock.¶

DETENTION FACILITY ¶

A structure designed to temporarily store stormwater runoff for later release in order to delay and reduce peak flow rates and pollutant concentrations. The most common detention facilities include dry basins, and wet ponds where appropriate may also be used for detention storage, as well as vehicular parking lots, depressed landscaped areas, rooftops and underground storage chambers.¶

GROSS AGGREGATE AREA ¶

The total area, in square feet, of all land located within the interior property boundary containing a proposed land development, redevelopment or property subdivision activity.¶

HYPSONOMETRY ¶

Those parts of a map which represent, usually by contour lines, the physical distance of the surface of the earth above a specified reference surface.¶

INFILTRATION ¶

The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.¶

LAND DEVELOPMENT OR REDEVELOPMENT ACTIVITY ¶

Any construction or reconstruction of buildings, roadways, parking lots, paved and unpaved storage areas and similar facilities.¶

OFF SITE ¶

Located outside the exterior property boundaries described in the permit application for a proposed land development or redevelopment activity or outside the exterior boundaries of a proposed property subdivision.¶

ON SITE ¶

Located within the exterior property boundaries described in the permit application for a proposed land development or redevelopment or within the exterior boundaries of a proposed property subdivision.¶

PLANIMETRY ¶

Those parts of a map which represent the horizontal location and extent of man-made and natural features.¶

POST-DEVELOPMENT AND REDEVELOPMENT CONDITION ¶

The extent and distribution of land cover and stormwater management facilities and measures anticipated to occur under conditions of full site development, redevelopment or property subdivision that will influence stormwater runoff and infiltration.¶

PROPERTY SUBDIVISION ¶

A division of a lot, parcel or tract of land by the owner thereof or the owner’s agent for the purpose of sale or building development and redevelopment where the act of division creates a number of parcels or building sites of a minimum size, as defined in Chapter 305, Land Division.¶

RETENTION FACILITY ¶

A storage structure designed to reduce or eliminate the surface discharge of stormwater through evaporation and infiltration. Wet ponds are the most common type of retention storage, although wet ponds may also be used for detention storage.¶

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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

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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

<u>Development Type</u>	<u>TSS Reduction</u>	<u>Phosphorus</u>
<u>New development</u>	<u>80%</u>	<u>30%</u>
<u>In-fill development</u>	<u>80%</u>	<u>30%</u>
<u>Redevelopment</u>	<u>60% of load from parking areas and roads</u>	<u>30%</u>

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.

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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.

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

(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).

<u>Area Disturbed by Demolition or Construction</u>	<u>Reduction to the Existing Runoff Release Rate as of October 25, 2010</u>

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<u>Between 2 and 3.5 acres</u>	<u>10%</u>
<u>From 3.5 to 5 acres</u>	<u>15%</u>
<u>Greater than 5 acres</u>	<u>20%</u>

(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:

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

(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:

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[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:

[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

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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 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

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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% fines 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.

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[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.

[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

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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.

[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.

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[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.

(l) 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.

(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.

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[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

(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.

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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.

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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

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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.

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[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.

Commented [CP1]: 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].

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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.](#)

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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:

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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).

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- (4) Postdevelopment site conditions, including:
- (a) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - (b) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - (c) One 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.

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The stormwater management plan shall be prepared by a registered professional engineer and shall contain all of the information required to evaluate the adequacy of the plan and the probable impacts of implementation of the plan on the quality and quantity of stormwater discharges, on existing drainage facilities and on surface and ground water quality. The plan shall contain the name, address and telephone number of the owner or developer of the site concerned, of the registered professional engineer preparing the plan, of the person responsible for installation of the stormwater management facilities recommended in the plan and of the person responsible for the maintenance of those facilities.

(2)

The plan shall consist of narrative descriptions and explanations; maps, charts and graphs; tables; photographs; supporting calculations; and references to recognized engineering text and manuals as may be necessary to provide a clear and concise description of the plan. The sources of maps and data presented in the plan shall be identified.

B.

Existing site conditions. The plan shall include a map and description of the existing conditions of the site concerned, including:

(1)

A map of the site at a scale of one inch equals 100 feet or larger showing the property boundaries referenced to the United States Public Land Survey System or to a lot and block of a recorded subdivision plat and the topography of the site, including contours shown at an interval of two feet or less, together with such spot elevations as may be necessary; the contours and spot elevations shall be referenced to the National Geodetic Vertical Datum of 1929.

(2)

The hydrologic and hydraulic characteristics of the site, including drainage flow paths and directions of flow onto, through and out of the site; related drainage basin boundaries; times of concentration; and rates and volumes of flow.

(3)

The location of areas where stormwater may collect or percolate into the ground.

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Any changes to lakes, streams, watercourses or wetlands on or adjacent to the site concerned; and

(8)

The location and widths of required public rights-of-way or easements existing or needed to accommodate the recommended stormwater management facilities. Any needed improvements to existing facilities shall also be shown in detail.

D.

Anticipated impacts. The plan shall contain a description of the following anticipated impacts of stormwater runoff from the proposed development, redevelopment or property

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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.

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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.

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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

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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.](#)

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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.](#)

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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.](#)

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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.](#)

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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.](#)

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[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.](#)

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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

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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.

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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.](#)

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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.

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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.

ILLCIT 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.

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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.

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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.

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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

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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:

Deleted: AUTHORIZED ENFORCEMENT AGENCY ¶
Employees or designees of the Elm Grove Public Works Director.¶

BEST MANAGEMENT PRACTICES (BMPs) ¶
Refers to practices, techniques or measures, schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.¶

CLEAN WATER ACT ¶
The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.¶

CONSTRUCTION ACTIVITY ¶
Activities subject to NPDES construction permits. NPDES stormwater Phase II permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.¶

DRAINAGE SYSTEM ¶
Refers to one or more artificial ditches, tiles, drains or similar devices that include, but are not limited to, streets, catch basins, curbs, gutters, swales and storm drains which collect surface water and stormwater runoff and snowmelt runoff, and convey it to a point of discharge. During a regional flood, it may constitute a part of the Floodplain.¶

EASEMENT ¶
Refers to any portion of a parcel subject to an agreement between the property owner, or its predecessor in ownership, and another person which grants such person the right to make use of or benefit from that portion of the property for a specific purpose.¶

FLOODPLAIN ¶
Refers to land which has been or may be covered by floodwater during a regional flood. It includes the floodway and the flood-fringe and may include other designated floodplain areas for various regulatory purposes, including wetlands.¶

HAZARDOUS MATERIALS ¶
Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.¶

ILLEGAL DISCHARGE ¶
Any direct or indirect Nonstormwater Discharge to the storm drainage system, except as exempted in § 325-51 of th[... [6]

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(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, 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.

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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.](#)

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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.](#)

Deleted: [54](#)

[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

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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.](#)

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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.](#)

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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.](#)

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[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.](#)

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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.](#)

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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.](#)

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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.

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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.

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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.

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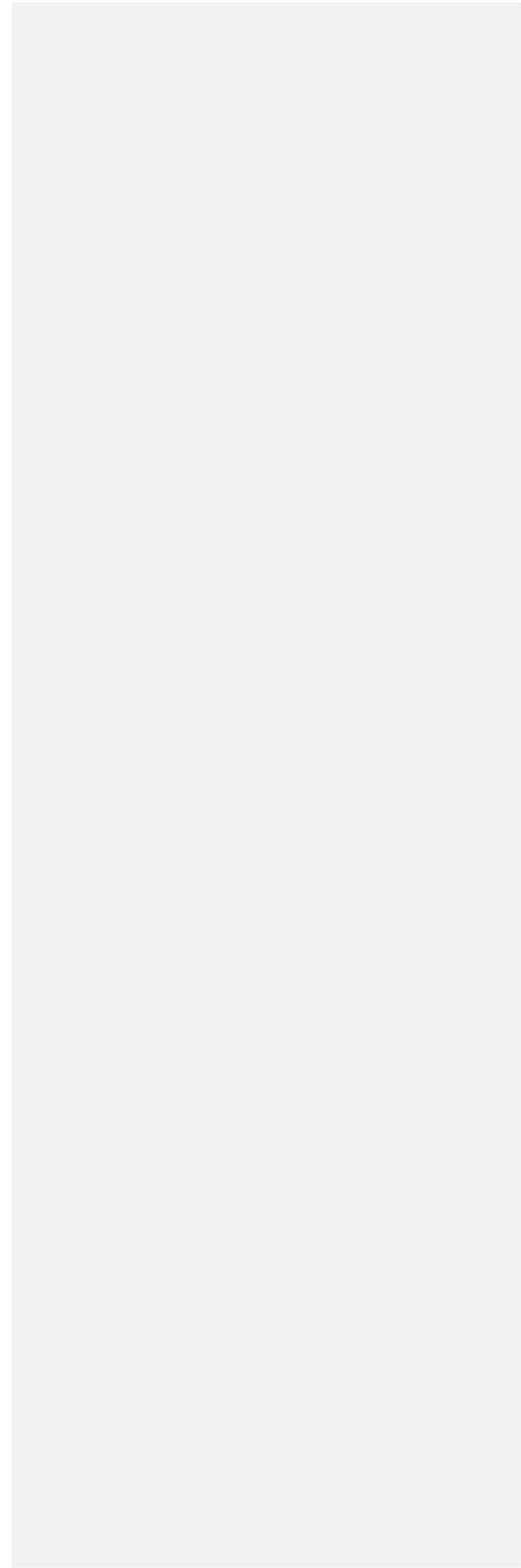
Violation of Article [IV](#) of Chapter [325](#), Stormwater and Sewer Illicit Discharge Connection, shall result in a fine as in § [1-16](#) of the Village of Elm Grove Code of Ordinances, as amended from time to time by the Village of Elm Grove Board of Trustees.

§ 325-68. Remedies not exclusive.

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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.



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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.

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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

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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.

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(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:

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- (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.

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(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.

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.

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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.

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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)

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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.

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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.

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(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

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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

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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

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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 §

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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%
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

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	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

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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

(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

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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:

[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.

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[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 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.

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[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% fines 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.

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[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.

[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

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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.

[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.

(l) 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.

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(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.

(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.

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(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
- (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

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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.

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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

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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.

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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

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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.

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- (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:
 - (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

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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.

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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.

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.

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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)

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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.

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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.

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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,

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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.

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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

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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, 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)

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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

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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.

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

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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.

Memo



To: Legislative Committee
From: Tom Harrigan, Village Manager
Date: February 11, 2026
Re: Review of Meeting Items for February 12, 2026

3. Review and possible action on amendments to Village Code of Ordinances Chapter 325 *Water Control*.

At its February 9th meeting, the Public Works and Utilities Committee referred the proposed amendments to Chapter 325, *Water Control*, to the Legislative Committee for review and action. If the Legislative Committee is satisfied with the structure and form of the amendments, they shall be returned to the Public Works and Utilities Committee for final review before being recommended to the Village Board of Trustees for approval.

Below is an outline of the proposed amendments to Village of Elm Grove Ordinance Chapter 325 – *Water Control*, based on the redlined MS4 compliance revisions contained within your meeting materials.

The MS4 permit (Municipal Separate Storm Sewer System permit) is a federal and state regulatory requirement under the Clean Water Act, administered in Wisconsin by the Department of Natural Resources, that governs how municipalities manage stormwater runoff discharged from public storm sewer systems to rivers, lakes, wetlands, and groundwater. Because the Village of Elm Grove owns and operates a municipal storm sewer system within a regulated urbanized area, it must comply with MS4 permit conditions by implementing programs such as construction-site erosion control, post-construction stormwater management, pollution prevention, and public education, all intended to reduce pollutants in runoff to the maximum extent practicable and protect water quality; the proposed amendments to Chapter 325 are designed to ensure the Village remains in compliance with these regulatory obligations and maintains local authority to manage stormwater impacts.

Summary of Proposed Amendments Village of Elm Grove – Chapter 325: *Water Control*

I. Purpose of the Amendments

The proposed revisions to Chapter 325 are intended to:

- Ensure continued compliance with Wisconsin Department of Natural Resources (WDNR) MS4 stormwater regulations and associated technical standards.
- Strengthen local authority to regulate construction-site erosion, post-construction stormwater management, and surface drainage impacts.

- Protect waters of the state, groundwater quality, drainage infrastructure, and public safety from sediment, pollutants, and unmanaged runoff.
- Modernize ordinance language, definitions, and performance standards to reflect current engineering practice and regulatory expectations.

These amendments collectively reinforce the Village’s responsibility to prevent erosion, sediment discharge, pollutant loading, and excessive runoff associated with land disturbance and development.

II. Structural Organization of Chapter 325

Chapter 325 remains organized into three regulatory articles:

1. Article I – Construction Site Erosion and Sediment Control
2. Article II – Surface Drainage Management
3. Article III – Stormwater Management (Post-Construction Runoff)

Each article is revised to align with WDNR administrative code requirements and MS4 permit obligations.

III. Key Amendments by Article

A. Article I – Construction Site Erosion and Sediment Control

Primary Updates

- Clarifies applicability to land-disturbing construction activity and expands Village authority where runoff threatens drainage capacity, causes erosion, or increases pollution.
- Updates definitions, BMP standards, and technical references consistent with NR 151 and modern soil-loss prediction tools.
- Establishes detailed erosion and sediment control performance standards for sites ≥ 1 acre, including:
 - Prevention of sediment discharge to streets, inlets, waterways, and drainageways.
 - Sediment load limitation of 5 tons per acre per year (or maximum extent practicable).
 - Mandatory stabilization timelines and inspection requirements.
- Formalizes permitting procedures, surety requirements, inspection authority, enforcement mechanisms, and appeals process.

These provisions strengthen regulatory oversight of construction-related erosion and pollutant discharge.

B. Article II – Surface Drainage Management

Primary Updates

- Reaffirms Village authority over drains, culverts, and drainage structures affecting public health, safety, and welfare.
- Requires permits for obstruction, alteration, or installation of drainage structures.
- Establishes:
 - Application requirements and nominal permit fee.
 - Enforcement procedures, appeal rights, and penalties.
 - Village authority for emergency removal of obstructions and cost recovery through special charge.

These revisions preserve existing drainage protections while clarifying enforcement and recovery mechanisms.

C. Article III – Stormwater Management (Post-Construction)

Primary Updates

This article contains the most substantial regulatory modernization, including:

1. Expanded Purpose and Applicability

- Recognizes impacts of uncontrolled runoff on stream stability, groundwater, wetlands, pollutant loading, and public infrastructure.
- Applies to post-construction sites disturbing ≥ 1 acre or smaller sites with significant runoff impact.

2. Updated Definitions and Technical Framework

- Incorporates modern hydrologic terminology (e.g., connected imperviousness, Atlas 14 rainfall, infiltration systems, TMDL, protective areas).
- Aligns modeling and design with NR 151, TR-55, Atlas 14, and MMSD guidance.

3. Water Quality Performance Standards

- Requires BMPs to achieve:
 - 80 % TSS reduction for new development.
 - Reduced standards for redevelopment or infill, subject to maximum extent practicable.
 - Phosphorus reduction targets and pollutant-control tables.

4. Peak Runoff and Flood-Control Requirements

- Mandates maintenance or reduction of 1-year and 2-year storm peak discharges to pre-development levels.
- Establishes runoff-release-rate limits and watershed-based analysis requirements consistent with **MMSD modeling and approval**.

5. Infiltration and Groundwater Protection Standards

- Requires infiltration to 90 %, 75 %, or 60 % of pre-development volume depending on imperviousness.
- Defines pretreatment, exclusions, exemptions, and groundwater protection criteria.

6. Protective Area and Environmental Buffer Requirements

- Establishes buffer widths for streams, lakes, wetlands, and resource waters (10–75 feet depending on sensitivity).
- Restricts impervious surfaces and requires vegetative stabilization within protective areas.

7. Long-Term Maintenance and Enforcement

- Requires stormwater management plans, maintenance agreements, and corrective action authority.
- Authorizes Village enforcement where systems are not constructed or maintained as approved.

IV. Overall Regulatory Impact

Collectively, the amendments:

- Bring Chapter 325 into full MS4 regulatory alignment.
- Increase engineering rigor, environmental protection, and enforceability.
- Clarify developer responsibilities and Village oversight authority.
- Reduce long-term flooding, erosion, infrastructure damage, and pollutant loading.

These changes position the Village to maintain WDNR compliance and protect public infrastructure and water resources.

Please reach out with any questions prior to the meeting.

225' segment of Cloverhill Rd that lies within the City of Brookfield Jurisdiction

