



**211 Walnut Street
Neenah, WI 54956**

AN ORDINANCE: By Public Services & Safety
Committee
Re: Amending Art. IV of Ch. 22, Erosion Control &
Stormwater Management

ORDINANCE NO. 2020-16
Introduced: 10/13/2020
Committee/Commission Action:
Recommended for Passage

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 22-323(c)(1) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

- (c) *Requirements.* The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) *Water Quality.* BMPs shall be designed, installed and maintained to control pollutants carried in runoff from the post-construction site. The design shall be based on the average annual rainfall, as compared to no runoff management controls.
 - a. The following is required for post-construction sites with one or more of the following: 20,000 square feet or more of additional impervious surface disturbance, or one acre or more of additional land disturbance.
 - 1. Except as provided in subsection 22-323(c)(1)a.2., a pollutant reduction is required as follows:

Watershed	Total Suspended Solids (TSS) & Total Phosphorus (TP) Reduction					
	New Development		Redevelopment		Routine Maintenance	
	TSS	TP	TSS	TP	TSS	TP
Fox River	80%	41%	72%	41%	72%	41%
L. Winnebago	80%	-	40%	-	40%	-
Neenah Slough	80%	41%	52%	41%	52%	41%

- 2. A pollutant reduction is not required for routine maintenance areas that are part of a post-construction site with less than 5 acres of disturbance.

- b. For post-construction sites with less than 20,000 square feet of additional impervious surface disturbance, reduce the pollutant load using BMPs from the City of Neenah Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.
- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after September 3, 2008 are required to satisfy the performance standards within subsections 22-323(c)(1)a.1. and 2.
- d. The amount of pollutant control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- e. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the treatment efficiency of the practice. Any impact on the BMP efficiency shall be compensated for by increasing the size of the BMP accordingly. The pollutant load reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite pollutant load reduction, unless otherwise approved by the administering authority in accordance with subsection 22-323(e).
- f. If the design cannot meet the water quality performance standards of subsections 22-323(c)(1)a. through e., the storm water management plan shall include a written, site specific explanation of why the water quality performance standard cannot be met and why the pollutant load will be reduced only to the maximum extent practicable. Except as provided in subsection 22-323(f), the administering authority may not require any person to exceed the applicable water quality performance standard to meet the requirements of maximum extent practicable.

Section 2. Section 22-323(c)(2) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

(2) *Peak discharge.* BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site.

- a. The following is required for post-construction sites with one or more of the following: 20,000 square feet or more of additional impervious surface disturbance, or one acre or more of additional land disturbance.
 - 1. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the one-year, two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
 - 2. Peak discharge calculations shall use TR-55 methodology. Atlas 14 rainfall depths and the MSE4 rainfall distribution shall be used unless the site is to be served by a previously constructed peak discharge facility. At the permittee's discretion, the TP-40 rainfall depths and the Type II rainfall distribution can be used for sites that are to be served by a previously constructed peak discharge facility. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Unless the site is currently woodland, peak pre-development discharge rates shall be determined using the following runoff curve numbers for a "meadow" vegetative cover:

Maximum Pre-Development Runoff Curve Numbers	
	Hydrologic Soil Group

Vegetative Cover	A	B	C	D
Meadow	30	58	71	78
Woodland	30	55	70	77

b. For post-construction sites with less than 20,000 square feet of additional impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the City of Neenah Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.

c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after September 3, 2008 are required to satisfy the performance standards within subsections 22-323(c)(2)a.1. and 2.

d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

e. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The peak discharge reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite peak discharge reduction, unless otherwise approved by the administering authority in accordance with subsection 22-323(e).

f. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.

g. *Exemptions.* The peak discharge performance standards do not apply to the following:

1. A transportation facility where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
2. Except as provided under subsections 22-323(c)(2)d.—f., a highway reconstruction site.
3. Except as provided under subsections 22-323(c)(2)d.—f., a transportation facility that is part of a redevelopment project.

Section 3. Section 22-323(c)(4) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

(4) *Protective areas.*

e. *Exemptions.* The following areas are not required to meet the protective area requirements of subsection 22-323(c)(4):

1. Redevelopment and routine maintenance areas provided the minimum requirements within subsection 22-323(c)(4)d. are satisfied.
2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
3. Structures constructed in accordance with Wis. Stats § 59.692(1v).
4. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the requirements of

subsection 22-323(c)(1) and (2), except to the extent that vegetative ground cover is necessary to maintain bank stability.

5. Areas of post-construction sites with less than 20,000 square feet of additional impervious surface disturbance, or less than one acre of land disturbance.

6. Multi-modal trails

Section 4. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 5. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

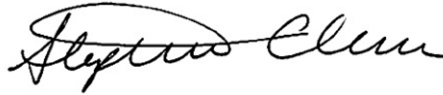
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Approved: 10/21/2020
Published: 10/26/2020

Approved:



Dean R. Kaufert, Mayor

Attest:



Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
Deputy City Attorney Adam J. Westbrook
211 Walnut Street
Neenah WI 54956
State Bar No. 1005210