

### **Sec. 38-191. Required.**

No person shall construct or make improvements to any pond located within the town without first obtaining a permit from the town board. Except as set forth in this article, the provisions of this article apply to all ponds including, but not limited to, those ponds utilized for drainage, recreation, aesthetics, sediment control, and fish management.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-192. Exceptions.**

The following ponds are excluded from the provisions of this article: Ponds used primarily for ornamental, decorative or waterfowl purposes (e.g., fountains, reflection pools, koi ponds, wildlife scrapes, etc.) with a depth of less than 24 inches, a diameter less than 25 feet or an area less than 500 square feet, stormwater drainage ponds created by or for a town drainage utility district, and ponds which have been previously reviewed and approved as part of an erosion control plan. Existing ponds are also excluded from the provisions of this article, but any enlargement, dredging or modification to such ponds makes them subject to this article.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-193. Site plan required.**

Before a permit may be issued, the applicant shall provide the town with a detailed site plan of the proposed pond excavation showing cross-section, depth, area and location of the pond as well as addressing disposition and storage of spoils from the excavation. The plan shall be drawn at a scale of not less than one inch equals 100 feet using the National Geodetic Vertical datum (NGVD) of 1929 for elevations and a bearings base of grid north of the Wisconsin coordinate system, South Zone. Racine County topographic maps may be used for undeveloped or minimally disturbed areas. Areas that have been developed or where substantial disturbance to the original grade has been made will require a survey. The plan shall contain measures to protect against overflow and shall address drainage into and surrounding the pond area. The plan shall detail the flow of drainage in the event of overflow and demonstrate that adjacent properties will be adequately protected in the event of overflow or from new or altered runoff patterns created by relocated excavation materials. A restoration plan for the excavation is also required. Additional information shall be supplied to the town, as requested by the town engineer.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-194. Engineering report.**

At the discretion of the town board, an engineering report may be required. The engineering report shall be submitted to the town at the applicant's expense.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-195. Conditions to permit.**

The town board may attach conditions to the issuance of a pond permit to address such things (without limitation) as maintenance, weed control, depth of pond, landscaping and aesthetics, and measures to secure the pond to avoid personal injury to trespassers. Temporary seeding and/or silt fencing may be required by the town engineer for partially completed projects. Other conditions appropriate to the area under consideration may be added to the permit by the town board, after consultation with the town engineer.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-196. Additional permits.**

Before proceeding with excavation, the applicant, in addition to obtaining a permit from the town, must secure all necessary permits from pertinent county, state and federal government agencies. It is the applicant's responsibility to verify that any potential environmental features such as wetlands, flood plain, navigable waterways, environmental corridors, etc, are identified and all necessary permits relating thereto are obtained.

*(Ord. No. 2006-05, § 1, 8-14-2006)*

### **Sec. 38-197. Permit fee.**

At the time the application is filed, the applicant shall pay fees as set forth in the schedule of fees on file in the town clerk's office and may be revised by town board resolution. In addition, the applicant shall reimburse the town for engineering, planning legal and administrative expenses incurred in processing, reviewing, revising, and approving the permit and site plan, where those expenses exceed the amount of the permit fee.

**Sec. 38-198. Variance/waiver.**

The town board may waive or grant a partial variance from any requirement or prohibition created by this article if the Board specifically determines that the permittee's special circumstances make such a waiver or variance appropriate.

*(Ord. No. 2006-05, § 1, 8-14-2006)*