

TOWN OF RHINE MUNICIPAL CODE

CHAPTER 19: PONDS

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19.01 PERMIT REQUIRED

No person shall construct or make improvements to any pond located within the Town of Rhine without first obtaining a Pond Permit from the Town Board. Except as set forth below, these provisions apply to all ponds including but not limited to those ponds utilized for drainage, recreation, aesthetics, and sediment control and fish management.

19.02 EXCEPTIONS

The following ponds are excluded from the provisions of this Chapter: ponds with a depth of twenty-four (24) inches or less, ponds with a diameter less than sixteen (16) feet or an area less than two hundred (200) square feet, storm water drainage ponds created by or for a Town drainage utility district, and ponds which have been previously reviewed and approved by the Town as part of an erosion control plan, provided they comply with the setback and other requirements of this Chapter. Existing ponds are also excluded from the provisions of this Chapter, but any enlargement, dredging, or modifications to such ponds makes them subject to this Chapter.

19.03 SITE PLAN REQUIRED

Before a Pond 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 contain measures to protect against overflow and shall address draining 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. A restoration plan for the excavation is also required. All spoils and materials removed from the pond shall remain on the excavation site and shall not be removed from the site (see below). Additional information shall be supplied to the Town as requested by the Town Board and/or Town Engineer(s).

19.04 STANDARDS FOR CONSTRUCTION

(1) **TECHNICAL REQUIREMENTS.** Side slopes shall not exceed a 4:1 ratio. The boundaries of the pond, the water's edge as shown on the approved site plan, shall be set back a minimum of fifty (50) feet from all property lines. In addition, ponds shall be constructed in conformance with the standards of the U.S.D.A. Natural Resources Conservation Service Technical Guide and, where applicable, the Wet Detention Basin of the Wisconsin Department of Natural Resources Conservation Practice Standard, copies of which are available from the Town Building Inspector or the Department of Natural Resources.

(2) **EXCAVATED MATERIAL.** Every effort shall be made to maintain excavated materials on-site. If excavated material exceeds practical limits for on-site restoration, as demonstrated by information required in Section 19.03, up to five hundred (500) yards may be removed by Town Board approval of a Chapter 19 permit. Any plan that requires removal off-site greater than five hundred (500) yards shall require a Conditional Use Permit (Refer to Chapter 4.09). (Rev. 10/03/06).

(3) **REZONING.** If the excavated material from the project site is sold, given away, or otherwise removed from the site in a manner in which the principal use appears to be gravel, sand, rock, soil, or mineral removal and pond construction appears to be a secondary result, the parcel shall be rezoned B-2 as a quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel. The mineral extraction site must be recorded with Sheboygan County in compliance with Chapter 78 of the Sheboygan County Ordinances entitled Nonmetallic Mining Reclamation Regulations.

(4) **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. Other conditions appropriate to the area under consideration may be added to the permit by the Town Board after consultation with the Town Engineer(s).

(5) **TECHNICAL REVIEW.** The Town may employ one (1) or more technical experts in engineering, law, municipal planning, or related fields to review materials submitted by applicants, to request additional information from applicants, to advise Town officials whether application fully complies with all applicable requirements, and to make further recommendations to Town officials as the technical experts deem to be relevant and appropriate. The applicant shall pay all the costs of said reviews. The payment to the Town shall be due upon receipt of the invoice. All invoices, fees, and charges accumulated for the technical reviews must be paid in full prior to the issuance of the Pond Permit. A decision by the Town Board to decline to issue a Pond Permit or to impose conditions that the applicant finds unacceptable shall not excuse the applicant from its obligations under this Subsection.

(6) **FEES.** The fee of Fifty Dollars (\$50.00) is to be charged for a Pond Permit. Additional fees could be incurred as stated in Subsection (5) of this Ordinance.

(7) **ADDITIONAL PERMITS.** The applicant, in addition to obtaining a Pond Permit from the Town must secure all necessary permits from pertinent county, state, and federal government agencies prior to applying for Town application. All copies of other permits and conditions attached thereto shall be provided to the Town.

(8) **NOTIFICATION OF NEIGHBORS.** All neighbors and adjacent property owners within two hundred (200) feet of planned properties under permit consideration must be notified and informed of a public meeting to be able to participate and comment on proposed changes as defined in the permit application.

19.05 DEFINITIONS

(1) **POND.** A collection of surface water or exposed ground water of any size or depth which is not temporary [it exists more than thirty (30) consecutive days] and which results from any excavation or other artificial movement of minerals.