DEVELOPMENT STANDARDS & REQUIREMENTS FOR PONDS

The Town of Angelica Board of Supervisors, Shawano County, Wisconsin, ordains as follows:

1.01 Title... Development Standards and Requirements for Ponds

1.02 Purpose... In order to promote the public safety and general welfare, it is necessary that certain uniform standards and requirements be established and followed in the construction of ponds in the Town of Angelica.

1.03 Statutory Authority... This ordinance is adopted as authorized under s.61.34 (1) Wis. Stats. and the Town of Angelica having obtained Village Powers from its electorate on April 1, 1958, which resolution was ratified by a resolution approved by the electorate on April 8, 2003.

1.04 Abrogation and Greater Restrictions... It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

1.05 Severability... Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

1.06 Applicability... The requirements of this ordinance apply to all persons within the Town of Angelica.

1.07 Administration... The provisions of this ordinance shall be administered by the Town of Angelica Board of Supervisors or its designee.

1.08 Specifications – Construction of Ponds...

a. Minimum lot size will be five (5) acres.

b. .No pond shall be constructed so as to have a bottom slope of not greater than one (1) foot of fall in five (5) feet of travel (5:1) for the first ten (10) feet and three to one (3:1) thereafter.

c. No pond shall be constructed within fifty (50) feet of an existing or proposed soil absorption, on-site, sanitary waste disposal system. No pond shall be constructed within twenty-five (25) feet of an existing or proposed holding tank, sanitary waste disposal system.

d. No pond shall be constructed within seventy-five (75) feet of any existing or proposed residence.

e. No pond shall be constructed within fifty (50) feet of any property line.

f. The perimeter of the pond and all other associated surface disturbed areas shall be planted to vegetation within 5 days of completion of the excavation or construction. In cases where pond construction occurs during frozen soil conditions the establishment of vegetative cover may be delayed until soils have thawed.

g. A berm of not less than eighteen inches (18") is to encircle the entire pond, which purpose shall be to prohibit surface water from entering and leaving the pond.

h. Construction of the pond shall be completed in accordance to requirements of this ordinance within 30 (thirty) days after the starting of construction of the pond.

1.09 Other Requirements...

a. The ground water table in the surrounding area and adjacent to the pond shall be protected.

b. Fencing encircling the pond could be a requirement depending upon circumstances in each individual case and will be determined at the time a request is made to the town for construction of a pond.

c. The constructed pond, when required, shall meet the requirements of the Shawano County Shoreland and Floodplain Zoning Ordinances. Shorelands extend 1,000 feet from lakes, flowages and natural ponds, 300 feet from rivers, streams or creeks whether named or unnamed, if determined to be navigable, or to the landward side of a floodplain whichever distance is greater.

d. Artificial lakes or ponds constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes Chapter 30 and the Department of Natural Resources which extend five hundred (500') from a navigable stream. The Town of Angelica may require the owner/developer to obtain a determination of navigability from the DNR for watercourses in close proximity to or associated with the proposed pond.

e. In all cases where a constructed lake or pond will have to meet requirements of the Department of Natural Resources the property owner shall get a verbal ascertainment from the DNR that the proposed plan for the pond will be able to obtain a permit from the DNR before coming before the Town of Angelica Planning Commission and the Town of Angelica Board of Supervisors for a conditional use permit.

f. It is the permit holder's responsibility to contact the Shawano County Planning & Zoning Department to obtain either a county conditional-use permit or a county land-use permit. The county land-use permit is a one-year permit.

g. The Town of Angelica may, at any time, amend or add conditions to this permit approval to ensure compliance with all applicable legal requirements.

1.10 Exemptions...

a. Ponds one hundred square feet (100 sq. ft.) or less in size, as measured around the perimeter, shall be exempt from this ordinance.

b. Ponds constructed as a fish or wildlife facility shall be exempt from this ordinance if they conform to the appropriate technical standards administered by the USDA Natural Resources Conservation Service or the U.S. Fish & Wildlife Service.

1.11 Penalties... If any pond is constructed in violation of the provisions of this ordinance, the Town may restore the area to a condition which complies with this ordinance, and recover the cost from the responsible party. The penalty for violation of any provision of this ordinance shall be a forfeiture of not less than $75.00, nor more than $200.00 together with the actual costs of prosecution, including attorney fees and court costs. Each day of continuing violation shall constitute a separated offense.

1.12 Effective Date... The provisions of this ordinance shall take effect on May 14, 2007, upon passage and publication as provided by law.

Adopted this 23rd day of August, 2021