

CHAPTER 58

CONSTRUCTION SITE EROSION CONTROL

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58.01 AUTHORITY

This ordinance is adopted under the authority granted by §61.354 of the Wisconsin Statutes.

58.02 FINDINGS AND PURPOSE

- (a) **FINDINGS.** The Village finds 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 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.

58.03 APPLICABILITY OF ORDINANCE

This ordinance applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village. All State funded

or conducted construction is exempt from this ordinance.

58.04 DEFINITIONS

- (a) **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall apply:
- (1) **"Agricultural Land Use"** shall mean use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption.
 - (2) **"Commercial Land Use"** shall mean use of land for the retail or wholesale sale of goods or services.
 - (3) **"Construction Site Control Measure"** shall mean a control measure used to meet the requirements of Sec. 58.07.
 - (4) **"Control Measure"** shall mean a practice or combination of practices to control erosion and attendant pollution.
 - (5) **"Control Plan"** shall mean a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by Building Inspector.
 - (6) **"Erosion"** shall mean the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (7) **"Land Developing Activity"** shall mean the construction of buildings, roads, parking lots, paved storage areas and similar facilities.
 - (8) **"Land Disturbing Construction Activity"** shall mean any manmade change of the land surface, including removing vegetative 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.
 - (9) **"Landowner"** shall mean any person holding title to or having an interest in land.
 - (10) **"Land User"** shall mean any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
 - (11) **"Runoff"** shall mean the rainfall, snowmelt, or irrigation water flowing over the ground surface.
 - (12) **"Set of One-Year Design Storm"** shall mean the following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24

hours that occur approximately once per year, with the following being considered for the purposes hereof as typical characteristics of one-year storms for most of this area:

<u>Storm Duration (hours)</u>	<u>Average Rain Intensity (inches/hour)</u>	<u>Total Rain (inches)</u>
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (13) **"Site"** shall mean 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.
- (14) **"Sheetflow Runoff"** shall mean runoff which is not flowing through a channel but flowing generally across the surface of the land.

58.05 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES

All control measures required to comply with this ordinance shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector.

58.06 MAINTENANCE OF CONTROL MEASURES

All sedimentation basins and other control measures necessary to meet the requirements of this ordinance 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.

58.07 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT

- (a) **APPLICABILITY.** This section applies to the following sites of land development or land disturbing activities:
- (1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.
 - (2) Those requiring a certified survey approval or the construction of house 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 4000 square feet or more.
 - (4) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
 - (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) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The following requirements shall be met on all sites described in sub(a).
- (1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
 - (2) Waste and Material Disposal. All waste and unused building materials including, by way of example but not limited to, garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials, shall be properly disposed and not allowed to be carried by off-site runoff into a receiving channel or storm

sewer system.

- (3) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, sweeping or shoveling, and not by flushing, before the end of each workday.
- (4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Site Erosion Control. The following criteria shall apply only to land development or land disturbing activities that result in runoff leaving the site:
 - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical; otherwise, the channel shall be protected as described in sub(b)(5)c.3. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec. across the undisturbed areas for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - c. Runoff from the entire disturbed area on the site shall be controlled by compliance with any of the following means:
 1. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or sodding if done before September 15, or by mulching or covering, or other equivalent control measure.
 2. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be

designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

3. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side-slope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

58.08 PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE

- (a) **APPLICATION REQUIRED.** No landowner or land user may commence a land disturbance or land development activity subject to this ordinance without receiving prior approval of a control plan for the site and a permit from the Building Inspector. 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 ordinance shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector or other municipal officials to enter the site to obtain information required for the review of the control plan.

(b) **CONTENT OF THE CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.**

- (1) Existing Site Map. A map of existing site conditions on a scale of at least 1 inch equals 100 feet showing the site and immediately adjacent areas:
 - a. Site boundaries and adjacent lands which accurately identify site location;
 - b. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site;
 - c. 100 year floodplains, flood fringes and floodways;
 - d. Location of the predominant soil types;
 - e. Vegetative cover;
 - f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - h. Site topography at a contour interval not to exceed five feet.
- (2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) Site Construction Plan. A site construction plan including:
 - a. Locations and dimensions of all proposed land disturbing activities;
 - b. Locations and dimensions of all temporary soil or dirt stockpiles;
 - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance;
 - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this ordinance; and
 - e. Provisions for maintenance of the construction site control measures during construction.

(c) **CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING LESS THAN ONE ACRE, BUT MEETING THE APPLICABILITY REQUIREMENTS STATED IN SEC. 57.07(a).** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that

will be used to meet the requirements of the ordinance.

- (d) **REVIEW OF CONTROL PLAN.** Within a reasonable time after receipt of the application control plan, or control plan statement, and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this ordinance are met. The Building Inspector may request comments from other departments or agencies. If the requirements of this ordinance are met, the Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within a reasonable time after receipt of the needed information, the Building Inspector shall again determine if the plan meets the requirements of this ordinance. If the plan is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.

(e) **PERMITS.**

- (1) Duration. Permits 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 Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (2) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
- (3) Permit Conditions. All permits shall require the permittee to:
- a. Notify the Building Inspector within 48 hours of commencing any land disturbing activity;
 - b. Notify the Building Inspector of completion any control measures within 14 days after their installation;
 - c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;
 - d. Install all control measures as identified in the approved control plan;
 - e. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;

- f. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
- g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;
- h. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
- i. Keep a copy of the control plan on the site.

58.09 INSPECTION

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to the provisions of §66.122 and §66.123, Wis. Stats., and shall initiate enforcement proceedings under Sec. 58.10.

58.10 ENFORCEMENT

- (a) The Building Inspector may post a stop-work order if:
 - (1) Any land disturbing or land developing activity regulated under this ordinance is being undertaken without a permit;
 - (2) The control plan is not being implemented in a good faith manner; or
 - (3) The conditions of the permit are not being met.
- (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 10 days, the Building Inspector may revoke the permit.
- (c) If the landowner or land user, where no permit has been issued, does not cease the activity within 10 days, the Building Inspector may request the Village Attorney to obtain a cease and desist order with injunctive relief.
- (d) The Building Inspector or the Board of Appeals, after a hearing as provi-

- ded in Sec. 58.11, may retract the stop-work order or the revocation.
- (e) Ten days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this ordinance. The Building Inspector may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Village, shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to §66.60(16), Wis. Stats.
 - (f) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 per day, plus the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
 - (g) Compliance with the provisions of this ordinance may also be enforced by injunction.

58.11 APPEALS

An appeal to the Board of Appeals may be taken by any aggrieved person or by any officer, department or board of the Village affected by any decision of the Building Inspector concerning this Chapter. Such appeal to the Board of Appeals shall be made in the time and manner, and all proceedings before the Board of Appeals shall be conducted, as prescribed by Sec. 5.04.1