

SECTION 14.3 CONSTRUCTION SITE EROSION CONTROL ORDINANCE

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AN ORDINANCE TO CREATE SECTION 14-3 OF THE MUNICIPAL CODE OF THE TOWN OF WARREN RELATING TO THE CONTROL OF CONSTRUCTION EROSION ON SITES ONE ACRE OR MORE RESULTING FROM LAND DISTURBING CONSTRUCTION ACTIVITIES THE TOWN BOARD OF THE TOWN OF WARREN, WISCONSIN DO ORDAIN AS FOLLOWS:

Section 14-3 is hereby created to read as follows:

Sec. 14-3 CONTROL OF CONSTRUCTION EROSION ON SITES OF ONE ACRE OR MORE. This ordinance regulating construction site erosion control in the TOWN OF WARREN is adopted pursuant to the authority of Section 60.627, Wis. Stats.

Sec. 14-3-1 Purpose.

The purpose of this ordinance is to minimize the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town of Warren. Specific purposes are to:

- (a) Further the maintenance of safe and healthful conditions
- (b) Prevent and control water pollution
- (c) Prevent and control soil erosion
- (d) Protect spawning grounds, fish and aquatic life
- (e) Control building sites, placement of structures and land uses
- (f) Preserve ground cover and scenic beauty, and
- (g) Promote sound economic growth

Sec. 14-3-2 Applicability.

This ordinance applies to land disturbing construction activities, which have one or more acres of land disturbing construction activity.

Sec. 14-3-3 Erosion Control Plan Submittal, Review and Approval Requirements.

- (a) **Plan Submittal.** An Erosion Control Plan shall be prepared and submitted to the Town Engineer. The plan shall be sealed and stamped by a Registered Engineer in the State of Wisconsin.
- (b) **Plan Review.** The Town Engineer shall review the Erosion Control Plan. By submitting an Erosion Control Plan for review, the applicant is authorizing the Town Engineer to enter the site to obtain information required for the review of the Erosion Control Plan.
- (c) **Plan Approval.** The Town Board shall approve the Erosion Control Plan, based on recommendations from the Town Engineer. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval from the Town Board of an Erosion Control Plan for the site.

Sec. 14-3-4 Erosion Control Plan Requirements.

The Erosion Control Plan shall address treatment of pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The Erosion Control Plan shall, at a minimum, meet technical and performance standards through implementation of Best Management Practices (BMP's). BMP's required to comply with this ordinance shall meet the design criteria, standards and specifications based on the following:

- (a) Applicable design criteria, standards and specifications identified under section NR 216.46, Wisconsin Administrative Code.
- (b) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wisconsin Administrative Code.

In addition, the Erosion Control Plan shall include a site detail map at a scale not greater than 200 feet per inch and at a contour interval not to exceed two feet. The site detail map shall show detail of the proposed site features, grades, slopes and erosion control features.

Sec. 14-3-5 Maintenance.

The responsible party throughout the duration of the construction activities shall maintain all BMP's necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

Sec. 14-3-6 Inspection.

If land disturbing construction activities are being carried out without an approved Erosion Control Plan required by this ordinance, the Town Engineer may enter the land pursuant to the provisions of ss. 66.0119 Wis. Stats.

Sec. 14-3-7 Enforcement.

The Building Inspector may post a stop-work order if any of the following occurs:

- (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without an approved plan.
- (b) The Erosion Control Plan is not being implemented in a good faith manner.

If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Town Board may revoke the approval.

After posting a stop-work order, the Town Board may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town Board may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Town, plus interest at the rate authorized by the Town shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subchapter VII of Chapter 66 Wis. Stats.

Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of \$500.00 plus the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before seeking an injunction.

The Town Board pursuant to Town of Warren Ordinance 4-1 and pursuant to 60.627(4)(b), Wis. Stats.:

- (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the building inspector or town engineer in administering this ordinance except for cease and desist orders.

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- (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
- (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

Who May Appeal. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, or board of the Town of Warren affected by any decision of the building inspector or town engineer.

Sec. 14-3-8 Severability.

If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Adopted this _____ day of _____, 2008.

APPROVED BY THE TOWN OF WARREN:

By: Rich Meyer, Town Chairman

Approved: _____

ATTEST: _____

Published: _____

Deina Shirmer, Town Clerk