

**CONSTRUCTION SITE EROSION CONTROL
ORDINANCE**

TOWN OF OMRO, WISCONSIN

**CHAPTER _____
ADOPTED ON SEPTEMBER 9, 2002**

PREPARED BY:

**STRAND ASSOCIATES, INC.
910 W. WINGRA DRIVE, MADISON, WI 53715**

CONSTRUCTION SITE EROSION CONTROL ORDINANCE

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Ordinance No. _____

CONSTRUCTION SITE EROSION CONTROL ORDINANCE

**AN ORDINANCE TO CREATE CHAPTER [NUMBER] OF THE [CODE OR
ORDINANCE] OF THE TOWN OF OMRO RELATING TO THE CONTROL OF
CONSTRUCTION SITE EROSION RESULTING FROM LAND DISTURBING
CONSTRUCTION ACTIVITIES**

FOREWORD.

The intent of this ordinance is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities on sites that do not include the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce in ss. COMM 21.125 or COMM 50.115, Wis. Adm. Code. Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

The Town Board of the Town of Omro does hereby ordain that Chapter [number] of the [code or ordinance] of the Town of Omro is created to read as follows:

CONSTRUCTION SITE EROSION CONTROL ORDINANCE

S.01 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by; s. 60.627, Wis. Stats., for towns;. This ordinance supersedes all provisions of an ordinance previously enacted under s. 60.62, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s., 60.627, Wis. Stats., s. 60.62,, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Town Board hereby designates the Town Engineer or qualified designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

S.02 FINDINGS OF FACT.

The Town Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Town of Omro.

S.03 PURPOSE.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing 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 Omro.

S.04 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) This ordinance applies to the following land disturbing construction activities except as provided under sub. (b). See Section S.09 (1) & (2) for applicable erosion and sediment control plan.

1. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other activity affecting a surface area of 4,000 square feet or more;
2. 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;
3. Those involving public or private access drives, street, highway, road, or bridge construction, enlargement, relocation or reconstruction longer than 125 feet;
4. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a continuous distance of 100 feet or more. The term pipe or facility includes, but is not limited to, utilities such as telephone, electric, gas, sanitary, storm water, etc.;
5. Disturbs a continuous distance of 100 lineal feet of road ditch, grass waterway, or other land area where drainage occurs in an open channel;
6. Those requiring a subdivision plat approval.
7. Those requiring a certified survey.
8. Other land development activities, including access drives, that the Town Chairman or qualified designee determines has a significant impact.

(b) This ordinance does not apply to the following:

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

2. Nonpoint discharges from agricultural facilities and practices.
3. Nonpoint discharges from silviculture activities.
4. Routine maintenance for project sites under 1 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of Town Chairman or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the Town of Omro.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of the county district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

S.05 DEFINITIONS.

- (1) "Administering authority" means a governmental employee, or a regional planning commission empowered under s. 60.627 Wis. Stats., that is designated by Town Board to administer this ordinance. For this ordinance, administering authority has the definition of Town Chairman, Town Board, Town Engineer or qualified designee as indicated in this ordinance.
- (2) "Agricultural facilities and practices" has the meaning in s. 281.16(1), Wis. Stats.
- (3) "Average annual rainfall" means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or

- pollutants carried in runoff to waters of the state.
- (5) "Business day" means a day the office of the [administering authority] is routinely and customarily open for business.
 - (6) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
 - (7) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
 - (8) "COMM" means the Wisconsin department of commerce.
 - (9) "Division of land" means the creation from one parcel of five or more parcels or building sites of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.
 - (10) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (11) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (12) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
 - (13) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
 - (14) "Governing body" means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
 - (15) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
 - (16) "Landowner" means any person holding title to or having an interest in land.

- (17) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (17) "MEP" or "maximum extent practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (18) "Municipal storm sewerage facility" means catch basins, storm sewer pipes, pumps and lift stations.
- (19) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (17) "Permit" means a written authorization made by the [administering authority] to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (18) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.
- (19) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.
- (20) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (21) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (22) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (23) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a storm water treatment device or system.
 - (d) Discharges directly or indirectly to waters of the state.
- (24) "Site" means the entire area included in the legal description of the land on which

the land disturbing construction activity is proposed in the permit application.

- (25) "Stop work order" means an order issued by the [administering authority] which requires that all construction activity on the site be stopped.
- (26) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (27) "Waters of the state" has the meaning given in s. 281.01 (18), Wis. Stats.

S.06 TECHNICAL STANDARDS.

- (1) **DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS.** All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
 - (a) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222 as amended from time to time.
 - (b) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (c) Chapter IV of the Field Office Technical Guide, published by the USDA-Natural Resource Conservation Service.
 - (d) Other technical standards published or adopted by the above noted agencies, the Wisconsin Standards Oversight Council or the Land Conservation Committee.
 - (e) For this ordinance, the following year and location has been selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29-Nov. 25).
- (2) **OTHER STANDARDS.** Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Town Board.

S.07 PERFORMANCE STANDARDS

- (1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with S. 09, that incorporates the requirements of this section.
- (2) **PLAN.** A written plan shall be developed in accordance with S. 09 and implemented for each construction site.

(3) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** An erosion control plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation, and other offsite impacts from land disturbing activities are minimized through installation of BMPs per s.05 of this ordinance. The BMPs may be located on or off the construction site. All future erosion control performance standards mandated by the state shall be met after the date they go into effect. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

- (a) Prevent tracking of sediment from the construction site onto roads and other paved surfaces. 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 (not flushing) before the end of each workday. Sediment tracked by construction equipment from a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plan. The sediment cleanup provisions of (e) below are unaffected by the presence or absence of an access roadway.
- (b) Prevent the discharge of sediment as part of site de-watering.
- (c) Protect the separate storm drain inlet structure from receiving sediment. All downslope storm sewer inlets shall be protected.
- (d) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off site by runoff. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.
- (e) Clean up sediments deposited on roadways. By the end of the next working day following the occurrence, clean up off-site sediment deposition occurring as a result of a storm event. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.
- (f) Ditch bottoms that are newly constructed or disturbed shall have an erosion control blanket installed to help the vegetation take root.
- (g) Erosion control silt fence shall be removed after final stabilization.

- (4) **LOCATION.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (5) **ALTERNATE REQUIREMENTS.** The Town Board may establish storm water management requirements more stringent than those set forth in this section if the Town Board determines that an added level of protection is needed for sensitive resources.

S.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Town Board or its designee.
- (2) **PERMIT APPLICATION AND FEES.** At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of S.09 and shall pay an application fee in an amount determined from time to time by the Town Board. By submitting an application, the applicant is authorizing the Town Board or its designee to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Town Board or its designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 45 business days of the receipt of a complete permit application, as required by sub. (2), the Town Board shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Town Board shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Town Board shall state in writing the reasons for disapproval.
 - (d) The Town Board or designee may request additional information from the applicant. If additional information is submitted, the Town Board shall have 30

business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Town Board may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions. In cases where there is a Developer's Agreement or Road Improvement Agreement, this shall be part of that agreement.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
- (a) Notify the Town Chairman within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Town Chairman of completion of any BMPs within 3 days after their installation.
 - (c) Obtain permission in writing from the Town Chairman prior to any modification pursuant to S.09(3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Town Chairman or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) **PERMIT CONDITIONS.** Permits issued under this section may include conditions established by Town Board in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in S.07.

- (7) **PERMIT DURATION.** Permits issued under this section 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 Town Board may extend the period one or more times for up to an additional 180 days. The Town Board may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) **MAINTENANCE.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization at which time they shall be removed.

S.09 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (1) **EROSION AND SEDIMENT CONTROL PLAN** for land disturbing construction activities covering one or more acres.
- (a) An erosion and sediment control plan shall be prepared and submitted to the Town Chairman.
- (b) The erosion and sediment control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the *Wisconsin Construction Site Best Management Practice Handbook* (WDNR Pub. WR-222 as revised from time to time).
- (c) The erosion and sediment control plan shall be designed to meet the performance standards in S.07 and other requirements of this ordinance.
- (d) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United

States Geological Service 7.5 minute series topographic map and on a Winnebago County G.I.S. Map

3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available
8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the plan.
6. Location of areas where stabilization practices will be employed.
7. Areas which will be vegetated following construction.

8. Areal extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.
 9. Locations of all surface waters and wetlands within one mile of the construction site.
 10. An alphanumeric or equivalent grid overlying the entire construction site map.
- (e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town Chairman or designee structural measures shall be installed on upland soils.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all sites.
 8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste materials at all sites.
 10. Stabilization of drainage ways.
 11. Control of soil erosion from dirt stockpiles.
 12. Installation of permanent stabilization practices as soon as possible after final grading.
 13. Minimization of dust to the maximum extent practicable.

- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (2) **EROSION AND SEDIMENT CONTROL PLAN** for land disturbing construction activities covering less than one acre.
 - (a) A control plan statement (with simple map) that briefly describes the site and best management practices (including the site development schedule) that will be used to meet the requirements of the ordinance shall be submitted to the Town Board. The standard submittal form shall at a minimum be submitted.
- (3) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under S.04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town Board. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (4) **AMENDMENTS.** The applicant shall amend the plan if any of the following occur:
 - (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Town Chairman or designee notifies the applicant of changes needed in the plan.

S.10 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Town Board and may from time to time be modified by resolution. A schedule of the fees established by the Town Board shall be available for review at the Town Office.

S.11 INSPECTION.

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Town Chairman or designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats. S.12

S.12 ENFORCEMENT.

- (1) The Town Board 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 a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) 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 within 10 days of being notified by the Town Chairperson, the Town Board may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity within 10 days of being notified by the Town Chairman or if a responsible party violates a stop-work order posted under sub. (1), the Town Board may request the town attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Town Board or the board of appeals or adjustment may retract the stop-work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) 10 days after posting a stop-work order under sub. (1), the Town Chairman or designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town Chairperson or his designee may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed under this subsection by the Town Chairman or designee, plus interest at the rate authorized by the Town Board 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 subch. VII of ch. 66, Wis. Stats.

- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) 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 resorting to injunctive proceedings.

S.13 APPEALS.

- (1) The Town
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town Chairman or designee in administering this ordinance except for cease and desist orders obtained under S.12 (3).
 - (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.
- (2) WHO MAY APPEAL. Appeals to the Town Board may be taken by any aggrieved person or by any office, department, board, or bureau of the Town of Omro affected by any decision of the Town Board.