

Chapter 14.21

EROSION CONTROL

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14.21.010 Intent.

The intent of this Chapter is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This Chapter applies to all land disturbing construction activities and land development activities within the Village. (Ord. 2008-11-2; Ord. 94-7-3 (part), 1994).

14.21.020 Authority.

This Chapter is adopted under the authority granted by Section 61.354, Wisconsin Statutes. (Ord. 2008-11-2; Ord. 94-7-3 (part), 1994).

14.21.030 Findings and Purpose.

A. Findings. The Village finds runoff and erosion from construction sites and land disturbing activities greatly impacts the amount of sediment and other pollutants that enter the waters and rights-of-way of the state and the Village.

B. Purpose. It is the purpose of this Chapter 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 and land disturbing activities to lakes, streams and wetlands within the boundaries and jurisdiction of the Village. The Department of Natural Resources "Erosion and Sediment Control Technical Standards" is adopted by reference and shall become a part of this Chapter, a copy of which shall be kept on file in the Village Hall. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

14.21.050 Definitions.

A. "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

B. "Best management practice" means a practice or combination of practices to control erosion and attendant pollution.

C. "Erosion and Sediment Control Technical Standards" means the most recent edition of the Department of Natural Resources "Erosion and Sediment Control Technical Standards."

D. "Commercial land use" means use of land for the retail or wholesale sale of goods or services.

E. "Construction site control measure" means a control measure used to meet the requirements of this erosion control Chapter and/or Erosion and Sediment Control Technical Standards.

F. “Control measure” means a practice or combination of practices to control soil erosion and attendant pollution.

G. “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

H. “Erosion Control Plan statement” means a written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Village for development of up to one acre or single lot.

I. “Erosion Control Plan” means a written plan of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Village for development of greater than one acre or multiple lots.

J. “Land development activity” means the construction or demolition of utilities, buildings, roads, parking lots, paved storage areas, and similar facilities.

K. “Land disturbing activity” means any man-made 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.

L. “Landowner” means any person holding title to or having an interest in land.

M. “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.

N. “Runoff” means the rainfall, snow melt, or irrigation water flowing over the ground surface.

O. “Site” means 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.

P. “Stabilize” means to make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel or other measure.

Q. “Village personnel” or “authorized personnel” means employees of the Village of Twin Lakes authorized by the Village Board to implement provisions of this Section of the Municipal Code.

R. “Ten-year twenty-four-hour design storms” means the rain intensities and rain volumes as described in Erosion and Sediment Control Technical Standards.

S. “Waters of the state” means all lakes, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water-courses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

T. “Working day” means a calendar day, except Saturdays, Sundays, and Village-recognized legal holidays. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

14.21.060 Design criteria, standards and specifications for control measures.

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Erosion and Sediment Control Technical Standards and the Village. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

14.21.070 Maintenance Of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter 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 (identified in the Erosion and Sediment Control Technical Standards). The standards for maintenance of control measures shall be as set forth in the Erosion and Sediment Control Technical Standards as adopted by reference by the Village. All erosion control measures under this Section shall be removed promptly when no longer necessary to facilitate the purposes identified in this Chapter. (Ord. 2008-11-2; Ord. 98-12-1 § 1, 1998: Ord. 94-7-3 (part)).

14.21.080 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 activities requiring a subdivision plat approval; or the construction of a residential, commercial, industrial or institutional building(s) on lots of approved subdivision plats;
2. Those activities requiring a Certified Survey approval; or the construction of houses or commercial, industrial or institutional building(s) on lots of approved Certified Surveys;
3. Those activities involving grading, removal of protective groundcover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4000) square feet or more;
4. Those activities involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material;
5. Those activities involving street, highway, road or bridge construction, enlargement, relocation or reconstruction;
6. Those activities involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more;
7. Those involving grading, removal of protective groundcover or vegetation, excavation, demolition, land filling or other land disturbing activity on slopes of twelve percent (12%) or more.

B. Erosion and Other Pollutant Control Requirements. The following requirements shall be met on all sites described in Section 14.21.080A:

1. Site Dewatering. Water pumped from the site shall be treated by control measures specified in the Erosion and Sediment Control Technical Standards. Water may not be discharged in a manner that causes erosion of the site, adjacent sites or receiving channels.
2. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried off-site by runoff or wind.
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 before the end of each workday. Flushing may not be used unless sediment will be controlled by a sediment basin or other appropriate best management practice specified in the Erosion and Sediment Control Technical Standards.
4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier as specified in the Erosion and Sediment Control Technical Standards or approved by the Village.
5. Sediment Cleanup. All off-site sediment deposits occurring as a result of a storm event shall be cleaned up by the end of the next work day. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up by the end of the work day.
6. Site Erosion Control. The criteria set out in subsections (B)(6)(a) through (B)(6)(d) of this Section 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 subsection (B)(6) (c)(iii) of this Section. Sheetflow runoff from adjacent areas shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the ten (10) year twenty-four (24)-hour design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. For allowable velocities in different types of channels Soil Conservation Service guidelines shall be followed.
 - 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 meeting either subsections (B)(6)(c)(i) and (ii) or (B)(6)(c)(i) and (iii) of this Section.

i. All disturbed ground left inactive for seven (7) or more days shall be stabilized by temporary or permanent seeding, temporary or permanent seeding and mulching, sodding, covering with tarps, or equivalent best management practices. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization. Seeding or sodding shall be conducted as specified in the Erosion and Sediment Control Technical Standards or by the Village. Variances from the requirements of this subsection may be granted by the Village upon application, but only if the failure to comply is due to extended periods of rain or other construction delays beyond the control of the responsible party.

ii. For sites with ten (10) or more acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more sedimentation basins shall be constructed. Each sedimentation basin shall be designed and constructed as specified in the Erosion and Sediment Control Technical Standards.

iii. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope 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. Runoff from sites with slopes of twelve percent (12%) or more may require additional or different controls than listed in subsection (B)(6)(c) of this Section. Requirements for such slopes shall be as specified by the Village.

e. Wherever possible, soil or dirt storage piles shall be located no closer than twenty-five (25) feet from any down slope road, lake, stream, wetland or drainage channel. Straw bale or filter fabric fences shall be placed on the down slope side of the piles. If remaining for more than thirty (30) days, piles shall be stabilized by mulching, vegetative cover, tarps or other means. The Village Board may require additional or different best management practices for piles located closer than twenty-five (25) feet to a road, lake, stream, wetland or drainage channel.

f. When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as filter fabric fences, straw bales, and sediment tarps shall be removed. (2008-11-2; Ord. 94-7-3 (part)).

C. Land disturbing activities affecting a surface area of one (1) acre, or a surface area of less than one (1) acre if part of a larger common plan of development or sale under the jurisdiction of the permittee, shall meet the performance standards of Sections NR 151.11, 151.223, and 216.46 of the Wisconsin Administrative Code as they may be amended from time to time. (Ord. 2008-11-2 (part))

14.21.090 Permit Application, Control Plan And Permit Issuance.

No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of an Erosion Control Plan for the site and a permit from the Village. At least one (1) landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and Erosion Control Plan, and pay an application fee to the Village. By submitting an application, the applicant is authorizing the Village to enter the site to obtain information required for the review of the Erosion Control Plan.

A. Content of the Erosion Control Plan for Land Disturbing and Land Development Activities Covering More Than One (1) Acre.

1. Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and an immediately adjacent area extending a minimum of two hundred (220) feet in each direction including:

- a. Site boundaries and adjacent lands which accurately identify the site location;
- b. Lakes, streams, wetlands, channels, ditches, and other water-courses on the site or within one thousand (1000) feet;
- c. One hundred (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 and the size, slope and land cover of upslope drainage areas, peak discharge, velocities, direction, and destination of flows;

g. Locations and dimensions of utilities, structures, roads, highways and paving;

h. Site topography at a contour interval of two feet, if available, but not to exceed five feet; and

i. Primary and/or secondary environment corridors or other areas of significance;

j. Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

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 and land development activity;

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 Chapter;

d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of best management practices needed to meet the requirements of this Chapter; and

e. Provisions for maintenance of best management practices during construction.

B. Content of Erosion Control Plan Statement for Land Disturbing and Land Development Activities Covering Up to One (1) Acre. An Erosion Control Plan statement (with simple map) shall be submitted to briefly describe:

1. Property boundaries and area to be disturbed;

2. Direction of slopes before and after development;

3. Existing and proposed buildings and other improvements;

4. Size of upslope drainage areas;

5. Development schedule;

6. Best management practices necessary to meet the requirements of this Chapter;

7. Description of vegetation and other materials to be used to stabilize the site including a schedule for installation and maintenance; and

8. Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

C. Review of Plans. Within forty-five (45) days of receipt of the application, Erosion Control Plan (or Erosion Control Plan statement) and fee, the Village shall review the application and control plan to determine if the requirements of this Chapter are met. The Village may request comments from other departments or agencies. If the requirements of this Chapter are met, the Village shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Village shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Village shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Village shall inform the applicant in writing of the reasons for the disapproval.

D. Permits.

1. Duration. Permits shall be valid for a period of one hundred eighty (180) days from the date of issuance. The Village, at the time of reapplication, may require additional control measures as a condition of approval if they are necessary to meet the requirements of this Chapter.

2. Surety Bond. As a condition of approval and issuance of the permit, the Village 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 the amount necessary to implement the approved Erosion Control Plan.

3. Permit Conditions. All permits shall require the permittee to:
 - a. Notify the Village within forty-eight (48) hours of commencing any land disturbing or land developing activity;
 - b. Notify the Village of completion of any control measures within fourteen (14) days after their installation;
 - c. Obtain permission in writing from the Village prior to modifying the control plan;
 - d. Install all erosion control measures as identified in the approved Erosion Control Plan;
 - e. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Erosion 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 Village to enter the site for the purpose of inspecting compliance with the Erosion Control Plan or for performing any work necessary to bring the site into compliance with Erosion Control Plan; and
 - i. Keep a copy of the Erosion Control Plan on site.
- E. Fees. Fees referred to in this Chapter shall be established by the Village Board in a fee schedule and may from time to time be modified by Village Board Resolution. Fees shall be related to costs involved in handling permit applications, reviewing Erosion Control Plans, conducting site inspections, and administering the erosion control program. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

14.21.100 Inspection.

The Village shall inspect construction sites at least once a month during the period starting March 1st and ending October 31st and at least two (2) times during the period starting November 1st and ending February 28th to ensure compliance with the Erosion Control Plan. If land disturbing or land development activities are being carried out without a permit, the Village shall enter the land pursuant to the provisions of Sections 66.122 and 66.123, Wisconsin Statutes. (Ord. 94-7-3 (part)).

14.21.110 Enforcement.

- A. The Village may post a stop-work order if:
 1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
 2. The Erosion 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 Erosion Control Plan or permit conditions within twenty-four (24) hours, the Village may revoke the permit.
- C. If the landowner or land user where no permit has been issued does not cease the activity within twenty-four (24) hours, the Village may request the Village Attorney to obtain a cease and desist order.
- D. Forty-eight (48) hours after posting a stop-work order, the Village may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform work necessary to comply with this Chapter. The Village may go on the land and commence the work forty-eight (48) hours from issuing the notice of intent. The costs of the work performed under the supervision of the Village 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/Treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Section 66.60(16), Wisconsin Statutes.
- E. In the event of emergency conditions, as deemed by the Village, whatever measures are necessary to bring the site into compliance shall be taken and all costs involved shall be paid by the permittee.
- F. Compliance with the provisions of this Chapter may also be enforced by injunction, citation, abatement of nuisances or other appropriate and available remedy. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

14.21.120 Appeals.

A. Board of Appeals. The Village Board of Appeals, zoning Ordinance (Title 17 of this Code) pursuant to Section 62.25(7)(e) and 68.11, Wisconsin Statutes:

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village in administering this Chapter;

2. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Chapter will result in unnecessary hardship; and

3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who May Appeal. Appeals to the Board of Appeals may be taken by any aggrieved person or by any Officer, department, board or bureau of the Village affected by any decision of the Village within twenty (20) days of such decision. (Ord. 94-7-3 (part)).

14.21.130 Penalties. 1

Any person violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense. (Ord. 2008-11-2; Ord. 94-7-3 (part)).

1 Cross-reference: For provisions on citation deposits, forms and enforcement officials for violations of this Section, see Sections 1.12.020 and 1.12.030, respectively, of this Code.