

**TOWN OF SCOTT CHAPTER 22
ORDINANCE NO. 2008-05-04**

**AN ORDINANCE CREATING THE
TOWN OF SCOTT CONSTRUCTION SITE EROSION CONTROL ORDINANCE**

The Town Board of the Town of Scott, Brown County, Wisconsin, do hereby ordain as follows:

1. Chapter 22, Construction Site Erosion Control, of the Code of Ordinances of the Town of Scott is hereby created to read as follows:

**CHAPTER 22
CONSTRUCTION SITE EROSION CONTROL**

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|--------|---|---------|------------------------------------|
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§ 22-1 Authority.

- A. This ordinance is adopted by the Town of Scott under the authority granted by Wis. Stats. s. 60.627. This ordinance supersedes all conflicting and contradictory stormwater management regulations previously enacted under Wis. Stats. §§ 60.62, that relate to construction site erosion control. Except as specifically provided for in Wis. Stats. § 60.62 applies to this chapter and to any amendments to this chapter.
- B. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Town Board.
- C. The Town Board hereby designates the Zoning Administrator or designee to have the administrative authority to administer and enforce the provisions of this chapter.
- D. The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 1. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

§ 22-2 Findings of Fact.

The Town Board finds that uncontrolled stormwater runoff from land disturbing construction activity has a significant detrimental impact upon water resources and the health, safety, and general welfare of the Town. Specifically, uncontrolled runoff can:

- A. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- B. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- C. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- D. Reduce the quality of groundwater by increasing pollutant loads.
- E. Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways and other minor drainage facilities.
- F. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- G. Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- H. Diminish the public enjoyment of natural resources.

§ 22-3 Purpose.

- A. PURPOSE. The purpose of this chapter is to set forth stormwater requirements and criteria that will prevent and control water pollution and diminish the threats to public health, safety, welfare, and aquatic life due to runoff of stormwater from land disturbing construction activity. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.
 - (2) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; 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.

- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

§ 22-4 Definitions.

- A. **ADMINISTRATIVE AUTHORITY.** The governmental employee designated by the Town to administer this ordinance. The Zoning Administrator or his/her designee has been designated to have the authority to administer this ordinance pursuant to § 22-1C.
- B. **APPLICANT.** Any landowner, land user(s), agent, or contractor responsible for submitting and carrying out the requirements of this ordinance. "Applicant" shall also include any subsequent landowner to whom this ordinance applies.
- C. **BEST MANAGEMENT PRACTICE (BMP).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in stormwater runoff, and to control and reduce the volume and rate of stormwater discharge to waters of the state.
- D. **BUSINESS DAY.** A day that offices of the Town are routinely and customarily open for business.
- E. **CEASE AND DESIST ORDER.** A Town order to halt land-developing activity that is being conducted without the required permit.
- F. **COMMON PLAN OF DEVELOPMENT OR SALE.** All lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activities may take place at different times and on different schedules.
- G. **CONNECTED IMPERVIOUSNESS.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- H. **DEVELOPMENT.** Residential, commercial, industrial, or institutional land uses and associated roads.
- I. **DESIGN RAINFALL EVENT.** A discrete rainstorm characterized by a specific duration, rainfall intensity, and return frequency.
- J. **DISCHARGE VOLUME.** The quantity of runoff discharged from the land surface as the result of a rainfall event.
- K. **DIVISION OF LAND.** The creation from a parcel of two or more parcels or building sites of 1.5 or fewer acres each, in areas where such creation occurs at one time or through the successive divisions.

- L. EFFECTIVE INFILTRATION AREA. The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pre-treatment.
- M. EROSION. The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- N. EXISTING LAND-USE CONDITION. The condition of the proposed development site and the adjacent properties that are present at the time of the stormwater permit application.
- O. FEE IN LIEU. A payment of money to the Town in place of meeting all or part of the stormwater performance standards required by this chapter.
- P. FUTURE PROPOSED LAND USE CONDITIONS. Any proposed land alterations or disturbances, including, but not limited to, removal of vegetative cover, excavating, filling/grading, construction of buildings, roads, parking lots, paved storage areas, and similar facilities. (*See also* "Post Development Land Use Condition.")
- Q. GROSS AGGREGATE AREA. The total area, in acres, of all land located within the property boundary containing the land development activity.
- R. GROUNDWATER ENFORCEMENT STANDARD. A numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.07 and Wis. Admin. Code § NR 140.10 or under Wis. Stats. § 160.09 and Wis. Admin. Code § NR 140.12.
- S. GROUNDWATER PREVENTIVE ACTION LIMIT. A numerical value expressing the concentration of a substance in groundwater that is adopted under Wis. Stats. § 160.15 and Wis. Admin. Code §§ NR 140.12 or 140.20.
- T. IMPERVIOUS SURFACE. A surface that does not allow infiltration during precipitation events. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surface.
- U. IN-FILL AREA. An undeveloped area of land located within existing development.
- V. INFILTRATION. The process by which rain or surface runoff penetrates into the underlying soil.
- W. KARST FEATURE. An area or superficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swales.

- X. LAND DEVELOPMENT ACTIVITY. Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This term does not include agricultural cropping activities.
- Y. MAINTENANCE AGREEMENT. A legal document that is filed with the County Register of Deeds as a property deed restriction and which provides for long-term maintenance of stormwater management practices and notice of consequences for failure of maintenance.
- Z. NATURAL WETLANDS. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigation, and restored wetlands.
- AA. NEW DEVELOPMENT. Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- BB. NON-STORMWATER DISCHARGE. A discharge to the storm sewer system created by some process other than the runoff from precipitation.
- CC. NON-STRUCTURAL MEASUREMENT. A practice, technique, or measure to reduce the volume, peak flow rate, sediments, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.
- DD. OFF-SITE. Lands located outside the property boundary described in the permit application for land development activity.
- EE. ON-SITE. Lands located within the property boundary described in the permit application for land development activity.
- FF. OTHER THAN RESIDENTIAL DEVELOPMENT. Development of the following land uses: commercial, industrial, governmental, institutional, recreational, transportation, communication, and utilities.
- GG. PEAK FLOW DISCHARGE RATE. The maximum rate at which a unit volume of stormwater is discharged.
- HH. PERMIT. A written authorization made by the Town to the applicant to conduct land development activities.
- II. PERMIT ADMINISTRATION FEE. A sum of money paid to the Town by the applicant for the purpose of recouping the expenses incurred by the Town in administering the permit.
- JJ. PERVIOUS SURFACE. A surface that allows infiltration of precipitation or surface flow. Lawns, fields and woodlands are examples of pervious surfaces.

- KK. POST-CONSTRUCTION STORMWATER DISCHARGE. Any stormwater discharged from a site following the completion of land development activity and final site stabilization.
- LL. POST-DEVELOPMENT LAND USE CONDITION. The extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration. (*See also* "Future Proposed Land Use Condition.")
- MM. PRE-DEVELOPMENT LAND USE CONDITION. The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land development activity are managed in an environmentally sound manner.
- NN. PRE-TREATMENT. The treatment of stormwater prior to its discharge to wetlands, infiltration practices or the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary stormwater practice.
- OO. PUBLIC DRAINAGE SYSTEM. All facilities owned and operated by the Town, Brown County, the Wisconsin Department of Transportation, or adjoining municipality, for the purpose of collecting, conveying, storing, treating, and properly disposing of stormwater runoff.
- PP. REDEVELOPMENT. Areas where new land development activity is replacing older development.
- QQ. RESIDENTIAL DEVELOPMENT. Land development activity which is created to house people, including the residential dwellings as well as all affected portions of the development, including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, condominiums, and apartments.
- RR. RESPONSIBLE PARTY. Any person or entity holding fee title to the property or other person or entity contracted or obligated by agreement to implement and maintain post-construction stormwater BMPs.
- SS. SITE. The entire portion included in the legal description of the land on which the land development activity is proposed to take place.
- TT. SITE RESTRICTION. Any physical characteristic that limits the use of a stormwater best management practice.
- UU. SLAMM. A software program known as the Source Loading and Management Model, designed to provide information on the sources of problem pollutants and the effectiveness of stormwater management practices that can control the problem pollutants at their sources and at outfalls.

- VV. STOP WORK ORDER. An order issued by the Town that requires that all construction activity on the site be stopped immediately.
- WW. STORMWATER CONVEYANCE SYSTEM. Any method employed to carry stormwater runoff from a development to waters of the state. Examples of methods include swales, channels, and storm sewers.
- XX. STORMWATER MANAGEMENT PLAN. A document that identifies all actions that will be taken to reduce stormwater quantity, sediment and pollutant loads from the post-development land use condition to levels meeting the requirements of this chapter.
- YY. STORMWATER RUNOFF. That portion of precipitation that does not soak into the soil and flows off the surface of the land and into the natural or artificial stormwater conveyance network.
- ZZ. STORMWATER MANAGEMENT MEASURE. Structural or non-structural practices that are designed to reduce stormwater runoff, sediment and pollutant loads, discharge volumes, and/or peak flow discharge rates.
- AAA. "TR-55." The United States Department of Agriculture Natural Resources Conservation Service, Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- BBB. WATERS OF THE STATE. Any channel, ditch, stream, lake, or other body of water determined to be under State of Wisconsin authority as defined in Wis. Stats. § 281.01(18).
- CCC. WPDES. The Wisconsin Pollutant Discharge Elimination System.
- DDD. WPDES STORMWATER PERMIT. A permit issued by the Wisconsin Department of Natural Resources under Wis. Stats. § 283.33 that authorizes the point source discharge of stormwater to waters of the state and is regulated by Wis. Admin. Code. Ch. NR 216.

§ 22-5. Applicability and Jurisdiction.

- A. APPLICABILITY. This ordinance applies to the following land disturbing construction activities except as provided under sub. (b):
 - (1) A construction site, which has 4,000 square feet or greater of land disturbing construction activity.
 - (2) A construction site, which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.
 - (3) A construction site, which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with s. NR 103.08(1m).

Note: If the permittee does not have authority from the DCOMM to regulate erosion control at public buildings, the permittee shall request such authority within 18 months.

B. **EXEMPTIONS.** A site that meets any of the following is exempt from the requirements of this chapter:

- (1) Land disturbing construction activity that includes the construction of 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance. These construction sites are regulated by the Wisconsin Department of Commerce under s. COMM 21.125 Wis. Adm. Code.
- (2) 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.
- (3) Nonpoint discharges from agricultural facilities and practices.
- (4) Nonpoint discharges from silviculture activities.
- (5) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- (6) Mill and crush operations.

C. Notwithstanding the applicability requirements in paragraph A., this ordinance applies to construction sites of any size that, in the opinion of the Zoning Administrator, are likely to result in runoff that exceed 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.

D. **JURISDICTION.** This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Town of Scott.

E. **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 district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

§22-6 Stormwater Management Standards.

A. **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with §22-08 that incorporates the requirements of this section.

B. **PLAN.** A written erosion and sediment control plan shall be developed in accordance with §22-08 and implemented for each construction site.

C. **REQUIREMENTS.** The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:

- (1) BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the construction site as follows.
 - (a) For construction sites with 1 acre or greater of land disturbing construction activity, reduce the total suspended solids load by 80%, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.
 - (b) For construction sites with less than 1 acre of land disturbing construction activity, reduce the total suspended solids load using BMPs from the Wisconsin Department of Natural Resources "Best Management Practices" Reference Guide. These sites are not required to satisfy a numeric stormwater management standard.
- (2) Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.
- (3) 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.
 - (b) Prevent the discharge of sediment as part of site de-watering.
 - (c) Protect the separate storm drain inlet structure from receiving sediment.
- (4) The use, storage and disposal of building materials, chemicals, cement, concrete truck washout, litter, sanitary waste, and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into storm sewers and waters of the state. 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.

- D. LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- E. ALTERNATE REQUIREMENTS. The Zoning Administrator or designee may establish requirements more stringent than those set forth in this section if the Zoning Administrator or designee determines that an added level of protection is needed for sensitive resources.

§ 22-7 Permitting Requirements, Procedures and Fees.

- A. PERMIT REQUIRED. No landowner or other person or entity may undertake a land disturbing construction activity subject to this chapter without receiving a permit from the Zoning Administrator or designee prior to commencing the proposed activity.
- B. PERMIT APPLICATION AND FEE. Unless specifically exempted by this chapter, any landowner or other person or entity desiring a permit shall submit to the Zoning Administrator or designee a permit application.
 - (1) Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order for the permit application to be considered by the Zoning Administrator:
 - (a) a stormwater management plan;
 - (b) a maintenance plan and a maintenance agreement;
 - (c) any easements which may be required over downstream property;
 - (d) a copy of plans and specifications for all stormwater facilities;
 - (e) certification by a professional engineer registered in the State of Wisconsin;
 - (f) a non-refundable permit administration fee; and
 - (g) performance security, if applicable by § 22-7D.
 - (2) Review fees shall be those incurred by the Town and billed to the applicant for actual expenses charged to the Town by its consultants to review the stormwater management plan and administrative costs incurred by the Town.
- C. REVIEW AND APPROVAL OF PERMIT APPLICATION. The Zoning Administrator or designee shall review any permit application that is submitted with the items required under § 22-7B.(1). The following procedure shall apply:
 - (1) Within 30 business days of the receipt of a complete permit application, including all documents as required by § 22-7B.(1), the Zoning Administrator or designee shall inform the applicant whether the application, stormwater management plan

and other required documents are approved or disapproved. The Zoning Administrator or designee shall base the decision on requirements set forth in § 22-6 and §22-8 of this chapter.

- (2) If the stormwater permit application, stormwater management plan, and other documents are approved, the Zoning Administrator or designee shall issue the permit.
 - (3) If the stormwater permit application, stormwater management plan and other documents are disapproved, the applicant may revise the application and other documents.
 - (4) If additional information is submitted by the applicant, the Zoning Administrator or designee shall have 30 business days from the date the additional information is received to inform the applicant that the application, stormwater management plan and other documents are either approved or disapproved.
 - (5) Failure by the Zoning Administrator or designee to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed approval of the submittal. Upon notice to the applicant prior to expiration of the 30 business day period, the Zoning Administer or designee may extend the time for review of the application beyond 30 business days for complex projects.
- D. SURETY BOND. As a condition of approval and issuance of the permit, the Zoning Administrator or designee may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- E. PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (1) Notify the Zoning Administrator or designee within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the Zoning Administrator or designee of completion of any BMPs within 10 business days after their installation.
 - (3) Obtain permission in writing from the Zoning Administrator or designee prior to any modification pursuant to § 22-8A(3) of the erosion and sediment control plan.
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.

- (7) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.
 - (8) Allow the Zoning Administrator 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, storm water management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
 - (9) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- F. **PERMIT CONDITIONS.** All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The Zoning Administrator or designee may suspend or revoke a permit for violation of a permit condition upon written notification to the permittee. An action by the Zoning Administrator or designee to suspend or revoke this permit may be appealed in accordance with §22-12 of this chapter.
- G. **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Zoning Administrator or designee notifies the permittee that all stormwater management practices have passed the final inspection or the permit is suspended or revoked pursuant to § 22-11 of this chapter.
- H. **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.
- I. **ALTERNATE REQUIREMENTS.** The Zoning Administrator or designee may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

§ 22-8 Erosion and Sediment Control Plans.

- A. **PLAN REQUIREMENTS.** All site investigations, plans, designs, computations, and drawings shall be certified by a registered professional engineer in the State of Wisconsin to be prepared in accordance with accepted engineering practice and in accordance with

criteria set forth by this chapter. The erosion and sediment control plan required under § 22-7 of this chapter shall contain the following:

- (1) Name, address and phone number for the landowner, the developer, the project engineer and person(s) responsible for maintenance of the design.
- (2) A legal description of the property to be developed.
- (3) A site map with property lines, disturbed limits, and drainage patterns.
- (4) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.
- (5) Proposed best management practices.

B. **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under § 22-5A, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Zoning Administrator or designee. 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.

- (1) **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 Zoning Administrator or designee notifies the applicant of changes needed in the plan.

C. **ALTERNATE REQUIREMENTS.** The Zoning Administrator or designee may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

§ 22-9 Fee Schedule.

A. The fees referred to in other sections of this ordinance shall be established by the Zoning Administrator or designee and may from time to time be modified by resolution. A schedule of the fees established by the Zoning Administrator or designee shall be available for review in the Town Hall.

§ 22-10 Inspection.

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

§ 22-11 Enforcement and Penalties.

- A. The Zoning Administrator or designee may post a stop-work order if any of the following occurs:
 - (1) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
- B. Any land disturbing construction activity initiated after the effective date of this chapter by any person or entity subject to the provisions of this chapter shall be deemed a violation unless conducted in accordance with said provisions.
- C. The Zoning Administrator or designee may issue a citation or a Notice of Violation in order to correct any violation of this chapter. A Notice of Violation shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- D. Upon receipt of written notification from the Zoning Administrator or designee, a permittee shall correct work that does not comply with the stormwater management plan or other provisions of the permit within 7 days. A permittee shall make corrections as necessary to meet the specifications and schedule set forth by the Zoning Administrator in the notice.
- E. The Zoning Administrator or designee may suspend or revoke a permit issued under this ordinance for noncompliance with the provisions of this chapter.
- F. Any permit revocation or stop work order shall remain in effect unless retracted by the Zoning Administrator or designee or by a court of competent jurisdiction.
- G. Any person or entity who fails to comply with any provision of this chapter or order issued hereunder shall be subject to a forfeiture under Section 1-16A.(5) of this Code.
- H. When the Zoning Administrator or designee determines that a permittee has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to § 22-7 of this chapter, or has failed to comply with schedules set forth in said stormwater management plan, the Zoning Administrator or designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with the requirements of the approved stormwater management plan. The Zoning Administrator or designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from

any financial guaranty posted pursuant to § 22-7 of this chapter. Where a financial guaranty has not been established, or where such financial security is insufficient to cover these costs, the costs and expenses shall be billed to the landowner and upon default of payment shall be entered on the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627 and collected with any other taxes levied thereon for the year in which the work is completed.

- I. Nothing in this ordinance shall limit or exclude the Town from taking any other action under any Town municipal code, state statute, or other remedy allowed by law.

§ 22-12 Appeals.

- A. **TOWN BOARD.** The Town Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Zoning Administrator or designee in administering this chapter. The Town Board shall also use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Town Board 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 this chapter will result in unnecessary hardship.
- B. **WHO MAY APPEAL.** Appeals to the Town Board may be taken by any aggrieved person or by an officer, department, board or bureau of the Town affected by any decision of the administering authority.

§ 22-13 Severability.

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

1. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.
2. § 1-16A.(5)(a) of the Scott Municipal Code is hereby amended to read as follows:
“(a) § -11G, penalty: not less than ^{then} \$100 nor more than \$10,000 per offense.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Scott on the 12th day of August, 2008.

TOWN OF SCOTT

By: Mike Van Laren
Town Board Chairperson

ATTEST:

John R. [Signature]

Town Clerk

Vote:

Yes:

5

No:

0

Adopted:

8-12-08

Posted: