

Chapter 263

Erosion Control

[HISTORY: Adopted by the Village Board of the Village of Campbellsport as indicated in article histories. Amendments noted where applicable.]

Article I

Construction Site Erosion Control

[Adopted 10-19-2015 (Ch. 10, Art. I, of the 2008 Code)]

§ 263-1 Authority.

- A. Chapter 263, Article I, is adopted by the Village of Campbellsport under the authority granted by Wis. Stats. § 61.354. This article supersedes all provisions of any ordinance previously enacted under Wis. Stats. § 61.35, that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. § 61.354, Wis. Stats. § 61.35, applies to this article and to any amendments to this article.
- B. The provisions of this article are deemed not to limit any other lawful regulatory powers of the same governing body.
- C. The Village of Campbellsport hereby will administer and enforce the provisions of this article.
- D. The requirements of this article do not pre-empt more stringent erosion and sediment control 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 Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

§ 263-2 Findings and purpose.

- A. Findings. The Village of Campbellsport 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 Village of Campbellsport and its extraterritorial zoning jurisdiction.
- B. Purpose. It is the purpose of this article 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 Village of Campbellsport and its extraterritorial zoning jurisdiction.

§ 263-3 Applicability and jurisdiction.

- A. Applicability.
 - (1) This article applies to construction sites that have 4,000 square feet of land disturbing construction activity except as provided under Subsection A(2);

- (2) This article does not apply to the following:
- (a) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services in chs. SPS 320 to 325 or 361 to 366, Wis. Adm. Code.
 - (b) 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.
 - (c) Nonpoint discharges from agricultural facilities and practices.
 - (d) Nonpoint discharges from silviculture activities.
 - (e) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (3) Notwithstanding the applicability requirements in Subsection A, this article applies to construction sites of any size that, in the opinion of the Village, 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.
- B. Jurisdiction. This article applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Campbellsport and its extraterritorial zoning jurisdiction.
- C. Exclusions. This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

§ 263-4 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADMINISTERING AUTHORITY

A governmental employee, or a regional planning commission empowered under Wis. Stats. § 61.354, that is designated by the Village of Campbellsport to administer this article.

AGRICULTURAL FACILITIES AND PRACTICES

Has the meaning in Wis. Stats. § 281.16(1).

AVERAGE ANNUAL RAINFALL

A calendar year of precipitation, excluding snow, which is considered typical. For applications requiring use of average annual rainfall, recorded City of Milwaukee depths for March 28 through December 6, 1969, shall be used.

BEST MANAGEMENT PRACTICE OR BMP

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.

BUSINESS DAY

A day the office of the Village is routinely and customarily open for business.

CEASE AND DESIST ORDER

A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

CONSTRUCTION SITE

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.

DIRECTOR OF PUBLIC WORKS

The Village of Campbellsport Director of Public Works or designee.

DIVISION OF LAND

The act or process of dividing land into two or more parcels, as defined by § 420-6 of Chapter 420, Subdivision of Land, of the Code of the Village of Campbellsport.

EROSION

The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN

A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

EXTRATERRITORIAL JURISDICTION

The unincorporated area within 1 1/2 miles of the Village as defined by § 420-6 of Chapter 420, Subdivision of Land, of the Code of the Village of Campbellsport.

FINAL STABILIZATION

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% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

GOVERNING BODY

The Village Board of Trustees.

LAND DISTURBING CONSTRUCTION ACTIVITY

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.

MEP or MAXIMUM EXTENT PRACTICABLE

A level of implementing best management practices in order to achieve a performance standard specified in this article 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.

PERFORMANCE STANDARD

A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT

A written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

POLLUTANT

Has the meaning given in Wis. Stats. § 283.01(13).

POLLUTION

Has the meaning given in Wis. Stats. § 281.01(14).

RESPONSIBLE PARTY

The entity holding fee title to the property or performing services to meet the performance standards of this article through a contract or other agreement.

RUNOFF

Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

SEDIMENT

Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

SEPARATE STORM SEWER

A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which is designed or used for collecting and conveying stormwater runoff and is not part of a combined sewer system.

SITE

The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

STOP-WORK ORDER

An order issued by the Village which requires that all construction activity on the site be stopped.

TECHNICAL STANDARD

A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

WATERS OF THE STATE

Has the meaning given in Wis. Stats. § 281.01(20).

§ 263-5 Technical standards.

- A. Design criteria, standards and specifications. All drainage facilities and practices required to comply with this article shall incorporate technical standards and design methods specified in the document Village of Campbellsport Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village Engineer. Where not superseded by stricter requirements in

this Chapter 263, Erosion Control, and Chapter 406, Stormwater Management, of the Code of the Village of Campbellsport, the following standards are also incorporated by reference:

- (1) Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222, or the latest revision.
 - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Ch. NR 151, Wis. Adm. Code.
- B. Other standards. Other technical standards not identified or developed in Subsection A may be used, provided that the methods have been approved by the Village.

§ 263-6 Performance standards.

- A. Responsible party. The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with § 263-8, which incorporates the requirements of this section.
- B. Plan. A written plan shall be developed in accordance with § 263-8 and implemented for applicable land development activities.
- C. Erosion and sediment control performance standards. All drainage facilities and practices required to comply with this article shall meet performance standards specified in the document Village of Campbellsport Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village.
- 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 Village may establish alternative erosion and sediment control requirements to those set forth in Village of Campbellsport Erosion Control and Stormwater Management Requirements, if the Village determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this article and the Village of Campbellsport Erosion Control and Stormwater Management Requirements shall be considered in accordance with § 263-11.

§ 263-7 Permitting requirements, procedures and fees.

- A. Permit required. No responsible party may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Building Inspector.
- B. Permit application and fees. The responsible party desiring to undertake a land disturbing construction activity subject to this article shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of § 263-8. The applicant shall pay an application fee consistent with the fee schedule maintained by the Village. By submitting an application, the applicant is authorizing the Village Building Inspector to enter the site to obtain information required for the review of the erosion and sediment control plan.
- C. Review and approval of permit application. The Village Building Inspector 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:
 - (1) The Village Building Inspector may request additional information if required for a complete application within 15 business days of receipt of any permit application. Within 30 business days of the receipt of a complete permit application, including all items as required by Subsection B, the

Village Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.

- (2) If the permit application and plan are approved, the Village Building Inspector shall issue the permit.
 - (3) If the permit application or plan is disapproved, the Village Building Inspector shall state in writing the reasons for disapproval.
 - (4) The Village Building Inspector may request additional information from the applicant. If additional information is submitted, the Village Building Inspector shall have 10 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- D. Financial guarantee. As a condition of approval and issuance of the permit, the Village Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- E. Permit requirements. All permits shall require the responsible party to:
- (1) Notify the Village Building Inspector two full business days prior to commencing any land disturbing construction activity.
 - (2) Notify the Village Building Inspector of completion of any BMPs within three full business days after their installation.
 - (3) Obtain permission in writing from the Village Building Inspector prior to any modification pursuant to § 263-8B 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 drainageways resulting from land disturbing construction activities and document repairs in a site erosion control log. Remove accumulated sediment from downstream culverts, storm sewers, and other drainage facilities.
 - (7) 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.
 - (8) Allow the Village and/or Building Inspector 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.
- F. Permit conditions. Permits issued under this section may include conditions established by the Village in addition to the requirements set forth in Subsection E, where needed to assure compliance with the performance standards in § 263-6.
- G. 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 Village Building Inspector may extend the period one or more times for up to an additional 180 days. The Village Building Inspector may require additional BMPs as a condition of

the extension if they are necessary to meet the requirements of this article.

- H. Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this article until the site has undergone final stabilization.

§ 263-8 Erosion and sediment control plan and amendments.

- A. Plan requirements. An erosion and sediment control plan shall be prepared and submitted to the Village Building Inspector. The erosion and sediment control plan shall include, at a minimum, information required in the Village of Campbellsport Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village.
- B. Amendments. The applicant shall amend the plan if any of the following occur:
- (1) 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.
 - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The Village Building Inspector notifies the applicant of changes needed in the plan to comply with this Chapter 263, Erosion Control, and Chapter 406, Stormwater Management, of the Code of the Village of Campbellsport.

§ 263-9 Fee schedule.

The fees referred to in other sections of this article shall be established by the Village and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available at the Village Hall or from the Village Building Inspector.

§ 263-10 Inspection.

If land disturbing construction activities are being carried out without a permit required by this article, the Village may enter the land pursuant to the provisions of Wis. Stats. §§ 66.0119(1), (2) and (3).

§ 263-11 Exceptions and waivers.

- A. General. Where the Village finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Village shall not approve exceptions and waivers unless it shall make findings based upon the evidence presented to it that all of the following conditions are met by the petitioner.
- (1) The granting of the exception or waiver will not be detrimental to the public safety, health or welfare or injurious to other property;
 - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law.

- (5) The granting of the exception or waiver will not result in a violation of state or federal laws or permits.
- B. Conditions. In approving exceptions or waivers, the Village and/or Building Inspector may require such conditions as will in its judgment secure substantially the purposes described in this article and accompanying written stormwater management and erosion control requirements.
- C. Procedures. A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Village. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

§ 263-12 Enforcement.

- A. The Village Building Inspector may post a stop-work order if any of the following occurs:
 - (1) Any land disturbing construction activity regulated under this article 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. If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village Building Inspector may revoke the permit.
- C. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Village Building Inspector, or if a responsible party violates a stop-work order posted under Subsection A, the Village and/or Building Inspector may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- D. The Village Building Inspector may retract the stop-work order issued under Subsection A or the permit revocation under Subsection B.
- E. After posting a stop-work order under Subsection A, the Village and/or Building Inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. The Village and/or Building Inspector may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. ch. 66, subch. VII.
- F. Any person violating any of the provisions of this article shall be subject to a forfeiture as set forth in Chapter 1, §1-4. Each day a violation exists shall constitute a separate offense.
- G. Compliance with the provisions of this article 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 injunction proceedings.

§ 263-13 Appeals.

- A. Board of Appeals. The Board of Appeals, created pursuant to § 500-50, of the Village of Campbellsport ordinances pursuant to Wis. Stats. § 61.354(4)(b):
 - (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 article except for cease and desist orders obtained under § 263-12C.

- (2) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this article 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 or extraterritorial Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Campbellsport affected by any decision of the Village.

Effective Date. This Ordinance shall take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 18 day of February 2019.

David Krebs

David Krebs Village President

ATTEST: Becky A. Tellier

Becky Tellier, Village Clerk

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