

- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-15 Regulations for Moving Buildings.

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village of Shiocton without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any

damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

(e) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Shiocton in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (0)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Building Inspector shall require; in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less

than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

(h) Village Board Approval.

- (1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety-which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-16 Pole Barn/Shed Buildings in the Village.

No structure or accessory building shall be erected in any residential zoning district within the Village of Shiocton using pole barn/shed type construction. No building permit shall be issued for such a structure.

Sec. 15-1-17 Construction Sites; Maintaining Clean Streets.

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Shiocton will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

Sec. 15-1-18 Certificate of Occupancy.

No building hereafter constructed or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Building Inspector affirming that such dwelling conforms in all respects to the requirements of this Chapter. Such certificate shall be applied for coincidentally with the application for a Building Permit and shall be issued not more than ten (10) days after the lawful erection or alteration is complete and final inspection has been made. This Section may be modified at the direction of the Building Inspector.

Sec. 15-1-19 Fees.

(a) Building Permit Fee Schedule.

(1)	Single Family Homes	\$ 3139.01
(2)	Duplex Homes	\$ 400.00
(3)	Multi-Family Homes	\$ 100.00/unit
(4)	Commercial Buildings	\$ 200.00
(5)	Residential Additions	\$ 100.00
(6)	Mobile/Manufactured Homes	\$ 300.00
(7)	Residential Attached Garages	\$ 100.00
(8)	Residential Detached Garages	\$ 85.00

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(9)	Agricultural/Farm Buildings	\$ 100.00
(10)	Commercial & Residential Repair/Remodeling (Non-Structural)	\$ 20.00
(11)	Electrical Service Change, HVAC & Plumbing Repair/Replacement	\$ 40.00
(12)	Fences, Pools, Hot Tubs, Signs, Decks, Sheds, Porches, etc.	\$ 20.00
(13)	Gazebos, Awnings, Canopies, Fuel Tanks, Satellite Dishes, etc.	\$ 20.00
(14)	Re-inspection Fees	\$ 20.00/each

(b) **Penalty for Commencing Work Without a Permit.** Permit fees shall be doubled for commencing work without first securing a permit. If work continues, the penalty provisions of Section 15-1-21 shall be applicable.

Sec. 15-1-20 Severability.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Sec. 15-1-21 Penalties and Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of

- the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate-action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code. The penalty provisions of Section 1-1-6 shall be applicable.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals_ Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
 - (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Shiocton charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer; agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Construction Site and Stormwater Runoff Management

Article A Construction Site Erosion Control

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- 15-2-2 Findings and Purpose
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Article B Stormwater Runoff Management

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Article C Fees

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Article A: Construction Site Erosion Control

Sec. 15-2-1 Authority.

This Article is adopted pursuant to the guidelines in Sec. 61.354, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) **Findings.** The Village Board of the Village of Shiocton finds that soil erosion from land disturbing activities and subsequent development can disturb natural cover and land surfaces resulting in a change of run-off patterns that may have a detrimental effect on water quality and downstream uses. Land disturbing activities and subsequent development need to be strictly regulated to avoid damage to other properties and sensitive areas. Further, effective sediment and storm water management depends upon proper planning, design and timely installation of conservation practices, as well as continuing maintenance practices.
- (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 Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment, soil loss, and other pollutants carried by runoff or discharge from land disturbing activities and subsequent development of the property to lakes, streams and wetlands.

Sec. 15-2-3 Applicability of Regulations.

This Article applies to any land disturbing activity occurring anywhere within the territorial limits of the Village and publicly- or privately-owned lands within the extraterritorial plat review jurisdiction of the Village which involve an area in excess of four thousand (4,000) square feet or involve activity on a slope of greater than ten percent (10%) grade which may have off-site impacts, excluding agricultural activities. This Article shall not apply to construction sites regulated by the Wisconsin Uniform Dwelling Code ("UDC"), although the Village shall regulate these sites during the period that residential building permits are in effect under the provisions of Section 15-1-3 of this Municipal Code consistent with then-existing UDC regulations. In addition, this Article applies to activities unrelated to actual building construction such as, but not limited to, land disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earth work on sites not directly related to structural concerns, developments of ponds and channelized water courses, commercial parks and landing strips or airport runways. The Village may enter into intergovernmental cooperative agreements pursuant to Sec. 66.0103, Wis. Stats., with other governmental entities to enhance enforcement of these requirements.

Sec. 15-2-4 Definitions.

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (c) **Erosion Control Measure.** A control measure used to meet the requirements of Section 15-2-7 of this Code of Ordinances.
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Article submitted by the applicant for review and approval by the Building Inspector and/or Village Engineer.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation 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.
- (i) **Landowner.** Any person holding title to or having any interest in land.
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (k) **Plan.** The erosion control plan required by Section 15-2-7 of this Code of Ordinances.
 - (1) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (m) **Sensitive Area.** Lakes, perennially flowing and intermittent streams or wetlands.
- (n) **Set of One (1) Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin:

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (o) **Site.** 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) **Soil Loss Rate.** The rate, measured in tons per acre per year, at which soil movement occurs as a result of sheet and rill erosion and does not apply to ditches or areas of concentrated flows.

Sec. 15-2-5 Design Criteria, Standards and Specifications for Control Measures.

All control measures required to comply with this Article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and/or Village Engineer.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Article 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.

Sec. 15-2-7 Requirement for Specific Erosion Control Plans.

- (a) **Applicability.** Activities on public lands and on all private lands shall be subject to this Article if:
 - (1) There is a subdivision of land or a land division, as those terms are defined in Chapter 236, Wis. Stats., and Title 14 of this Code of Ordinances.
 - (2) An area of four thousand (4,000) square feet or greater will be disturbed by grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activities, or activities on a slope of ten percent (10%) or more.
 - (3) Excavation, filling or a combination thereof exceeds four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
 - (4) Any public street, highway, road or bridge is to be constructed, enlarged, relocated or substantially reconstructed.
 - (5) Any public or private utility laying, repairing, replacing or enlarging an underground pipe or facility for a distance of three hundred (300) feet or more.
- (b) **General Plan Requirements.**
 - (1) **Generally.** Erosion control plans required under Section 15-2-7(a) may include consideration of adjoining landowners' cooperative efforts to control transport of

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sediment, and shall include the items required in Section 15-2-7(c) or Section 15-5-7(b)(3) as applicable.

- (2) **Plan Elements.** All erosion control plans shall include the following elements:
- a. Site boundaries superimposed on a USGS 7.5 minute topographical map;
 - b. Cross sections of road and drainage ditches;
 - c. Profiles within road and drainage ditches;
 - d. Culvert sizes;
 - e. Direction of flow of run-off;
 - f. Watershed size for each drainage area;
 - g. Design discharges for ditches and structural measures;
 - h. Run-off velocities for particular projects:
 1. The standard design shall include run-off velocities for the two (2) year twenty-four (24) hour storm event;
 2. Designs of detention basins shall include, in addition to the two (2) year twenty-four (24) storm, run-off velocities for the ten (10) year twenty-four (24) hour storm event;
 - i. Fertilizer, mulching and seeding rates and recommendations;
 - j. Time schedules for stabilization of ditches and slopes;
 - k. Plans shall adhere to the following minimum standards:
 1. Prevent gully erosion and limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed fifteen (15) tons per acre per year for construction commencing between May 1 and October 31 each year and not to exceed seven and one-half (7.5) tons per acre per year for construction commencing between November 1 and April 30 each year. Where sites are located adjacent to or directly drain into sensitive areas, the annual, cumulative rate shall not exceed seven and one-half (7.5) tons per acre per year regardless of the starting date for the project;
 2. Plan compliance under Subsection (b)(2)k.1. shall be determined using the Soil Conservation Service technical guide or other commonly accepted soil erosion control methodology approved by the Village Engineer, which includes the following considerations: season of year; site characteristics; soil erodibility and slope; and
 3. For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area;
 - l. Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - m. A proposed timetable of steps to mitigate the erosion caused by land disturbing activity, in a manner consistent with accepted erosion control methods suitable to the specific site, including a timetable for prompt revegetation;

- n. Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all storm water management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
 - o. Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
 - p. Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent (10%); and
 - q. Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes.
- (3) **Content of Standard Erosion Control Plan for Land Disturbing Activity.** Applicants submitting erosion control proposals not meeting the criteria for a simplified plan checklist under Section 15-2-7(c) shall submit the following:
- a. 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 immediately adjacent areas:
 - 1. Site boundaries of adjacent lands which accurately identify site location;
 - 2. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;
 - 3. One hundred (100) year floodplains, flood fringes and floodways;
 - 4. Location of the predominant soil types;
 - 5. Vegetative cover;
 - 6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - 7. Locations and dimensions of utilities, structures, roads, highways and paving; and
 - 8. Site topography at a contour interval not to exceed two (2) feet.
 - b. Plan of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - c. Site Construction Plan. A site construction plan including:
 - 1. Locations and dimensions of all proposed land disturbing activities;
 - 2. Locations and dimensions of all temporary soil or dirt stock piles;
 - 3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Article;
 - 4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of erosion control measures needed to meet the requirements of this Article; and

5. Provisions of maintenance of the erosion control measures during construction and until permanent cover is well established.

- (c) **Simplified Plan Checklist.** Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the Village, wherever the following conditions exist:
- (1) The site is not more than twenty thousand (20,000) square feet in area;
 - (2) The site is not adjacent to and does not directly drain into any sensitive areas nearby; and
 - (3) There is a slope of less than ten percent (10%) throughout the site.

Sec. 15-2-8 Administration.

- (a) **Application.** No person may begin a land disturbing or a land development activity subject to this Article, and no person shall receive a zoning permit without having received prior approval of an erosion control plan pursuant to Section 15-2-7. The applicant shall submit an application for an erosion control plan along with a proposed erosion control plan and pay an application fee. By submitting an application, the applicant authorizes Village enforcement officials to enter the site to obtain specific information required for an informed review of the erosion control plan.
- (b) **Review.** Within twenty (20) days of receipt of the application, the Village shall review the application. A simplified plan checklist pursuant to Section 15-2-7(c) may be reviewed by the Zoning Administrator, other staff or a Building Inspector certified by the Wisconsin Department of Commerce to review such plans. In all other cases, erosion control plans shall be reviewed by the Village Engineer. If the application and proposed plan are deficient, the approving official shall inform the applicant, in writing, of any deficiency and may either ask for additional information or disapprove the plan, giving written reasons for the disapproval. All deficiencies in the application and in the erosion control plan shall be corrected before an erosion control permit or a zoning permit is issued.
- (c) **Duration of Erosion Control Permit.** Any erosion control permit issued shall be valid for a period of one hundred eighty (180) days. Upon application, the Village Engineer may extend the period for an additional one hundred eighty (180) days, and may require additional erosion control measures as a condition for the extension if necessary to meet the requirements of this Article. The applicant shall not be required to pay any additional fee for any extension granted.
- (d) **Surety.** As a condition of approval and issuance of an erosion control permit, the Village Engineer may require the applicant to deposit a surety bond, irrevocable letter of credit or other form of surety satisfactory in form and amount to the Village Attorney to assure execution of the approved erosion control plan and any conditions upon the erosion control permit.

- (e) **Conditions of Permit.** All erosion control permits shall require the permittee to:
- (1) Notify the Building Inspector at least forty-eight (48) hours prior to commencing any land disturbing activity;
 - (2) Notify the Building Inspector of completion of any erosion control measures within ten (10) days after their installation;
 - (3) Obtain written permission from the Building inspector and/or Village Engineer prior to modifying the erosion control plan;
 - (4) Install all erosion control measures identified in the approved erosion control plan;
 - (5) Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the erosion control plan;
 - (6) Promptly repair any situation or erosion damage to adjoining services and drainageways resulting from the land disturbing or land developing activities regulated under the terms of the erosion control plan, initiating the repair within twenty-four (24) hours of notice of the situation or erosion damage;
 - (7) Inspect the erosion control measures after each rain of one-half (1/2) inch or more and at least once per week, and to initiate repairs within twenty-four (24) hours;
 - (8) Allow the Building Inspector and/or Village Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan and for performing any work necessary to bring the site into compliance with the erosion control plan;
 - (9) Keep a copy of the erosion control plan on the site.

NOTE: These standards conditions shall be stated on the face of any permit issued by the Village.

- (f) **Implementation of Plan.** The erosion control plan shall be implemented prior to the start of any land disturbing or land developing activity, and shall be maintained throughout the entire term of such activity. The applicant is responsible for successful completion of the erosion control plan as approved. Upon issuance of the permit, the permittee shall be liable for any and all costs incurred resulting from noncompliance with the permittee's approved plan. When a permittee seeks to transfer an interest in property subject to an approved erosion control plan prior to completion of the steps necessary to attain soil stabilization, the permittee must secure approval from the Village to transfer any portion of the permittee's responsibility for implementing the approved plan to another party.

Sec. 15-2-9 Enforcement.

- (a) **Inspections.** As part of the plan approval process, the Building Inspector shall establish a minimum number of inspections to be conducted consistent with the land disturbing or land developing activity proposed to be undertaken.
- (b) **Verification.** Within ten (10) days after completion of installation of all required erosion control measures in an approved plan, and when soil stabilization has been achieved, the permittee shall notify the Village to arrange a final inspection to verify plan compliance.

This inspection shall not relieve the permittee from the responsibility to maintain erosion control measures or uphold plan requirements as set forth in Section 15-2-7(b).

(c) Noncompliance.

- (1) If an inspection reveals any noncompliance with an approved erosion control plan, the Building Inspector shall notify the permittee by certified or registered mail of all specific instances of noncompliance. The notice shall describe the nature of the violation, remedial actions needed, a schedule of remedial action and additional enforcement action which may be taken.
- (2) Upon receipt of written notification from the Building Inspector, the permittee shall bring the work into compliance with the erosion control plan as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permittee shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- (3) If violations of this Article are likely to result in damage to properties, public facilities or waters of the Village and/or state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The cost incurred by the Village, plus interest and legal costs, shall be billed to the owner of record title of the property and, if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.0627, Wis..Stats.

(d) Stop Work Orders.

- (1) The Building Inspector shall issue and post a stop work order under either of the following circumstances:
 - a. Any land disturbing or land developing activity regulated under this Article is being undertaken without a permit; '
 - b. Any noncompliance with an approved erosion control plan in which the permittee has failed to initiate corrective action within twenty-four (24) hours or to follow the specifications and schedule set forth by the Building Inspector under Section 15-2-9(c), above.
 - c. The Building Inspector may revoke approval of the plan issued under this Article for noncompliance with the provisions of this Article.
 - d. Any erosion plan revocation, stop work' order or cease and desist order shall remain in effect unless retracted by the Building Inspector or of a Court of competent jurisdiction.
 - e. The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (2) Upon issuance of a stop work order, the only permissible activity on the project shall be actions to bring the project into compliance with the approved plan following the specifications and schedule set forth by the Building Inspector, or actions to assure issuance of an approved erosion control plan until such time as the Building Inspector certifies compliance.

- (e) Injunction. Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by an action for an injunction by the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary for the Village to prosecute for forfeiture pursuant to Section 15-2-9(0 before resorting to injunctive proceedings.
- (f) **Forfeitures.** Any person violating any of the provisions of this Article shall also be subject to a forfeiture, with penalties as provided in Section 1-1-6.
- (g) **Transfers of Ownership.**
- (1) When a permittee transfers ownership, possession or control of property subject to an uncompleted erosion control plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Article.
 - (2) When ownership, possession or control of property subject to an uncompleted erosion control plan is transferred from one (1) party to another, the former owner shall notify the party taking possession as to the current status of compliance with the approved erosion control plan, also providing a copy of said notice to the Building Inspector, and shall provide a copy of the approved erosion control plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.
 - (3) Transfers of interest in real estate subject to an approved, uncompleted erosion control plan may be completed consistent with this Article under any of the following circumstances:
 - a. The transferee shall file a new, approved erosion control plan;
 - b. The transferee shall obtain an approved assignment from the Village as sub-permittee to complete that portion of the approved erosion control plan for the transferred property; or
 - c. The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved erosion control plan is not completed as proposed, the Building Inspector may obtain the surety to complete remaining work to achieve plan compliance.

Sec. 15-2.10 Appeals.

- (a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector or Village Engineer in administering this Article. Upon appeal, the Board of Appeals may authorize

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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. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

- (b) **Who May Appeal.** Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector and/or Village Engineer in administering this Article.

Sec. 15-2-11 through Sec. 15-2-19

Reserved for Future Use.