

## **SECTION 11.00 EROSION CONTROL**

### **11.01 FINDINGS AND PURPOSE**

The Town of Wayne finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of this state and the waters of the Town of Wayne.

It is the purpose of this Section to preserve the natural resources; to protect the quality of the waters of the state and the Town of Wayne; and to protect and promote the health, safety, and general welfare of the people of the Town of Wayne, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

### **11.02 APPLICABILITY**

Any land disturbing activity, excluding those for agricultural purposes, shall be subject to the erosion and sediment control provisions of this Section, if:

- A. A Subdivision Plat requiring review and approval by the Town of Wayne would result, or if construction of buildings on platted lots results.
- B. A Certified Survey Map, requiring review and approval by the Town of Wayne would result, or if construction of buildings on certified survey map lots results.
- C. An Area of 4,000 square feet or greater, excluding agricultural plowing, tilling, or similar activity, will be disturbed by excavation, grading, filling, or other earth-moving activities, resulting in a loss or removal of protective ground cover, vegetation.
- D. Excavation, fill, or any combination thereof, will exceed 400 cubic yards.
- E. Any Public (State, County, or Town) street or highway is to be constructed, enlarged, relocated or substantially reconstructed.
- F. Any Water Course is to be changed, enlarged, or materials are removed from a stream or lake bed.

- G. Any Utility Work in which underground conduits, piping, wiring, water lines, sanitary sewers, storm sewers, or similar structures will be laid, repaired, replaced, or enlarged, if such work involves more than 300 linear feet of earth disturbance.

### **11.03 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT**

Any landowner, land occupier, or land user performing an activity described in Section 11.02 above shall comply with the following standards and criteria.

- A. General Erosion Control Standard. All erosion control measures required to comply with this Section shall meet the design criteria, standards, and specifications identified by the Town of Wayne.
- B. Maintenance of Control Measures. All sediment basins and other control measures necessary to meet the requirements of this Section 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.
- C. Site Draining. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upslope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest pumping rate. If the water is demonstrated to have no particles greater than 100 microns during draining operations, then no control is needed before discharge, except as determined by the Town. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
- D. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of in a timely manner, and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- E. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private roadway shall be removed by street cleaning (not flushing) before the end of each workday.
- F. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- G. Site Erosion Control. The following criteria apply only to land development and land disturbing activities that result in runoff leaving the site:

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. Guidelines of the U. S. Natural Resources Conservation Service for allowable velocities in different types of channels should be followed.
2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare ground exposed at any one time.
3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subparagraphs a. and b. below, or subparagraphs a. and c. below:
  - a. All disturbed ground left inactive for 7 or more calendar days shall be stabilized by seeding or sodding, or by mulching or covering, or other equivalent control measure. Seeding or sodding should be done prior to September 15 to be effective.
  - b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1 percent of the area draining to the basin and at least 3 feet of depth, and shall be constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
4. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 calendar days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 calendar days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction dirt or soil storage piles located closer than 25 feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than 7 calendar days,

and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

#### **11.04 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE**

No landowner or land user may commence a land disturbing or land development activity subject to this Section without receiving prior approval of a control plan for the site and a Land Disturbing Permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land development activity subject to the terms of this Section shall submit an application for a permit and a control plan and the permit fee required by Section 2.12 of this Ordinance to the Zoning Administrator. By submitting the application, the applicant is authorizing the Zoning Administrator or his agent to enter the site to obtain information required for review of the control plan.

- A. Contents of the Control Plan for Land Disturbing Activities Covering More Than One Acre. The control plan shall contain any information the Zoning Administrator may need to determine soil erosion, and sedimentation potential and control. The Zoning Administrator may require the following, as well as any other information which, in his judgement, is needed to evaluate the control plan:
1. Existing Site Map. A map of existing site conditions at a scale of not smaller than one inch equals 100 feet showing the following:
    - a. Site boundaries and adjacent lands which accurately identify site location;
    - b. Location of lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
    - c. The limits and elevations of the 100-year recurrence interval floodplain, and, where applicable, floodway and flood fringe boundaries;
    - d. Location of predominant soil types;
    - e. Vegetative cover;
    - f. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
    - g. Location and dimensions of existing utilities, structures, roads, highways, and paving; and
    - h. Site topography with a maximum contour interval of 5 feet.
  2. Plan of Final Site Conditions. A plan of final site conditions at the same scale as the existing site map scale shall be prepared which shows the proposed changes in the site.
  3. Site Construction Plan. A site construction plan of the site prepared at a scale of not smaller than one inch equals 100 feet showing the following:
    - a. Locations and dimensions of all proposed land disturbing activities;
    - b. Locations and dimensions of all temporary soil or dirt stockpiles;
    - c. Location and dimensions of all construction site management control measures necessary to meet the requirements of this Ordinance;

- d. A schedule of anticipated starting and completion dates of each land disturbing activity, including the dates of installation of construction site control measures necessary to meet the requirements of this Ordinance; and
        - e. Provisions for maintenance of the construction site control measures during construction.
- B. Contents of the Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre. Landowners and land users performing minor land disturbing activities (less than one acre) shall prepare an erosion control plan statement--with a simple sketch drawn to a scale not smaller than one inch equals 100 feet--which briefly describes the site erosion control measure that will be used to meet the requirements of this Section. The erosion control plan statement shall also include a site development schedule.
- C. Review of the Control Plan. Within 45 calendar days of the receipt of the application, control plan or control plan statement, and fee, the Zoning Administrator shall review the application and control plan to determine if the requirements of this Section have been met. The Zoning Administrator shall approve the plan and issue the permit. If the requirements of this Section have not been met, the Zoning Administrator shall inform the applicant in writing and may either require resubmission of the plan with additional information or deny the permit. Within 30 calendar days of the submission of a revised plan, the Zoning Administrator shall again determine if the plan meets the requirements of this Section. If the plan is disapproved, the Zoning Administrator shall inform the applicant in writing of the reasons for disapproval of the plan.
- D. Permits.
  - 1. Duration. Land Disturbing permits shall be valid for a period of 180 calendar days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Zoning Administrator may extend the permit period one or more times for up to an additional 180 days. The Zoning Administrator may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Ordinance.
  - 2. Surety Bond. As a condition of approval and issuance of the Land Disturbing Permit, the Zoning Administrator may require the applicant to deposit an appropriate irrevocable letter of credit or cash bond to guarantee the faithful execution of the approved control plan and permit conditions. The form of the letter of credit or cash bond shall be such that it is readily available for Town use without any restrictions and as approved by the Town Attorney.
  - 3. Permit Conditions. All permits shall require the applicant to:
    - a. Notify the Zoning Administrator within 2 working days before commencing any land disturbing activity;

- b. Notify the Zoning Administrator within 14 calendar days after completing any land disturbing activity and/or the completion of installation of any onsite detention facility;
- c. Obtain written permission from the Zoning Administrator prior to modifying the approved control plan;
- d. Install all control measures as identified in the approved control plan;
- e. Maintain all road drainage systems, stormwater drainage systems, control measures, and other facilities identified in the control plan;
- f. Repair any situation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing and land development activities;
- g. Inspect the construction control measures after each rain of 0.5 inches or more or at least once each week, and make needed repairs;
- h. Allow the Zoning Administrator or his agent to enter the site for the purpose of inspecting for compliance with the approved control plan or for performing any work necessary to bring the site into compliance with the approved control plan; and
- i. Keep a copy of the approved control plan on the site at all times.

#### 11.05 INSPECTION

The Zoning Administrator shall inspect construction sites at least once each month throughout the year to ensure compliance with the approved control plan. If land disturbing and land development activities are being carried out without a permit, the Zoning Administrator shall institute the appropriate enforcement action.

#### 11.06 ENFORCEMENT

- A. The Town May Post a Stop-Work Order if any land disturbing or land development activity regulated by this Section is undertaken without a permit; the control plan is not being implemented in a good faith manner; or the conditions of a permit are not being met.
- B. If the Applicant Does Not Cease the activity or comply with the control plan or permit conditions within 10 calendar days after being notified, the Town may revoke the permit.
- C. Where No Permit Has Been Issued and the landowner or land user fails to cease within 10 calendar days, the Zoning Administrator may request the Town Attorney to obtain a cease and desist order.
- D. The Town Board or the Zoning Board of Appeals may retract a stop-work order or a permit revocation.
- E. Ten Calendar Days After Posting a stop-work order, the Town may issue to the landowner or land user a notice of intent to perform work necessary to comply with

the erosion control requirements of this Section. The Town may enter onto the land and commence the required work after 14 calendar days from issuing the notice of intent. The costs of the work performed by the Town, plus interest at the rate authorized by the Town Board, shall be billed to the landowner or land user. In the event a landowner or land user fails to pay the amount due, the Town Clerk shall enter the amount due on the tax rolls and collect it as a special assessment against the property pursuant to Section 66.0703 of the Wisconsin Statutes.

- F. Any Person Violating any of the erosion control provisions of this Ordinance shall be subject to those penalties and enforcement remedies provided in Section 2.00 of this Ordinance.
- G. Compliance with the erosion control provisions of this Ordinance may also be enforced by injunction.

#### **11.07 APPEALS**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the Zoning Administrator in administering this Section. Upon appeal, the Board of Appeals may issue variances from the provisions of this Section which are consistent with the findings required for variances in Section 12.07 of this Ordinance. The Board of Appeals shall use the rules, procedures, duties and powers authorized by law in hearing and deciding appeals and authorizing variances. Any applicant, landowner, or land user may appeal any order, decision, or determination made by the Zoning Administrator in administering this Section.