

ORDINANCE NO. 550

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 15
OF THE GENERAL ORDINANCES OF THE VILLAGE OF
RIVER HILLS RELATING TO CONSTRUCTION SITE
EROSION AND SEDIMENT CONTROL**

The Village Board of the Village of River Hills, Milwaukee County, do ordain as follows:

Section I. Chapter 15 of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

CHAPTER 15

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

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CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

CHAPTER 15

Section 15.01 AUTHORITY.

(1) Chapter 15 of the General Ordinances of the Village of River Hills is adopted under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats., that relate to construction site erosion and sediment control. Chapter 15 shall hereafter be referred to as “this ordinance”. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Village of River Hills.

(3) The Village of River Hills hereby designates the Village Manager or his/her designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:

[a] Wisconsin Department of Natural Resources administrative rules, permits, or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.

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

Section 15.02 FINDINGS OF FACT.

The Village of River Hills acknowledges 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 River Hills.

Section 15.03 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; 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 River Hills.

Section 15.04 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

[a] Except as provided under par. (b), this ordinance applies to any construction site as defined under Section 15.05 (5).

[b] This ordinance does not apply to any of the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. The construction of a building that is otherwise regulated by the Wisconsin Department of Safety and Professional Services (DSPS) in Chs. SPS 320 to 325, or SPS 361 to 366, Wis. Adm. Code.
3. 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 ch. 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
4. Nonpoint discharges from agricultural facilities and practices.
5. Nonpoint discharges from silviculture activities.
6. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

[c] Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the Village Engineer, 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, or that increases water pollution by scouring or transporting of particulate.

(2) JURISDICTION.

This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Village of River Hills;

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

Section 15.05 DEFINITIONS. In this ordinance:

(1) “Agricultural facilities and practices” has the meaning given in s. 281.16 (1), Wis. Stats.

(2) “Best management practice” or “BMP” means 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.

(3) “Business day” means a day the office of the Village Engineer is routinely and customarily open for business.

(4) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Engineer.

(5) “Construction site” means an area upon which one or more land disturbing construction activities occur whenever such activity involves the excavating, filling, or grading of twenty (20) cubic yards or more per acre or comparable percentage of a parcel or lot, including areas that are part of a larger common plan of development or sale when multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(6) “Control Plan” means a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance.

(7) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(8) “Division of land” means the creation from one parcel of two (2) or more parcels or building sites of five (5) or fewer acres each in area when such creation occurs at one time or through the successive partition within a 5-year period.

(9) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice, or gravity.

(10) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(11) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first-, second-, or third-class city, or within 1.5 miles of a fourth-class city or village.

(12) “Excavate or Excavating” means the act of removing materials such as, but not limited to, earth, clay, soil, ground, stone, rocks and sand, from land, for the purpose of or which has the resultant effect of changing the existing contour of, or lowering, or raising, the elevation of said land or any part thereof.

(13) “Fill Or Filling” means the act of placing, setting down or depositing solid fill on land for the purpose of, or which has the resulting effect of changing the existing contour or of raising the elevation of said land or any part thereof.

(14) “Final stabilization” means 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 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(15) “Land Development Activity” means the construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(16) “Land Disturbing Construction Activity” means 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.

(17) “Landowner” means any person holding fee title, an easement or other interest in property that allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.

(18) “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Section 15.05.5 of this ordinance.

(19) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(20) “Permit” means a written authorization issued by the Village Manager or his/her designee to the applicant to conduct land disturbing construction activity or to discharge post-

construction runoff to waters of the State.

(21) “Person” shall mean and include any natural person, firm, corporation, partnership, or other legal entity.

(22) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

(23) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

(24) “Responsible party” means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(25) “Runoff” means storm water or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(26) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

(27) “Set-Back” The area of a lot or parcel which is within twenty (20) feet from any lot line.

(28) “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a “silviculture activity.”

(29) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(30) “Solid Fill”. Solid fill is earth, clay, soil, ground, stone, rocks, broken concrete without reinforcement, if the same does not exceed eighteen (18) inches at its largest dimension, or any mixture or combination of the foregoing.

(31) “Stop work order” means an order issued by the Village Engineer that requires that all construction activity on the site be stopped.

(32) “Technical standard” means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

(33) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes, such as harbor improvements under s.85.095 (1) (b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to s. 281.33, Wis. Stats.

(34) “Waters of the State” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

(35) “Wetland” means those areas 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, which are two (2) acres or greater in size. The size of the wetland area shall be measured by the outer dimensions of the wetland area that is a contiguous wetland, regardless of whether the wetland area is contained on one or more parcels of land under single or multiple ownership.

(36) “Wetland Alteration” means any filling, flooding, draining, dredging, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

(37) “Wis. Adm. Code” means the Wisconsin Administrative Code, published under s. 35.93, Wis. Stats.

(38) “Wis. Stats.” means the Wisconsin Statutes published under s. 35.18 of the Wisconsin Statutes.

Section 15.05.5 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village Engineer’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Section 15.06 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards, and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subch. V of ch. NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an

appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

- (3) Technical standards and methods approved by the Village Engineer.

Section 15.07 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section.

(2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- [a] The deposition of soil from being tracked onto streets by vehicles.
- [b] The discharge of sediment from disturbed areas into on-site storm water inlets.
- [c] The discharge of sediment from disturbed areas into adjacent waters of the State.
- [d] The discharge of sediment from drainage ways that flow off the site.
- [e] The discharge of sediment by dewatering activities.
- [f] The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
- [g] The transport by runoff into waters of the State of chemicals, cement, and other building compounds and materials on the construction site during the construction period. 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 subdivision.

(3) LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the State.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- [a] Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- [b] Erosion and sediment control practices shall be maintained until final

stabilization.

[c] Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

[d] Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

[e] BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Section 15.08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with section 15.10.

(2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with section 15.10 of this ordinance and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include all of the following:

[a] EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all the following:

1. The deposition of soil from being tracked onto streets by vehicles.
2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the State.
4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

7. The transport by runoff into waters of the State of chemicals, cement, and other building compounds and materials on the construction site during the construction period. 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 subdivision.
8. The discharge of sediment from erosive flows at outlets and in downstream channels.
9. The transport by runoff into waters of the State of untreated wash water from vehicle and wheel washing.

[b] *SEDIMENT PERFORMANCE STANDARDS.* In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

[c] *PREVENTIVE MEASURES.* The erosion and sediment control plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes

of 20 percent or more.

4. Development of spill prevention and response procedures.

[d] *LOCATION.* The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the State.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

[a] Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in section 15.08 (2).

[b] Erosion and sediment control practices shall be maintained until final stabilization.

[c] Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

[d] Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

[e] BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Section 15.09. PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.

(1) No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Manager.,

(2) If the activity for which a permit is required will be conducted in the set-back area of a lot or parcel as defined in section 15.05(27) then the Village Clerk shall give notice to all property owners whose property adjoins or abuts the portion of the property where the activity is proposed. This is intended to require notice to property owners whose property is separated from the property by a public or private road but is located on the opposite side of the road where the activity is proposed.

[a] No activity for which this permit is required or any activity described in subsection (15.07) hereunder may be commenced prior to three (3) weeks from the date a notice of the proposed activity is served upon the adjoining or abutting property owners.

[b] Notice is complete upon mailing a notice advising the property owner(s) that the application, permit, description of location of proposed activity and a copy of the control plan, if otherwise required, are available for inspection at the office of the Village Clerk.

(3) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 15.10, and shall pay an application fee to the Village Clerk in the amount specified in section 15.11. By submitting an application, the applicant is authorizing the Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.

(4) No permit under the provisions of this ordinance shall be issued until the application shall have been submitted to and approved by the Village Engineer, and further that if the land disturbing construction activity will result in the construction of a hill, mound, or berm exceeding four feet in height, then the application for permit shall also be subject to approval of the Building Board of the Village of River Hills. Fill shall be placed and materials excavated only where and as approved by the Village Engineer.

(5) The Village Board shall have the right to revoke any permit at any time and/or direct the Clerk not to renew a permit if, in the judgment of the Village Board, the permittee has failed or refused to comply with any of the regulations relating to the filling or excavation of lands.

(6) PERMIT APPLICATION REVIEW AND APPROVAL. The Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. All of the following approval procedure shall be used:

[a] Within fifteen (15) business days of the receipt of a complete permit application, the Village Engineer shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.

[b] If the permit application and erosion and sediment control plan are approved, the Village Engineer and Village Clerk must sign the approval and the Village Clerk shall issue the permit.

[c] If the permit application or erosion and sediment control plan is disapproved, the Village Engineer shall state in writing the reasons for disapproval.

[d] The Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have fifteen (15) business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is

either approved or disapproved.

(7) SURETY BOND. All applications for a permit under the provisions of this ordinance shall be accompanied by a cash bond or surety bond executed by a surety company licensed to do business in Wisconsin, in the sum of not less than One Thousand (\$1,000.00) Dollars, or in such higher amount as is certified by the Village Engineer to be required for the purpose of securing the Village against any and all damages to Village property and/or expenses the Village may incur resulting from such filling or excavation operations. The bond requirement may be waived in all or part, if the Village Engineer certifies to the Village Manager that the bond is not required or a bond in a lesser amount is sufficient for the operations under an application. The certification to the Village Manager shall affirmatively set forth that the Village Engineer has determined that the operations proposed will not have an adverse effect upon the health, safety, welfare or property of the Village.

(8) PERMIT REQUIREMENTS. All permits shall require the permittee to:

[a] Notify the Village Engineer within 48 hours of commencing any land disturbing construction activity.

[b] Notify the Village Engineer of completion of any BMPs within 14 days after their installation.

[c] Obtain permission in writing from the Village Engineer prior to any modification pursuant to section 15.10 (3) of the erosion and sediment control plan.

[d] Install all BMPs as identified in the approved erosion and sediment control plan.

[e] Maintain all road drainage systems, storm water drainage systems, BMPs, and other facilities identified in the erosion and sediment control plan.

[f] Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.

[g] Inspect the BMPs within 24 hours after each rain of 0.5 inches or more that results in runoff during active construction periods and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes 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.

[h] Allow the Village Engineer 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 erosion and sediment control plan.

[i] Post a copy of the erosion and sediment control permit and plan at the construction site as set forth in the General Ordinances of the Village.

[j] Submit a landscape plan detailing both plan and elevation of construction if a hill, mound or berm, will exceed four feet in height.

[k] Identify and delineate any wetlands that will be altered. Delineation of wetlands shall be performed by any of the following: Department of Natural Resources, Southeastern Wisconsin Regional Planning Commission, or other qualified professional.

[l] Obtain all required permits from the Wisconsin Department of Natural Resources and/or the Army Corp of Engineers necessary to alter any wetlands.

(9) PERMIT CONDITIONS. Permits issued under this ordinance may include conditions established by the Village Engineer in addition to the requirements set forth in this ordinance, when needed to assure compliance with the performance standards in section 15.07 or section 15.08.

[a] Every person engaging in any activity subject to this ordinance shall do so to the grade approved by the Village Engineer, and at the end of such operations shall provide that the top sixteen (16) inches thereof shall be of soil, free from broken concrete and relatively free from gravel, and that the upper four (4) inches thereof shall be of soil suitable for growing vegetation. The permittee shall keep the surface of said site free from dust at all times during the operations and thereafter.

[b] All operations shall be conducted only between the hours of eight a.m. and five p.m. No operations shall be conducted on Sundays or holidays.

[c] The Village Board may, in any individual case, upon the recommendation of the Village Engineer, waive any and all of the regulations of this section upon an affirmative finding by the Village Board that any or all of the regulations in individual cases are not necessary for the public health, safety or welfare.

[d] PERSONS LIABLE. The owner, lessee, and/or any other person having possession and control over any operation under the terms of this ordinance, shall be responsible for the acts of his or its agents, servants, or employees, to the same extent as though their acts were the acts of such principal; and such owner, lessee, and/or other person shall be

subject to prosecution for violation of the provisions of this ordinance by any of his or its agents, servants, or employees, and any penalty imposed under the terms of this ordinance may be imposed upon said principal, and/or upon the agents, servants or employees, or either or both of them.

[e] **OBSTRUCTION TO DRAINAGE PROHIBITED.** No person shall engage in land development activity, land disturbing construction activity, fill or excavate upon any lands within the Village of River Hills, whether pursuant to permit or not, so as to interfere with the natural flow of surface water in accordance with existing grades, or along any surface water drainage channel or natural water course.

[f] **DUMPING PROHIBITED.** No person shall dump or permit, or cause to be dumped, any materials other than solid fill as defined to Section 15.05 hereof, upon any lands in the Village of River Hills.

(10) **PERMIT DURATION.** Permits issued under this ordinance shall be valid for a period of 6 months, from the date of issuance. The Village Engineer may grant one or more extensions not to exceed 6 months, cumulatively. The Village Engineer may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

(11) **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.

Section 15.10 EROSION AND SEDIMENT CONTROL PLAN CONTENT AND AMENDMENTS.

(1) **EROSION AND SEDIMENT CONTROL PLAN REQUIRED.** For each construction site identified under section 15.04 (1)(c), an erosion and sediment control plan shall be prepared.

(2) **EROSION AND SEDIMENT CONTROL PLAN CONTENTS.**

[a] An erosion and sediment control plan shall be prepared and submitted to the Village Engineer.

[b] The erosion and sediment control plan shall be designed to meet the performance standards in section 15.07, section 15.08, and other requirements of this ordinance.

[c] The EROSION AND SEDIMENT CONTROL PLAN shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, all of the following items:

1. Names and addresses of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Survey 7.5 minute series topographic map.
3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
5. Calculations to show the compliance with the performance standard in section 15.08 (3)(b)1.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information when available.
8. Name of the immediate named receiving water from the United States Geological Survey 7.5 minute series topographic maps.

9. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of construction site control measures needed to meet the requirements of this ordinance.
10. Provisions for maintenance of the construction site control measures during construction.

[d] SITE MAP. The erosion and sediment control plan shall include a site map. The site map shall include all of the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet:

1. Existing and proposed topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.
2. Boundaries of the construction site
3. Locations and dimensions of all proposed land disturbing activities;
4. Locations and dimensions of all temporary soil or dirt stockpiles
5. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance
6. Drainage patterns and approximate slopes anticipated after major grading activities.
7. Areas of soil disturbance.
8. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
9. Location of areas where stabilization BMPs will be employed.
10. Areas that will be vegetated following land disturbing construction activities.

11. Areas and locations of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
12. Areas used for infiltration of post-construction storm water runoff.
13. An alphanumeric or equivalent grid overlying the entire construction site map.

[e] BMPS. Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the State. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, all of the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved when attainable and that disturbed portions of the site are stabilized.
2. Description of structural practices to divert flow away from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Engineer, structural measures shall be installed on upland soils.
3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
4. Trapping of sediment in channelized flow.
5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.

7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Installation of permanent stabilization practices as soon as possible after final grading.
12. Minimization of dust to the maximum extent practicable.

[f] The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occurs:

[a] There is a change in design, construction, operation, or maintenance at the site that has the reasonable potential for the discharge of pollutants to waters of the State and that has not otherwise been addressed in the erosion and sediment control plan.

[b] The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

[c] The Village Engineer notifies the applicant of changes needed in the erosion and sediment control plan.

Section 15.11 FEE SCHEDULE.

(1) The fees for a permit and any extensions shall be established by the Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available for review in the office of the Village Clerk.

- (a) In the event that the operations are not completed within the time for which permit fees have been paid, the permit shall terminate and a new application, surety bond, and initial and monthly permit fees shall be submitted and approved before the permittee shall be allowed to continue the operations.
- (b) No refund of any permit fees shall be made.

Section 15.12 INSPECTION.

(1) The Village Engineer will inspect any construction site that holds a permit under this ordinance at least once a month between March 1 and ending October 31, and at least two times between November 1 and February 28, to ensure compliance with the approved erosion and sediment control plan.

(2) If land disturbing construction activities are occurring without a permit required by this ordinance, the Village Engineer is authorized to apply for a Special Inspection Warrant to enter the land pursuant to the provisions of ss. 66.0119, Wis. Stats.

Section 15.13. ENFORCEMENT.

(1) The Village Engineer may post a stop-work order if any of the following occurs:

[a] Land disturbing construction activity regulated under this ordinance is occurring without a permit;

[b] The erosion and sediment control plan is not being implemented in good faith; and

[c] The conditions of the permit are not being met.

Note to Users: The Village Engineer will inspect any construction that holds a permit under this chapter at least once a month between March 1 and October 31, and at least 2 times between November 1 and February 28 to ensure compliance with the approved erosion and sediment control plan.

(2) 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 Engineer may revoke the permit.

(3) If the responsible party, when no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village of River Hills, or if a responsible party violates a stop work order posted under sub. (1), the Village Engineer may request the Village Attorney to obtain a cease-and-desist order in any court with jurisdiction.

(4) The Village Engineer or the Board of Appeals may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

(5) After posting a stop work order under sub. (1), the Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village Engineer 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 Engineer, plus interest at the rate authorized by the Village of River Hills, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(6) Compliance with the provisions of this ordinance 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 seeking injunctive relief in a court proceedings.

Section 15.14. PUBLIC NUISANCE.

(1) The depositing on any land for the purpose of filling the same, of inflammable and/or combustible materials, and the depositing of fly ash, foundry refuse, and other similar materials of such texture or material that they will be capable of being air-borne, and the permitting of such depositing, shall be and is hereby declared to be a public nuisance.

Section 15.15. APPEALS.

(1) **BOARD OF APPEALS.** The Board of Appeals of the Village of River Hills pursuant to s. 61.354(4)(b), Wis. Stats.:

[a] Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this ordinance;

[b] May authorize, upon appeal, variances from the provisions of this ordinance that are not contrary to the public interest, and when owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary

hardship; and

[c] Shall use the rules, procedures, duties and powers authorized by the Wisconsin statutes and the provisions of Chapter 7 of the Village Ordinances in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Any applicant, permittee, land owner, land user, or any other person aggrieved by any order, decision or determination made by the Village Engineer in administering this ordinance, may appeal to the Board of Appeals, and all such appeals shall be filed, heard, and decided by the Board of Appeals in accordance with this ordinance and with the provisions of Chapter 7 of the Village Ordinances.

(3) NOTICE OF ACTION TAKEN AND RIGHT TO APPEAL. The Village Clerk shall cause notice to be given of the final action of the Village Engineer in granting, denying, amending, suspending or revoking a permit by mailing a concise summary of the action taken to all owners of lands affected, within 10 days of the date of the action; said notice shall contain advice regarding the right of any person aggrieved to appeal the action of the Village Engineer to the Board of Appeals.

Section 15.16. PENALTY.

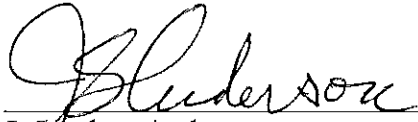
(1) Any person found guilty of the violation of any provision of this ordinance, unless another penalty is therein provided, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed ninety (90) days. Each day of violation shall constitute a separate offense and be subject to a forfeiture as such.

Section II. If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Section III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

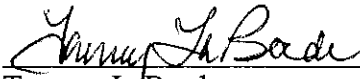
Section IV. This ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 21st day of July, 2021.



J. Stephen Anderson
Village President

Countersigned:



Tammy LaBorde
Village Clerk