

Chapter 16

EROSION CONTROL

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16.01 INTRODUCTION. (1) **AUTHORITY.** This chapter is adopted under the authority granted by **SS 61.34 (1), Wis Stats.**

(2) **FINDINGS AND DECLARATION OF POLICY.** The Village finds that urbanizing land uses have accelerated the process of surface water runoff, soil erosion and sediment deposition in the waters of the Village. It is, therefore declared to be the policy of this chapter to provide for the control and prevention of runoff and soil erosion and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, preserve wildlife, protect the tax base and protect and promote the health, safety and general welfare of the people of the Village.

(3) **APPLICABILITY.** This chapter applies to the use of lands within the incorporated boundaries of the Village.

16.02 DEFINITIONS. The following terms, whenever they occur in this chapter, are defined as follows:

AGRICULTURAL LAND USES. Alterations or disturbances of land for the production of food and fiber, including, but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry production and wild crop harvesting and includes on-site structures necessary to carry out such activities.

BOARD OF APPEALS. The body established under **SS 62.23 (7) (e), Wis Stats.**

BUILDING INSPECTOR. (Zoning Administrator) The governmental employee designated by the Village Board to administer this chapter.

COMMITTEE. The Land Use and Building Design Committee. **(Planning Committee)**

CONTROL PLAN. A written description of methods for controlling surface water runoff and soil erosion caused by or resulting from land disturbing activities.

DOOR COUNTY SOIL AND WATER CONSERVATION DISTRICT. A unit of government created by county board resolution under the authority granted by **Ch. 92, Wis. Stats.,** to provide for the conservation and protection of the soil, water and related natural resources.

EROSION OR SOIL EROSION. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FILL. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

GRADING. Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil, materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

LAND DISTURBING ACTIVITIES. Any land changes on public or private lands which may result in soil erosion, sedimentation or the increase in runoff, including, but not limited to, tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land disturbing activities as home gardens and repair and maintenance of private roads. Additionally, this term does not include agricultural land uses.

LAND TREATMENT MEASURES. Structural or vegetative practices or combinations of both, used to control runoff, erosion and sediment production, including areas to be protected by fencing.

LAND OWNER. Any person, partnership, firm or corporation that holds title to land either as sole owner, as a tenant in common or joint tenant, has title as a trustee, assignee, or has a land contract vendee's interest.

LAND USE AND BUILDING DESIGN COMMITTEE. (Plan Committee) The committee of the Village Board designated by this chapter to review and authorize the issuance of a land disturbance permit and to carry out other responsibilities assigned to it by this chapter.

LAND USERS. People who use land, individually or collectively as owners, operators, lessors, renters, occupiers who are providing a service that requires access or alterations of the land in order to perform the service, or by other arrangement which gives them the responsibility of private or public land use.

NIAGARA ESCARPMENT. The *Niagara Escarpment*, as a feature of geography, is a long escarpment or cuesta running from the area of Sault Ste. Marie into Wisconsin following the Door Peninsula and westerly coastline of Lake Michigan, ending near Chicago. Most commonly, an escarpment, also called a scarp, is a transition from one series of sedimentary rocks to another series of a different age and composition. In such cases, the Escarpment usually represents the line of erosional loss of the newer rock over the older.

PEAK RUNOFF RATE. The maximum rate of flow of water at a given point in a channel, watercourse or conduit resulting from a predetermined storm or flood.

PERMIT. A signed, written statement issued under this chapter authorizing the applicant to engage in specified land disturbing activities for a specified period of time.

PERMITTEE. Any person to whom a permit is issued under this chapter.

PUBLIC LANDS. All publicly owned lands within the incorporated boundaries of the Village including, but not limited to, all lands owned by the Village or by another unit of government.

RUNOFF. The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to lakes, streams, creeks, other watercourses or groundwater.

SAFE CAPACITY. The rate of flow that can be handled by the receiving waterway without causing flooding or erosion damage.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

SEDIMENTATION. The transportation and deposition of sediment that may ultimately degrade water quality by the presence of solid particles, derived from soils by erosion or discharged into surface waters from other sources; or the deposition of water-borne sediments in stream channels, lakes, reservoirs or on floodplains, usually because of a decrease in the velocity of the water.

STOP-WORK ORDER. A method of giving notice to the permittee that the Village believes that the permittee has violated one or more provisions of this chapter. Notice is given both by posting upon the lands where the disturbing activity occurs one or more copies of a poster so stating the violation and by mailing a copy of this poster by certified mail to the permittee at the address shown on the permit.

STORM FREQUENCY. The average period of time during which a storm of given duration and intensity can be expected to be equaled or exceeded.

STORMWATER DRAINAGE SYSTEM. All natural or man-made facilities used for conducting stormwater to, through or from a drainage area to the point of final outlet, included, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

STORMWATER RUNOFF. The waters derived from rains falling within a tributary drainage basin flowing over the surface of the ground or collected in channels, watercourse or conduits

STRUCTURAL MEASURES. Works of improvement for land stabilization to prevent erosion, sediment or runoff which includes, but is not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials.

VILLAGE. The Village of Ephraim.

VILLAGE BOARD. The governing body of the Village.

16.03 **LAND DISTURBING ACTIVITIES SUBJECT TO RUNOFF AND EROSION CONTROL.** (1) **GENERAL REQUIREMENTS.**

Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities or who permits another person to do the same on land subject to this section, shall be subject to the provisions of this chapter. The landowner, land occupier or land user shall be responsible for

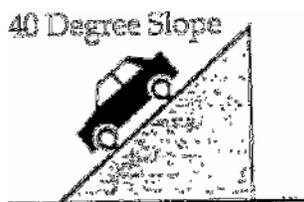
compliance with this section by following the procedure of **SS16.06** and by submitting to the Building Inspector (**Zoning Administrator**) a control plan and receiving a permit before commencement of any land disturbing activities on lands subject to control under this section.

(2) **LAND DISTURBING ACTIVITIES SUBJECT TO RUNOFF, EROSION AND SEDIMENT CONTROL.** Land disturbing activities as defined in **SS16.02** are subject to the runoff and erosion control provisions of this chapter, when:

- (a) An area of 4,000 sq. ft. or greater will be disturbed by excavation, grading, filling, or other earthmoving activities, resulting in the loss or removal of protective ground cover or vegetation.
- (b) Excavation, fill or any combination thereof will exceed 25 cubic yards
- (c) Any public (federal, State or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed.
- (d) Any watercourse is to be changed or enlarged or materials are removed from lakebeds.
- (e) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, cables, wiring, piping, waterlines, sanitary sewers, storm sewers, etc., will be laid, repaired, replaced or enlarged or if such use involves more than 300 linear feet of trenching or earth disturbance.
- (f) Any subdivision of land as defined in **SS18.03** of this Municipal Code which requires plat approval or any certified survey.
- (g) Any land disturbance activity that may create unwanted problems and hazards due to surface runoff, soil erosion, sedimentation or other related resource problems.

(3) **Niagara Escarpment.** The intent of these regulations is to promote safe conditions, prevent erosion and runoff, and preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Village. The regulations recognize the geologic significance of the dolomite bluffs that constitute the Niagara Escarpment winding its way along Ephraim's shoreline. These bluffs are part of our natural heritage, and the intent of the language set forth below is to permit property owners to build on Escarpment land and, at the same time, preserve the natural features, such as steep slopes, rugged bluffs, rock outcroppings, and trees and other vegetation, that grace and stabilize the Escarpment. As a broad definition, we consider "Escarpment" as lengthy slopes of 20% or greater that are associated with the crest of the formation, and that can be seen from the bay, as designated on the attached map.

- (1) **Roads.** No roads or driveways shall be placed on slopes of 30-39 degrees unless the roads or driveways are placed parallel to the Escarpment face. No roads or driveways shall be placed on or parallel to slopes of 40 degrees or greater. In such cases property owners should join together to provide a single access road placed on a slope of less than 39 degrees and extending along the base of the Escarpment to access the several properties involved. For reference purposes, the diagram below shows a 40 degree slope:



- (2) **Tree Removal For Site Preparation.** The clearing of trees located within an Escarpment protection area shall be permitted for :
- (a) Providing building footprints with approved erosion and runoff plans: existing trees more than 12 inches in diameter shall be shown on the erosion control plan with trees to be removed for site preparation or landscaping also marked on the plan. Owner/Developer may be required by the Village to consult with an expert regarding tree removal and erosion control.
 - (b) Providing sites for wastewater disposal systems with approved erosion control and runoff plans;
 - (c) Driveways with limitations as set forth in (1) above.
 - (d) The area extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings.
- (3) **Removal of Additional Trees.** Within an area on a lot between 25 and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that:
- (a) No more than 30% of this area is cleared;
 - (b) The clearing of the 30% described shall not result in strips of cleared openings of more than 30 feet along the Escarpment protection area;
 - (c) In the remaining 70% of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.
 - (d) Special attention is paid to leaving trees between built structures and the shoreline such that, as seen from the bay, the visual impact of development is minimized.
- (4) **Penalties.** If owner/developer removes trees within the escarpment protection area without prior approval, in addition to penalties provided for in Chapter 25 of this Ordinance, the owner/developer may be required to make reparation of the area by replanting the area with trees as close to the original number and size as is practicable.

16.04 **RUNOFF, EROSION AND SEDIMENTATION CONTROL REGULATIONS FOR LANDS NOT OTHERWISE SUBJECT TO THIS CHAPTER.** Notwithstanding any other provisions of this chapter, it shall be a violation of this chapter for any condition to be established, maintained or allowed to be maintained that results in excessive runoff or erosion to adjacent land, public streets or bodies of water. Penalties and/or remedies may be sought for such activities as provided in **SS16.09**. Runoff or erosion is excessive when, in the opinion of the Land Use and Building Design Committee (**Planning Committee**), undue sedimentation occurs in lakes or streams, an unsafe condition results in the streets, runoff endangers downstream property owners or their property or the public health, safety or general welfare of the citizens of the Village.

16.05 **STANDARDS AND CRITERIA.** (1) **EFFECT OF COMPLIANCE.** Compliance with the standards and criteria of this section shall not bar a nuisance action or

other civil action brought by any injured public or private party for damage to property upon which the erosion directly occurred or to property or other rights which were damaged by erosion, sedimentation or runoff.

(2) STANDARDS FOR EROSION AND SEDIMENT CONTROL FOR LAND DISTURBING ACTIVITIES. (a) Permit Applications. Permit applications for land disturbing activities shall not be approved unless the following standards are met:

1. It is encouraged that the amount of erosion and sedimentation occurring during and after the proposed land disturbing activity is completed is not greater than that which would have been eroded if the land had been left in its undisturbed state; however,
2. Erosion and sedimentation shall in all cases be controlled in accordance with the established specifications as described in sub. (5).

(b) Requirements. This chapter may require all grading, excavating, fills, open cuts, side slopes and other land disturbances to be mulched, seeded, sodded, ripped or otherwise protected so that erosion and sedimentation are controlled.

(3) STANDARDS FOR ON-SITE DETENTION AND RUNOFF CONTROL FOR LAND DISTURBING ACTIVITIES. (a) Permit Applications. Permit applications for land disturbing activities shall not be approved unless the following standard is met:

1. It is encouraged that the peak rate of runoff after the proposed land disturbing activity is completed is not greater than the peak rate which would have resulted from the site in its undisturbed state; however,
2. The peak rate of runoff shall in no case exceed that rate prorated on the basis of the safe capacity of the existing or proposed stormwater drainage system.

(b) Requirements. Minimum design criteria will accommodate a peak flow resulting from a 10 year frequency, 3.6" 24 hour rain, with greater design capacity required for facilities of greater risks of hazard, as per specifications. This chapter may require stormwater drainage facilities which may include curbs and gutters, diversions, catch basins and inlets, storm sewers, road ditches, open channels, roof gutters, settling basins, absorption areas, proper capping of wells, safe routing of discharge water of intercepted springs and seeps and similar measures to control runoff.

(4) STANDARD FOR TRACKING. The Village shall not approve any proposed land disturbing activity unless plans are included to keep any tracking to a reasonable limit and is subsequently cleaned up.

(5) DESIGN CRITERIA, ENGINEERING STANDARDS AND GENERAL PRINCIPLES. This chapter does not require the use of any particular types of structural or nonstructural measures to meet the standards of subs. (2) and (3). The applicant for a permit may employ any structural or nonstructural measures necessary to achieve all applicable standards set forth in this chapter. However, these measures will be evaluated to determine whether they follow design criteria and engineering standards which are included in, but not limited to, the Technical Guide, Minimizing Erosion In Urbanizing Areas, Urban Hydrology for Small Watersheds, or other technical guidelines adopted by the Door County

Soil and Water Conservation District. The following general principles shall be used by the reviewer when evaluating control plans and granting permits under this chapter:

- (a) The smallest practicable area of land shall be exposed at any given time during development.
- (b) Such minimum area exposure shall be limited to the shortest practicable duration of time.
- (c) Temporary vegetation, mulching or other cover shall be used to protect high erosion hazard areas exposed during development.
- (d) Provisions shall be made to effectively and safely accommodate the increased and redirected runoff caused by changed soil and surface conditions during and after development according to the standards contained in this chapter.
- (e) Permanent vegetative or structural protective measures shall be installed as soon as possible.
- (f) The plan of development shall relate to the topography and soils of the site so as to reduce the potential for excessive runoff and erosion.
- (g) Natural rock openings, or “sink holes”, which serve as localized surface water outlets shall not be obstructed or altered unless another adequate outlet is provided.
- (h) Adverse impacts on the natural fauna , flora, watercourses, surface and groundwater quality, hydrologic regimen and topography of the area by the proposed project shall be kept to the practicable minimum.
- (i) Stormwater management facilities shall be designed so as to present no hazard to life or property not to increase runoff to adjacent properties.

16.06 APPLICATION AND ISSUANCE OF PERMITS. **(1) PERMIT REQUIRED; PROCEDURE AND FEE.**

1. Unless specifically exempted by this chapter, no land occupier or land user may undertake a land disturbing activity subject to this chapter without receiving a permit from the Land Use and Building Design Committee (**Plan Committee**) prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this chapter shall submit to the Building Inspector (**Zoning Administrator**) an application for a permit together with the appropriate fee required by the fee schedule as adopted by the Village Board.
2. Exceptions to this requirement are as follows:
 1. The owner and occupier of public lands are exempt from payment of any permit fee.

2. The permit fee required by this chapter is waived if the applicant applies for a building permit under Ch. 14 of this Municipal Code and submits the appropriate fee.
- (2) **CONTROL PLAN REQUIRED.** Every applicant for a permit under sub. (1) shall develop or have developed and submit a plan to control runoff, erosion and sedimentation which would result from the proposed activity.
 - (3) **CONTENTS OF THE CONTROL PLAN.** The control plan required by sub. (2) shall provide all information which the Village may need to determine runoff, erosion and sedimentation control. The Building Inspector (**Zoning Administrator**) may require the following, as well as any other information which, in his judgment, is needed to evaluate the control plan:
 - (a) Existing Conditions Map. A map at a scale not smaller than one inch equals 25' presenting the following information:
 1. Site boundaries.
 2. Existing structures and vegetative cover.
 3. Existing topography of the site and those contiguous properties necessary to show drainage patterns and watercourses that may be affected by the proposed development. This information shall be presented in the following manner as indicated by the Building Inspector:
 - a. A topographic map at 5' contour intervals, or
 - b. A simplified map showing the slope of the land.
 - (b) Proposed Development Plan. A development plan which presents the following information:
 1. Proposed topography of the site following implementation of the proposed development. This information shall be presented in the following manner as indicated by the Building Inspector :
 - a. A topographic map at 5' contour intervals, or
 - b. A simplified map showing the slope of the land.
 2. Location of proposed land disturbance activity, any proposed additional structures of the site, areas to be vegetatively stabilized and areas to be left undisturbed.
 3. Elevations, dimension, locations of all proposed land disturbance activities.
 4. Location and dimensions of any proposed structures, practices or provisions designed to control surface runoff and soil erosion.
 5. Kinds of utilities and proposed areas of installations.

6. Proposed paved and covered areas in square feet or to scale on the map.
7. The proposed finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
8. Makeup of proposed surface soil (upper 6"). Use descriptions such as: original surface soil, subsoil sandy, heavy clay, stony, etc.
9. Proposed kind of cover in unbuilt areas. Use descriptions such as: lawn, turf grass, shrubbery, trees, forest cover, riprap, mulch, etc.

(c) Timing Schedule. A schedule indicating the anticipated starting and completion dates of the development sequence. If required, also indicate the time of exposure of each area of soil disturbing activity prior to the completion of measures to control runoff, erosion and sedimentation.

(d) Other. Such other information as may be designated by the Building Inspector (**Zoning Administrator**), including but not limited to environmental impact studies or audits in accordance with NR 150.22, "Preparation and Content of the Environmental Analysis or Environmental Impact Study".

(4) **APPLICATION REVIEW PROCEDURES.** (a) The Building Inspector shall accept all permit applications which are accompanied by the proposed control plan and the appropriate fee. The inspector shall forward the application to the Land Use and Building Design Committee (**Plan Committee**) who shall determine if measures included in the plan to control runoff, erosion and sedimentation during and after the land disturbing activities are adequate to meet all the applicable standards as set out in **SS16.05**. The Building Inspector (**Zoning Administrator**) shall also forward the application to the Door County Soil and Water Conservation District for their technical review of those land disturbance activities identified in **SS16.07 (4) (a)**. The inspector shall notify the applicant and all abutting property owners of the time, date and place of the Committee meeting where the application will be considered. Notice shall be by first class mail or personal service not less than 5 days prior to the date of the meeting.

(b) The Village shall inform the applicant in writing whether the application is approved, disapproved or modified within 15 working days from receipt of the completed application and permit fee, or within 15 working days from receipt of recommendations from Door County Soil and Water Conservation District when such recommendations have been requested. If a building permit application is files at the same time as an application for a land disturbance permit, the 2 applications shall be processed concurrently. If the application is approved the Building Inspector (**Zoning Administrator**) shall issue the permit. If additional information is required the Inspector (**Zoning Administrator**) shall so notify the applicant and the Village has 15 working days from the receipt of the additional information in which to approve, disapprove or modify the plan.

(c) If the plan is disapproved the applicant may resubmit a new control plan or may appeal the decision of the Land Use and Building Design Committee (**Plan Committee**) as provided in **SS16.09**.

- (5) **PERMIT; CONDITIONS.** All permits issued under this chapter shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:
- (a) That all land disturbances, construction and development will be done pursuant to the control plan as approved by the Village.
 - (b) That the permittee shall give at least 2 working days notice to the Building Inspector (**Zoning Administrator**) in advance of the start of any land disturbing activity.
 - (c) That the permittee shall file a notice of completion of all land disturbing activities and/or the completion of installation of all on-site detention facilities within 10 working days after completion.
 - (d) That approval in writing must be obtained from the Land Use and Building Design Committee (**Plan Committee**) prior to any modifications to the approved control plan.
 - (e) That the permittee will be responsible for maintaining all roads, road right-of-ways, streets, runoff and drainage as specified in the approved plan until they are accepted and become the responsibility of a governmental entity.
 - (f) That the permittee will be responsible for repairing, at his expense, any damage to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from activities which are not in compliance with the approved plan.
 - (g) That the permittee must provide and install at his own expense all drainage, runoff control and erosion control improvements as required by this chapter and the approved control plan, and also must bare his proportionate share of the total cost of off-site improvements to drainageways based upon the existing developed drainage areas or planned development of the drainage area. The Village shall determine such proportionate costs based upon the ratio of the area of each owner's contributing parcel to the area of the watershed.
 - (h) That the permittee agrees to permit authorized Village officials to enter onto the land regulated under this chapter for the purpose of inspecting for compliance with the approved control plan and permit.
 - (i) That the permittee authorizes the Village to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan and further consents to the Village placing the total of the costs and expenses of such work and operations upon the tax roll as a special tax against the property.
- (6) **PERMIT DURATION.** Permits issued under this chapter shall be valid for a period as set forth on the approved permit. All work must be completed prior to the expiration date of the permit. However, the Land Use and Building Design Committee (**Plan Committee**) is authorized to extend the expiration date of the permit if they find that such an extension will not cause an increase in runoff, erosion or sedimentation.

16.07 ADMINISTRATION. (1) DELEGATION OF AUTHORITY. The Building Inspector (**Zoning Administrator**) is designated to administer and enforce the provisions of this chapter under the direction of the Land Use and Building Design Committee (**Plan Committee**). The village may seek technical advice from the Door County Soil and Water Conservation District as to the adequacy of any proposed plan and permit application submitted to it.

(2) **ADMINISTRATIVE DUTIES OF THE BUILDING INSPECTOR (Zoning Administrator).** The Building Inspector (**Zoning Administrator**) shall perform the following duties:

- (a) Receive all permit applications which are accompanied by the control plan and the appropriate fee.
- (b) Forward permit applications to the Land Use and Building Design Committee (**Plan Committee**).
- (c) Forward permit applications and a written request for assistance to the Door County Soil and Water Conservation District for those land disturbance activities identified in **subpar. (4) (a)**.
- (d) Notify applicants and all abutting property owners of appropriate Committee meetings as specified in **SS16.06 (4)** of this Municipal Code.
- (e) Inform applicants in writing of any action taken by the Committee pertaining to their permit application.
- (f) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions and make a periodic permit activity report to the Committee.
- (g) Investigate all complaints made in regard to the application of this chapter.

(3) **ADMINISTRATIVE DUTIES OF THE LAND USE AND BUILDING DESIGN COMMITTEE (PLAN COMMITTEE).** The Land Use and Building Design Committee (**Plan Committee**) will perform the following duties:

- (a) Review all plans and permit applications received by the Building Inspector (**Zoning Administrator**) and issue the permits required by **SS16.06 (1)** in accordance with the procedure as set out in this chapter, but only when the runoff, erosion and sedimentation will be controlled to meet the standards of **SS16.05**.
- (b) Revoke any permit granted under this chapter if it is found that the holder of the permit has misrepresented any material fact in the permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing subsequently by the Village; or has violated any of the other conditions of the permit as issued to the applicant.

(4) **ADMINISTRATIVE DUTIES OF THE DOOR COUNTY SOIL AND WATER CONSERVATION DISTRICT.** The Door County Soil and Water Conservation District will perform the following duties:

- (a) Upon written request from the Building Inspector (**Zoning Administrator**) will provide technical review of the following land disturbance activities:
1. Projects which include as area of 7,500 sq. ft. or greater which will be disturbed by excavating, grading, filling or other earth moving activities, resulting in the loss or removal of protective ground cover, vegetation; or
 2. Excavation, fill or any combination thereof will exceed 100 cubic yards; or
 3. Any public (federal, State or local) street, road or highway to be constructed, enlarged, relocated or substantially reconstructed; or
 4. Any watercourse is to be changes, enlarged or materials are being removed or deposited in a stream, lakebed or wetland; or
 5. Any proposed land use by a unit of government or by public or private utilities in which underground conduits, cables, piping, wiring, waterlines, sanitary sewers, storm sewers, etc. will be laid, repaired replaced or enlarged, if such use involves more than 500 linear feet of trenching on each disturbance; or
 6. Any subdivision of land as defined in Ch. 14 of this Municipal Code which requires plat approval or any certified survey; or
 7. Any land disturbing activity which will cause 50% or more of the area to be impervious surfaces including roads, buildings, parking facilities and other improvements; or
 8. Any land disturbance activity that may create unwanted problems and hazards due to surface runoff, soil erosion, sedimentation or other related resource problems.
- (b) Conduct on-site investigations of proposed land disturbance activities, assess surface water management and erosion and sediment control hazards and provide a written report of same, with recommendations, to the Village. The District shall submit a written recommendation within 20 working days of receiving all requested information concerning the application.
- (c) Provide standards and specifications for engineering works, vegetative measures and other practices for controlling runoff, erosion and sedimentation.

(5) **INSPECTION AUTHORITY.** The Building Inspector (**Zoning Administrator**), Land Use and Building Design Committee (**Plan Committee**) and the Door County Soil and Water Conservation District staff are authorized to enter upon any public or private lands affected by this chapter to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan and after permit issuance to determine compliance with this chapter. If permission cannot be received from the Land occupier or land user, entry by the above parties shall be according to **SS66.122** and **66.123, Wis. Stats.**

(6) **ENFORCEMENT AUTHORITY.** The Land Use and Building Design Committee (**Plan Committee**) or its designated agent is authorized to post a stop-work order upon land which has had a permit revoked or to post a stop-work order upon land which is currently undergoing any land disturbing activity in violation of this chapter. The Committee shall supply a copy of each stop-work order to the legal counsel for the Village. In lieu of the stop-work order the Committee may issue a written cease and desist order to any land occupier or land user whose activity is in violation of this chapter. These orders shall specify that the activity must be ceased or brought into compliance with the chapter within 7 working days. Any revocation, stop-work order or cease and desist order shall remain in effect unless retracted by the Committee or by a court of general jurisdiction; or until the land disturbing activity is brought into compliance with the chapter. The Committee is authorized to refer any violation of this chapter or of a stop-work or cease and desist order issued pursuant to this chapter to the Village Attorney for the commencement of further legal proceedings.

16.08 VIOLATIONS. (1) **PENALTIES.** Any person who violates any of the provisions of this chapter shall be subject to a forfeiture of not less than \$20 nor more than \$400 and costs of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense.

(2) **ENFORCEMENT BY INJUNCTION.** Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the Village. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(3) **PERFORMANCE OF WORK BY THE VILLAGE.** Where the Committee determines that the holder of a permit issued pursuant to this chapter has failed to make any improvements or follow practices as approved in the plan; or has failed to comply with the time schedule as included in the plan, the Committee or its designated agent may enter upon the land and perform the work or other operations necessary to bring the condition of such lands into conformity with the requirements of the approved plan. The Committee shall keep a detailed account of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special tax against the property and collected with any other taxes levied thereon for the year in which the work is completed.

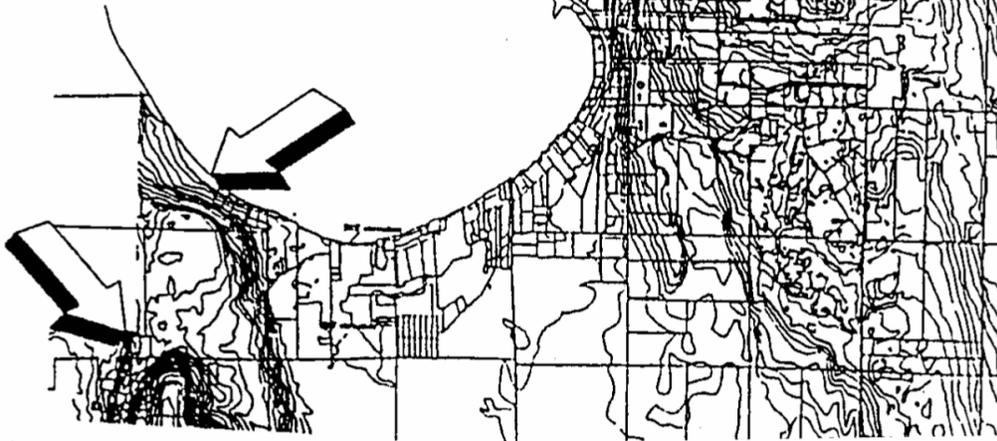
16.09 APPEALS. (1) **AUTHORITY.** The Board of Appeals shall:

- (a) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Committee in administering this chapter.
 - (b) Authorize upon appeal in specific cases such as variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- (2) **PROCEDURE.** The rules, procedures, duties and powers of the Board of Appeals shall apply to this chapter.
- (3) **WHO MAY APPEAL.** Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by the order, requirement, decision or

determination made by the Committee. For the purpose of this chapter, aggrieved person shall include applicant and property owners who own land which is subject to the chapter.

The closer the lines, the steeper the grade. The steepest of our Escarpment areas are shown by the arrows.

Eagle Harbor



This map refers to the Niagara Escarpment referenced in 13.03 (3)