

ORDINANCE NO.

AMENDING CHAPTER 26, ARTICLE III OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATED TO ONE-AND TWO- FAMILY DWELLING CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **Part I. That the title of Article III of Chapter 26, of the Walworth County Code of Ordinances**
2 **is hereby amended to read as follows, (additions are shown in bold and underlined; deletions**
3 **are shown in strike-through text.)**

4
5 **ARTICLE III. CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL**
6 **ORDINANCE FOR ONE-AND TWO-FAMILY DWELLING CONSTRUCTION ~~SITE~~**
7 **EROSION CONTROL AND SEDIMENT CONTROL IN NON-SHORELAND AREAS AND**
8 **STORM WATER MANAGEMENT.**

9
10 **Part II. That Divisions 1 through 3 of Article III of Chapter 26 of the Walworth County Code**
11 **of Ordinances are hereby amended to read as follows, (additions are shown in bold and**
12 **underlined; deletions are shown in strike through text.)**

13
14 DIVISION 1. GENERALLY

15
16 **Sec. 26-105. Title.**

17
18 This ~~article~~ **ordinance** shall be known and may be cited as the “**Construction Site Erosion and**
19 **Sediment Control Ordinance for** One and Two-Family Dwelling Construction ~~Site Erosion~~
20 ~~Control and Sediment Control Ordinance~~ **in Non-shoreland Areas,**” **and hereinafter referred to**
21 **as the “ordinance.”**

22
23 **Sec. 26-106. Authority and purpose.**

24
25 (a) ~~Authority. The county is adopting this article pursuant to the authority granted by Wis. Stats.~~
26 ~~§§59.70(1), 236.65(1) and 92.07(15).~~

27
28 **1) This ordinance is adopted by the County Board of Supervisors, pursuant to authority**
29 **granted by Wis. Stats. §§ 59.693, 59.70, 92.07(15), 101.65(1), 101.653, and 236.45.**

30
31 **2) The requirements of this ordinance do not pre-empt more stringent erosion and sediment**
32 **control requirements that may be imposed by any of the following:**

33
34 **(a) Wisconsin Department of Natural Resources administrative rules,**
35 **permits or approvals; and**

36 **b) Wisconsin Department of Safety and Professional Services administrative**
37 **rules, permits or approvals.**
38

1
2 **3) The provisions of this ordinance are deemed not to limit any other lawful regulatory power**
3 **of the Walworth County Board of Supervisors.**
4

5 **4) The Walworth County Board of Supervisors designates the Walworth Land Conservation**
6 **Division of the Walworth County Land Use and Resource Management Department, as the**
7 **administrative authority to administer and enforce the provisions of this ordinance.**
8

9 (b) Purpose. 1) The **general** purpose of this ~~article~~ **ordinance** is to exercise jurisdiction **on the**
10 **administrative and technical requirements of the Wisconsin Uniform Dwelling Code** on the
11 issue of ~~land-disturbing activities~~ **construction site erosion and sediment control** related to the
12 construction of one-and two-family dwellings, **modular** and manufactured dwellings in order to
13 **protect the natural resources and promote the general public health, safety, and welfare of**
14 **Walworth County and** to: minimize sedimentation, water pollution, flooding, and related property
15 damage caused by soil erosion during construction and uncontrolled runoff after construction.
16

- 17 **a) Prevent erosion and minimize sedimentation;**
- 18 **b) Prevent pollution to surface waters, wetlands and groundwater;**
- 19 **c) Prevent uncontrolled drainage and related property damage caused by soil**
- 20 **erosion during construction;**
- 21 **d) Prevent airborne particulate concentrations that are health threatening or**
- 22 **may cause damage to the environment; and**
- 23 **e) Prevent loss and alterations to wetland communities.**
24

25 2) This ~~article~~ **ordinance** establishes regulatory requirements and standards for the
26 design, installation and maintenance of erosion and sediment control practices ~~and post-~~
27 ~~construction storm water management~~ on one-and two-family dwelling building sites ~~in~~
28 ~~order to diminish the threats to public health, safety and welfare and the natural resources~~
29 ~~of~~ **in Walworth** County.
30

31 **3) Through a permit process, this ordinance is intended to meet the construction site**
32 **erosion control regulatory requirements contained in Wis. Stats. § 101.653 and**
33 **chapters SPS 320 and SPS 321.125 of the Wis. Adm. Code, or any future revisions or**
34 **amendments to these regulatory requirements or codes.**
35

36 **Sec. 26-107. Applicability and jurisdiction.**
37

38 (a) Applicability. 1) This ~~article~~ **ordinance** shall apply to land ~~disturbance~~ **disturbing** activities,
39 related to the construction of one-and two-family dwellings, **modular** and manufactured homes,
40 including additions, alterations, and repairs, as defined by ~~Comm. 20.07, whose initial construction~~
41 ~~started after December 1, 1992~~ **chapters SPS 320.03 and 320.07, Wis. Adm. Code.**
42

43 2) This ~~article~~ **ordinance** shall be applicable to land disturbing activities associated **with the**
44 **construction** of detached garages, sheds, driveways, sidewalks, **retaining walls**, landscaping, or
45 other similar features, and **utility installation**, if conducted during the construction of the dwelling,
46 even though those features do not have an impact on the dwelling structure.
47

48 **3) This ordinance does not apply to construction sites that result in land disturbing activities**

1 covering one or more acres in area. Construction site erosion and sediment control
2 performance standards for sites covering more than one acre are contained in Chapter 26,
3 Article II, of the Walworth County Code of Ordinances.

4
5 4) The ordinance does not apply to land disturbing activities conducted within the Walworth
6 County shoreland areas, as defined in Wis. Stats. §59.962. Land disturbing construction
7 activities, including those related to the construction of a one-and two-family dwelling and
8 located within the Walworth County Shoreland Areas are regulated under Chapter 26, Article
9 II of the Walworth County Code of Ordinances.

10
11 (b) *Jurisdiction.*

12
13 1) This ordinance shall be applicable to those land disturbing activities indicated in subsection (a)
14 within the ~~County shoreland areas as defined in Wis. Stats. § 59.692.~~ non-shoreland areas of
15 Walworth County This ordinance also applies areas within the boundaries of Walworth County
16 and within municipalities where Walworth County has entered into a Service Agreement with the
17 municipality to conduct plan review, permitting, site inspection and enforcement services related to
18 the requirements for construction site erosion and sediment control associated with the construction
19 of one-and two-family dwellings, modular and manufactured homes, including, additions,
20 alterations and repairs.

21
22 2) This ordinance does not apply in unincorporated lands where the town board exercises its
23 authority to regulate the construction site erosion control administrative and technical
24 requirements of the Wisconsin Uniform Dwelling Code.

25
26 **Sec. 26-108. Adoption of state law**

27
28 (a) The following Wisconsin Administrative Codes are hereby adopted and by reference, made a
29 part of this article ordinance.

- 30
31 1) Chapter ~~comm. 20 comm. 21~~, and Appendices A-21.25 and A-21.26. SPS 320,
32 2) Chapter SPS 320, Appendix A,
33 3) Chapter SPS 321.125,
34 4) Chapter SPS 321.125, Appendix A,
35 5) NR 151.12, ~~Post-construction performance standards, for land disturbing construction~~
36 ~~activities covering more than one acre.~~ NR 151, Subchapter V.

37
38 (b) Any future amendments and revisions of the Wisconsin Administrative Codes listed above, are
39 also made a part of this article ordinance in the interest of statewide uniformity.

40
41 (c) A copy of the Wisconsin Administrative Codes listed above shall be kept on file in the ~~Walworth~~
42 ~~County Land Conservation Division~~ Walworth County Land Use and Resource Management
43 Department office.

44
45 **Sec. 26-109. Definitions and phrases.**

46 All definitions and phrases when used in this article ordinance shall have the following meaning
47 ascribed to them.

1 ACOE: means the United States Army Corp of Engineers, a federal agency.

2
3 Administrating authority: An employee of Walworth County, empowered under Wis. Stats.
4 §59.963 or §92.07(15) designated by the Walworth County Board of Supervisors to administer
5 this ordinance.

6
7 ~~Applicant: The landowner of a site subject to this article or a responsible party performing services,~~
8 ~~to meet the standards of this article~~

9
10 A person or entity applying for a permit, subject to this ordinance, shall be the landowner,
11 holding fee title in the parcel as defined below:

12
13 1. An individual person;

14
15 2. A principal executive officer of a corporation;

16
17 3. A member or manager of a limited liability company;

18
19 4. The general partner in a partnership;

20
21 5. A principal executive officer, ranking elected official or other duly authorized representative
22 of a unit of government.

23
24 *Aquic condition:* Soil saturated with water and chemically reduced such that the soil water contains
25 no dissolved oxygen.

26
27 *Best management practices or BMPs:* Structural or non-structural measures, practices, techniques, or
28 devices, ~~employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the~~
29 ~~state~~ determined to be effective means of preventing or reducing pollutants in surface water
30 generated from construction sites

31
32 *Cease and Desist Order:* A court-issued order to halt land disturbing construction-activity activities
33 that ~~is~~ are being conducted without the required permit, or ~~in non-compliance with county~~
34 ~~conservation standards~~ are found to be in violation of a permit issued by the Walworth County
35 Land Conservation Division.

36
37 *Certified soil erosion control inspector:* Means a person certified by the Wisconsin Department of
38 ~~Commerce~~ Safety and Professional Services to engage in the administration of this ~~article.~~
39 ordinance.

40
41 *Construction site:* Means an area upon which one or more land disturbing construction activities
42 occur. ~~including areas that are part of a larger common plan of development or sale where multiple~~
43 ~~separate and distinct land disturbing activities may be taking place at different times on different~~
44 ~~schedules but under one plan.~~

45
46 *County conservation standards:* Those applicable design criteria, standards and specifications for
47 conservation practices used by the Walworth County Land Conservation Division. Conservation
48 practice standards establish the minimum level of acceptable quality for planning and site

1 assessment, performance expectations, design and installation parameters, and the operation and
2 maintenance needs of conservation practices. Conservation practice standards include those
3 contained in:

- 4 a) Subchapter V of ~~ch.~~ **Chapter** NR 151, Wis. Adm. Code;
5
6 b) Section IV of the Field Office Technical Guide, Technical Notes and Field Office Manuals
7 published by the USDA Natural Resource Conservation Services;
8
9 c) **Program guidance or** other technical standards and specifications adopted by the State
10 Standards Oversight Council, **the Wisconsin Department of Natural Resources, the**
11 **Wisconsin Department of Safety and Professional Services,** other state or local agencies
12 or organizations, the Wisconsin Department of Transportation, the University of Wisconsin
13 Cooperative Extension Service, the Southeastern Wisconsin Regional Planning Commission
14 ~~or the Center for Watershed Protection~~ and approved by the Walworth County Land
15 Conservation Division.
16

17 ~~County Land Conservation~~ **Division**: The County office responsible for the administration of this
18 ~~article~~ **ordinance** or designated representative of the Walworth County Land Conservation
19 Committee.
20

21 ~~County Zoning Agency Committee~~: A committee created by the County Board of Supervisors, under
22 Wis. Stats. §59.69 to act in the matters pertaining to county land use planning and zoning.
23

24 ~~County Zoning Division~~: The county office responsible for enforcing and administering the
25 County Zoning Ordinances and other land use ordinances of the county.
26

27 **Department of Safety and Professional Services (DSPS): The state department responsible for**
28 **administering and enforcing laws to assure safe and sanitary conditions in public and private**
29 **buildings.**
30

31 *Dewatering*: The removal of trapped water, usually by pumping, from a construction site to allow
32 land development or utility installation activities to occur.
33

34 *Disturbed area*: A site which, due to land developing, **construction** or land disturbing activities, has
35 or will experience ~~disturbance~~, ***removal*** or destruction of the existing land surface and/or vegetative
36 cover.
37

38 *Dwelling*: Any building which contains one or two units, which ~~are~~ **is** intended to be used as a home,
39 residence or sleeping place.
40

41 *Erosion*: The process **of detachment, transport, and deposition of soil, sediment or rock**
42 **fragments** by which the land's surface is worn away by the action of wind, water, ice or gravity.
43

44 *Erosion and sediment control plan*: A comprehensive **and site-specific plan** developed to address
45 pollution caused by erosion and sedimentation of soil particles or rock fragments during land
46 disturbing or construction activities.
47

1 *Erosion and sediment control practice:* Means a method or device implemented to prevent or reduce
2 erosion or the resulting deposition of soil or sediment. Practice standards establish the minimum
3 level of acceptable quality for planning, designing installing, operating and maintaining erosion and
4 sediment control best management practices. Practice standards are developed by:

- 5
6 a) The Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, **of the**
7 Wis. Adm. Code.
8
9 b) USDA Natural Resource Conservation Service and published in the Field Office Technical
10 Guide, (FOTG) Technical Notes, and Field Office Manuals.
11
12 c) **Program guidance, manuals or technical standards, developed by the Walworth**
13 **County Land Conservation Division**, ~~either state or local agencies or organizations,~~
14 ~~approved by the Walworth County Land Conservation Division,~~ including but not limited to
15 the **Wisconsin Department of Natural Resources, the Department of Safety and**
16 **Professional Services**, Wisconsin Department of Transportation, the University of
17 Wisconsin Cooperative Extension Service, or the Southeastern Wisconsin Regional
18 Planning Commission. ~~or the Center for Watershed Protection.~~

19
20 **Final Stabilization:** Means all land disturbing construction activities at the construction site
21 **have been completed and a uniform perennial vegetative cover has been established with a**
22 **density of at least 70% of the soil surface for the unpaved areas and areas not covered by**
23 **permanent structures or equivalent stabilized surfacing material and the risk for further**
24 **erosion is minimal, as determined by the Walworth County Land Conservation Division.**

25
26 *Land Conservation Committee:* The operating committee of the county board of supervisors
27 **Walworth County Board of Supervisors**, authorized under ~~chapter 92.06 of the Wisconsin State~~
28 ~~Statutes.~~ **Wisc. Stats. §92.06.**

29
30 *Land Conservation Division:* The county office responsible for the administration of this ~~article~~
31 **ordinance** or designated representative of the **Walworth County** Land Conservation Committee.

32
33 *Land Conservation Division Staff:* An employee or employees of the county whose responsibilities
34 include enforcement of the terms and conditions of this ~~article~~ **ordinance**.

35
36 *Land disturbing construction activity:* Any man-made alteration on or change of the land surface,
37 resulting in a change of topography or **existing** vegetative cover or non-vegetative cover, that may
38 result in **storm water** runoff and lead to an increase in soil erosion and movement of sediment.
39 ~~Land disturbance activities includes clearing and grubbing for future development, excavating,~~
40 ~~filling, adding or disposing of spoil or contaminated soil and grading, building construction or~~
41 ~~demolition, and pit trench dewatering.~~ **Land disturbing activity includes clearing and grubbing,**
42 **demolition, excavating, pit and trench dewatering, filling and grading activities.**

43
44
45 *Landowner:* Any **Person** or **entity** holding **fee** title, an easement, or having an interest in a parcel
46 which allows the person or entity to undertake land disturbing construction activities ~~of land which~~

1 ~~includes a site~~ subject to this article **ordinance. A permit applicant, subject to this ordinance,**
2 **shall be the landowner, holding fee title in the parcel as defined below:**

3
4 **1. An individual person;**

5
6 **2. A principal executive officer of a corporation;**

7
8 **3. A member or manager of a limited liability company;**

9
10 **4. The general partner in a partnership;**

11
12 **5. A principal executive officer, ranking elected official or other duly authorized representative**
13 **of a unit of government.**

14
15 **Landowner's representative: A person authorized by a landowner through a contract or other**
16 **written formal agreement, to act on behalf of the landowner for the purpose of applying for**
17 **permits subject to this ordinance.**

18
19 *Maintenance Agreement:* A legal document that provides for long-term maintenance of post-
20 construction storm water management practices.

21
22 *Navigable water and navigable waterway. Has the meaning given in Wisc. Stats. § 30.01 (4M)*
23 *Navigable water means and includes Lake Superior, Lake Michigan, all natural inland lakes within*
24 *Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of*
25 *this state, including the Wisconsin portion of boundary waters, which are navigable under the laws*
26 *of the state.*

27
28 *Ordinary High-water mark:* ~~Has the meaning given in s. NR 115.03(6), Wis. Adm. Code.~~

29
30 *Performance standard:* A narrative or measurable number specifying the minimum acceptable
31 outcome for a facility or practice.

32
33 *Permit:* A written authorization made by the **Walworth County** Land Conservation Division to an
34 applicant, landowner or ~~responsible party~~ **landowner's representative** to conduct land disturbing
35 activities subject to this article **ordinance.**

36
37 *Pre-development condition:* The extent and distribution of land cover types, **slopes and other**
38 **natural or manmade features,** present before the initiation of land disturbing construction
39 activities.

40
41 *Responsible Party:* ~~Any entity holding fee title to the property or other person contracted or~~
42 ~~obligated by other agreements to implement the construction site erosion and sediment control plan,~~
43 ~~subject to this article.~~ **The landowner or any person or entity acting as the owners**
44 **representative, including any person or firm, corporation or other entity performing services,**
45 **contracted, subcontracted or obligated by other agreement to design, implement, inspect,**
46 **verify or maintain the construction site erosion control best management practices or other**
47 **approved elements of the approved construction site erosion control plan and comply with the**
48 **conditions of a permit issued under this ordinance.**

1
2 *Runoff:* Rainfall, snow melt, ice melt or irrigation water that moves over the land surface via sheet
3 or channelized flow.

4
5 **Sediment. A settleable solid material that is transported by runoff, suspended within runoff or**
6 **deposited by runoff away from its original location.**

7
8 *Shoreland:* Those lands lying within the following distances: 1,000 feet from the ordinary high-
9 water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary high-water mark of
10 a navigable stream or channel; or the landward side of floodplain, which ever is greater.

11
12 ~~Shoreyard set back area: An area in the shoreland that is within a certain distance, normally 75 feet,~~
13 ~~from the ordinary high water mark in which construction or the placement of buildings or structures~~
14 ~~has been limited or prohibited under chapter 74 of the County Zoning Ordinance.~~

15
16 *Site:* That parcel or other division of land set forth in the legal description contained in the
17 application on which the land disturbing, **construction** or land development activity is proposed to
18 take place.

19
20 ~~Site stabilization: All land disturbing activities at the construction site have been completed and **The**~~
21 ~~**condition when** a uniform perennial vegetative cover has been established with a density of at least~~
22 ~~70% of the cover for the unpaved areas, and areas not covered by permanent structures or other~~
23 ~~surfacing material is in place and the risk of further soil erosion is minimal, as determined by the~~
24 ~~**Walworth County** Land Conservation Division.~~

25
26 *Storm water:* Precipitation runoff, snow melt runoff, surface runoff and drainage.

27
28 ~~*Storm water best management practice:* Structural and nonstructural practices, devices and methods~~
29 ~~that are designed, constructed and maintained to control the volume, quantity and quality of storm~~
30 ~~water to avoid or minimize sediment or pollutants carried in runoff to waters of the state. Storm~~
31 ~~water management practices selected are based on the physical suitability of a site, the overall site~~
32 ~~management objectives and the performance criteria specified in this article. Some examples~~
33 ~~include, but are not limited to, infiltration trench or basin, wet detention basin, rain garden, filter~~
34 ~~strip, artificial wetland, green roof, or swale.~~

35 ~~*Storm water management plan:* A comprehensive plan designed to reduce the discharge of pollutants~~
36 ~~from storm water after the site has undergone final stabilization and following completion of the~~
37 ~~land disturbing activities.~~

38
39 ~~*Stop-work order:* An order issued by the walworth county land conservation division~~ **Walworth**
40 **County Land Conservation Division** which requires that all construction activities on the site be
41 stopped.

42
43 ~~*Storm water management permit:* A written authorization made by the Walworth County Land~~
44 ~~Conservation Division to the applicant to conduct land disturbing activities or to discharge post-~~
45 ~~construction runoff to waters of the state.~~

46

1 **Temporary site stabilization: Measures such as soil treatment, temporary seeding, mulching or**
2 **other measures to temporarily stabilize a disturbed area that remains inactive or permanent**
3 **stabilization is delayed.**

4
5 **WDSPS: The Wisconsin Department of Safety and Professional Services.**

6
7 **WDNR: The Wisconsin Department of Natural Resources.**

8
9 **Wetlands.** An area where water is at or near the surface long enough to be capable of supporting
10 aquatic or hydrophytic vegetation and which has soils indicative of wet conditions
11

12 **Wetland delineation: An onsite field examination, using the procedures specified in state and**
13 **federal regulations and manuals, to determine the wetland boundary on a parcel.**

14
15 **Wis. Adm. Code: Wisconsin Administrative Code: Administrative rules, regulations, standards,**
16 **or policies promulgated by executive branch agencies to implement statutes and administer agency**
17 **programs. Administrative rules are compiled in the Wisconsin Administrative Code.**

18
19 **Wis. Stats: Wisconsin State Statutes: General laws of the state created by legislation.**

20
21 **DIVISION 2. TECHNICAL AND PERFORMANCE STANDARDS FOR**
22 **CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL FOR ONE-AND**
23 **TWO-FAMILY DWELLING CONSTRUCTION SITES THAT CONSIST OF LAND**
24 **DISTURBING CONSTRUCTION ACTIVITIES COVERING LESS THAN ONE ACRE**
25 **and Post-Construction Storm Water Management**

26
27 **Sec. 26-110 Construction site erosion and sediment control and performance standards**
28 **and other pollutant control requirements.**

29
30 (a) *General.*

31
32 (1) **The landowner and/or the responsible party shall comply with the construction site**
33 **erosion and sediment control conservation standards, performance standards pollutant**
34 **control requirements contained within this section to prevent or reduce the potential**
35 **deposition of soil or sediment into waters of the state, wetlands or adjacent properties.**

36
37 ~~(12) Where land-disturbing construction activities are to occur, All~~ erosion and sediment
38 control **best management** practices, shall comply with ~~county~~ **Walworth County**
39 conservation standards, to prevent or reduce the potential deposition of soil or sediment to
40 waters of the state or adjacent properties **specifically, the design criteria, standards and**
41 **specifications contained in the following:**

42
43 **a) Subchapter V of ch. NR 151, Wis. Adm. Code.**

44
45 **b) Section IV of the Field Office Technical Guide, technical notes and field**
46 **office manuals, published by the USDA Natural Resource Conservation**
47 **Service.**

48

c) Program Guidance or other technical standards and specifications developed by the State Standards Oversight Council, the Wisconsin Department of Natural Resources, the Department of Safety or Professional Services, Wisconsin Department of Transportation, other state agencies or organizations, the Southeastern Wisconsin Regional Planning Commission or the Walworth County Land Conservation Division.

~~(2) Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the erosion and sediment control practices are in place for each area to be disturbed, in accordance with the approved erosion and sediment control plan.~~

~~(3) Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70% of cover for the unpaved areas or areas not covered by a permanent structure or that employ equivalent permanent stabilization measures.~~

~~(4) Erosion and sediment control best management practices used to meet the standards of this article shall be planned, designed, installed and maintained according to County Conservation Standards, or standards approved by the Department of Commerce or the Wisconsin Department of Natural Resources, in accordance with the process under s.NR151.32 (2).~~

(b) *Mandated Practices.* Specific best management practices, complying with County Conservation Standards, shall be ~~employed~~ **used** and maintained to do all of the following at each site where land disturbing construction activities are to occur ~~shall:~~

- (1) Prevent **or reduce the deposition of** soil from being tracked onto streets by vehicles.
- (2) Prevent **or reduce** the discharge of sediment from disturbed areas into on-site storm water inlets.
- (3) Prevent the discharge of sediment from disturbed areas **into** abutting **wetlands or** waters of the state.
- (4) Prevent **or reduce** the discharge of sediment into drainage ways that flow off the site.
- (5) Prevent **or reduce** the discharge of sediment during dewatering activities.
- (6) Prevent **or reduce** the discharge of sediment **eroding** from stockpiles existing for more than 7 days.
- (7) Manage building waste, chemicals, **cement, building** materials and other compounds used on the construction site to prevent their transport by runoff to waters of the state and adjacent properties.
- (8) Prevent land ~~disturbance~~ **disturbing** activities outside of the area designated on the approved erosion and sediment control plan or ~~within the shoreyard setback areas determined by the Walworth County Zoning Division.~~

(c) *Control Standards.* Including the **mandated** practices under subsection (b), additional erosion and sediment control best management practices, complying with ~~county~~ **Walworth County** conservation standards, shall be ~~employed~~ **used** and maintained to accomplish one of the following erosion and sediment control standards:

- 1) A potential annual cumulative soil loss rate of not more than one of the following:

- a. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.
- b. Seven and half tons per acre per year, where silt, silty clay loam or silt loam textures are exposed.

~~(2) A reduction of at least 80% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves more than one or more acre.~~

~~(2) A reduction of at least 40% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of the land disturbing construction activity is to occur.~~

(d). *Soil loss prediction analysis.* Potential soil loss or the reduction in potential sediment load shall be determined using ~~an engineer~~ analytical modeling acceptable to the ~~department of Commerce~~ Wisconsin Department of Safety and Professional Services or the ~~county land conservation division~~ Walworth County Land Conservation Division.

(e) Location. The erosion and sediment control best management practices shall be located so that treatment occurs before runoff flows off the construction site.

(f) Implementation. The erosion and sediment control practices used to comply with this ordinance shall be implemented as follows:

(1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(2) Erosion and sediment control practices shall be planned, installed and maintained according to Walworth County Conservation Standards.

(3) Erosion and sediment control practices shall be maintained until final stabilization of the land disturbed has been achieved.

4) Temporary stabilization shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 days.

5) Best management practices that are no longer necessary for erosion and sediment control shall be removed by the landowner or the responsible party.

(g). Monitoring.

(1) The ~~owner or owner's agent~~ **landowner or the responsible party** shall inspect the erosion and sediment control practices for maintenance needs at all of the following intervals until final ~~or permanent~~ site stabilization:

1 (a) At least weekly

2
3 (b) Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall
4 event shall be considered to be the total amount of rainfall recorded in any
5 continuous 24-hour period.

6
7 (c) At all intervals cited on the erosion and sediment control plan.

8
9 ~~(a) The condition of the erosion and sediment control practices at the intervals~~
10 ~~specified under par. (1). and the need for any cleaning, repairing, modification or~~
11 ~~replacement.~~

12
13 ~~(b) A description and the date of the maintenance conducted to clean, repair,~~
14 ~~replace or modify erosion and sediment control practices.~~

15
16 (f) *Maintenance.* The **landowner or** the responsible party shall maintain all erosion and
17 sediment control practices necessary to meet the requirements of this ordinance until the
18 project site has undergone final site stabilization.

19
20 (1) When the failure of erosion or sediment control practices results in an immediate
21 threat of sediment entering public sewers or the waters of the state, procedures shall be
22 implemented immediately to repair or replace the practices.

23
24 (2) Sediment deposition onto any roadways or neighboring properties, resulting from the
25 failure of an erosion or sediment control practice, shall be cleaned up by the end of the
26 workday.

27
28 (3) The ~~owner or the owner's agent~~ **landowner or the responsible party** shall clean,
29 repair or replace any erosion and sediment control practice noted during the monitoring
30 interval specified in Sec. (e) within 24 hours of noting the maintenance needs.

31
32 (4) The ~~county land conservation division~~ **Walworth County Land Conservation**
33 **Division** and the ~~state department of natural resources~~ **Wisconsin Department of**
34 **Natural Resources** will be contacted before attempting to clean up any sediment
35 deposited or discharged into any waters of the state or wetlands.

36
37 (g) *Dismantling of temporary erosion and sediment control practices.* Except for
38 permanent erosion control system **practices**, the ~~owner~~ **landowner or the responsible**
39 **party** shall be responsible for dismantling **dismantle** and removing **remove** temporary
40 erosion control practices once **final stabilization has been achieved on the disturbed**
41 **areas** soil on the site. ~~is stabilized~~ A disturbed site is considered stabilized by vegetation
42 when a perennial cover has been established with a density of at least 70%.

43
44
45 **Sec. 26-111. Site drainage. and Post-construction Storm Water Management.**

46
47 (a) *Site Drainage:* Measures shall be implemented to ensure proper site drainage, prevent
48 property damage and protect health and safety. Site grading shall ensure positive flows away

1 from buildings and septic systems and minimize adverse impacts to any adjacent environmental
2 resources or properties.

3
4 (b) The ~~county erosion control inspector~~ **Walworth County Land Conservation Division** may
5 require a site drainage plan, performed by a Professional Engineer, licensed in the State of
6 Wisconsin, when the following site limitations or alterations have been noted:

- 7
8 1. Aquic conditions or saturation of A horizon of the soil.
9
10 2. Proposed plan indicates drainage conditions will be altered.
11
12 3. Historic or chronic drainage problems have been formally noted by the local
13 municipality.

14
15 ~~(e) Post-construction Storm Water Management: Storm water management practices, consistent~~
16 ~~with County Conservation Standards, shall be planned, implemented and maintained, in~~
17 ~~accordance with Article 1, section 26, of the Walworth County Code of Ordinances and s. NR-~~
18 ~~151.12, of the Wisconsin Administrative Code when the land disturbing construction activities~~
19 ~~involves one or more acres.~~

20
21 **(c) The design, installation and maintenance of piping, conveyance, venting, detention, and**
22 **treatment of storm water and clear water in the plumbing systems connected with the**
23 **dwelling, must comply with Chapter SPS 382.36 of Wis. Adm. Code, related to the**
24 **uniform standards for plumbing.**

25
26 **DIVISION 3. ADMINISTRATION, PERMIT AND PLAN REQUIREMENTS AND**
27 **ENFORCEMENT**

28
29 **Sec. 26-112. General administration.**

30 (a) The ~~county board of supervisors~~ **Walworth County Board of Supervisors** designates the
31 ~~county land conservation division~~ **authorizes the Walworth County Land Conservation**
32 **Division the authority** to administer and enforce the provisions of this ~~article~~ **ordinance.**

33
34 ~~(b) There is hereby created the position of a soil erosion control inspector to administer and~~
35 ~~enforce this article~~

36
37 ~~(e)~~**(b) Walworth County shall provide the services of a soil erosion control plan reviewer and**
38 **inspector.** The soil erosion control **plan reviewer and** inspector shall be certified by the state
39 **Wisconsin Department of Safety and Professional Services** to engage in the administration and
40 enforcement of this ~~article~~ **ordinance** and ~~Chapter Comm. 20 and Chapter Comm. 21 of the~~
41 ~~Wisconsin Administrative Code.~~

42 ~~(d)~~**(c)** The soil erosion control **plan reviewer and** inspector shall keep a record of all plan
43 reviews, permits **issued** and inspection activities.

44
45 **Sec. 26-113. Permit and plan requirements.**

46

1 No person shall commence with land disturbing activities and cause soil to be disturbed for
2 construction within the scope of this ~~article~~ **ordinance** without first obtaining a permit and
3 approval of ~~an~~ **a site-specific** erosion and sediment control plan for that work, from the ~~soil~~
4 ~~erosion control inspector.~~ **the Walworth County Land Conservation Division.**

5
6 **Sec. 26-114 Permit application procedures and erosion and sediment control plan**
7 **requirements.**

8 ~~At least one~~ **The landowner or the** ~~responsible party~~ **landowner's representative,** desiring to
9 undertake a land disturbing activity subject to this ordinance shall submit the following information
10 to the ~~county land conservation division~~ **Walworth County Land Conservation Division.**

11 (1) Permit Application.

12 (a) An application for a permit, **shall be** on a form provided by Walworth County. ~~shall~~
13 ~~be submitted to the Walworth County Land Conservation Division.~~

14
15 **(b) The permit application shall include the names and contact information for**
16 **the grading contractor, the landscape contractor and the person responsible for**
17 **implementing the erosion and sediment control plan, including any temporary**
18 **or permanent stabilization measures.**

19
20 (c) By submitting a permit application form, the ~~applicant~~ **landowner** is authorizing the
21 **staff** of the Walworth County Land Conservation Division to enter the **project** site to
22 obtain information **required for the review of the erosion and sediment control plan.**

23
24 (d) No application shall be accepted that does not contain all the information requested
25 on the application form or does not include the information listed in **sections** 26-114
26 **(2), (3), (4) and (5)** ~~(e) (d) and (f)~~ **of this ordinance.**

27
28 (2) A **site-specific** soil erosion and sediment control plan **shall be submitted to the Walworth**
29 **County Land Conservation Division** with the following information:

30
31 (a) A site plan, drawn to scale, ~~with~~ **showing** the location of the following information
32 and **features labeled:**

33 :

34 1. The location of the proposed dwelling and the location and description of
35 any other proposed or existing buildings, **accessory buildings,** driveways,
36 **walkways,** wells, sanitary disposal systems, surface waters, drainage-ways,
37 and wetland **boundary lines, concurred by the WDNR or the ACOE or**
38 **delineated by a WDNR assured delineator.** ~~100-year floodplains on the site~~
39 ~~with respect to property lines. Surface waters adjacent to the site shall be~~
40 ~~drawn and labeled on the site plan. On waterfront parcels, draw and label the~~
41 ~~shoreyard setback line on the site plan.~~

42
43 2. Delineate and label the areas of ~~any~~ **all** land disturbing activities proposed
44 on the parcel. Label and show the location of all erosion and sediment control
45 practices, ~~to be employed~~ **planned on the parcel** to comply with ~~Comm.~~
46 ~~21.125~~ **SPS 321.125** and Division 2 of this ~~article~~ **ordinance.** Label and

1 show the location and dimensions of all temporary soil stockpiles. **Label**
2 **undisturbed areas,**
3

4 3. The **existing or** pre-construction ground surface slope and ~~direction of~~
5 ~~runoff flow or~~ **existing and proposed drainage patterns, natural and**
6 **engineered drainage systems** within the proposed areas of land disturbance
7 **the construction site** shall be marked and labeled on the site plan. Land
8 disturbing activities on slopes greater than 12% shall include a grading plan
9 drawn at a 2 foot contour interval.

10
11 **4. Label the location of temporary building material storage areas and**
12 **waste storage and management areas. Label and show the location of**
13 **any concrete wash-out stations or areas, if applicable.**
14

15 **5. Label and show the location where temporary and permanent site**
16 **stabilization, including final landscaping, will be established**
17

18 **6. Affix the drafting date and name of plan preparer to the site plan.**
19

20 (b) A written plan shall include:

21
22 **1. A complete project description, including a description of the nature of the**
23 **land disturbing activities, including any demolition planned on the project**
24 **site.**
25

26 **2. Description of the existing ground cover conditions of the parcel.**
27

28 3. A project schedule and sequencing plan with the anticipated starting and
29 completion date of each land disturbing activity and the installation date of
30 erosion and sediment control measures, including temporary and permanent
31 seeding **or other site stabilization measures.**
32

33 4. A final site stabilization plan, or **landscaping plan,** with specifications for
34 temporary and permanent **final stabilization** seeding, **including seed**
35 **mixtures and rate of application,** and mulching, density, diversity and
36 maturity of plant materials, and **specifications for mulching and/or**
37 **matting.** Planting dates, **planting methods** and maintenance needs and **other**
38 **specifications or details to verify compliance with Walworth County**
39 **conservation standards should be included.**
40

41 5. The name of the initial downstream receiving water from the dwelling site
42 shall be identified.

43
44 **6. Photographs of the parcel site to document the current conditions of**
45 **the project site subject to the permit application.**
46

47 **7. Statement signed by the landowner, certifying his or her responsibility**
48 **for complying with state and federal laws concerning construction near**

1 or on wetlands and affirm the need for plan modification, wetland
2 restoration, or the potential assessment of penalties and costs that may
3 be imposed if construction activities fail to comply federal or state laws.
4

5 8) Statement signed by the landowner certifying the total area of the
6 construction site expected to be disturbed and confirming that no more
7 than one acre will be disturbed.
8

9 (3) Data required. All required plans submitted for approval should be accompanied by sufficient
10 data, calculations and information to determine if the plan will meet the erosion and sediment
11 control standards contained in Division 2 of this ~~article~~ ordinance and ~~Comm. 21.125 (3)~~
12 ~~chapter of the Wisconsin Administrative Code~~ chapter SPS 321.125 (3), of the Wis. Adm.
13 Code.
14

15 ~~(4) Storm water management plan and permit. A Walworth County approved storm water~~
16 ~~management plan and permit, pursuant to article I, shall be obtained for a site where one or~~
17 ~~more acres of land disturbing construction activity is to occur. The storm water management~~
18 ~~plan shall comply with the standards contained in NR 151.12, Comm. 20.09((4) (b) (10) and (2)~~
19 ~~and Article I of Chapter 26 of the Walworth County Code of Ordinances.~~
20

21 ~~(5 4) Federal, State and Local Permits. The landowner or the responsible party is responsible for~~
22 ~~securing all other permits and approvals required by federal, state, county and local agencies. A~~
23 ~~copy of any federal, state or local permit covering the construction project, subject to this~~
24 ~~ordinance, must be submitted to the Walworth County Land Conservation Division. This~~
25 ~~includes, but is not limited to:~~
26

27 ~~1. A permit required under Chapter 30 of the Wisconsin Statutes.~~
28

29 ~~2. Notice of Intent, consistent with Comm. 20.085 (1), for sites which have 1 or~~
30 ~~more acres of land disturbing construction activities occur during the construction~~
31 ~~of buildings and structures serving as public buildings or places of employment.~~
32

33 ~~3. A WDNR Storm Water Permit, pursuant to NR 216, Wis. Adm. Code, for sites~~
34 ~~which have 1 or more acres of land disturbing construction activities occur, and~~
35 ~~not covered in (2).~~
36

37 ~~4. A Walworth County Storm Water Management Permit, pursuant to article 1,~~
38 ~~on a project site when 1 acre or more acres of land disturbing construction~~
39 ~~activities occur.~~
40

41 a) A County Zoning Permit
42

43 b) Town, County or State road access approvals.
44

45 c) Local municipal reviews or approvals, if required.
46

47 (5) Permit application fees. A permit application fee shall be submitted to the ~~walworth county~~
48 ~~land use and resource management department~~ Walworth County Land Use and Resource

1 **Management Department** with the permit application and the construction site erosion **and**
2 **sediment** control plan. Permit application fees which defray the County cost of plan review,
3 permit administration, inspection and code enforcement, shall be determined by resolution of the
4 ~~county board, **Walworth County Board of Supervisors**, and posted by the building inspector~~
5 consistent with Article VII, Fees and Funds, Chapter 30, of the Walworth County Code of
6 Ordinances and posted by the **Walworth County** Land Use and Resource Management
7 Department.
8
9

10 **Sec. 26-115. Approval or denial of erosion and sediment control plans and permits,**
11 **issuance of permits, permit requirements and conditions, ~~and~~ permit duration, renewal**
12 **and transfer.**
13

14 (a) Approval of an erosion and sediment control plan and issuance of a permit subject to this
15 ~~article~~ **ordinance** will comply with procedures contained in ~~Comm.20.09 (5)~~ **chapter- SPS**
16 **320.09 (5)** of the Wis. Adm. Code. Action to approve or deny an erosion and sediment control
17 permit application and plan shall be completed ~~within~~ **10 working business** days of receipt of a
18 **permit application, an** erosion and sediment control plan complying with Sec.26-114 **of this**
19 **ordinance, and** all forms, fees and documents required to process the application, including
20 other **State, County, and local permitting requirements- permits required.**
21

22 **(b) Incomplete application: The Walworth County Land Conservation Division may**
23 **request additional information from the landowner or responsible party to complete the**
24 **review. If the additional information requested is submitted, the Walworth County Land**
25 **Conservation Division shall have 10 business days from the date the additional information**
26 **is received to inform the applicant that permit is either approved or denied.**
27

28 ~~(bc)~~ Denial of an application: ~~A copy of a denied application, accompanied by~~ **A** written
29 statement specifying the reasons for denial **of a permit application** shall be sent to the
30 responsible party ~~and~~ **or** to the **landowner** as specified **listed** on the **permit** application **within**
31 **10 business days of receipt of all forms, fees, plans and documents required to process the**
32 **application.** Any person aggrieved by a determination made by the Walworth County Land
33 Conservation Division, may appeal the decision to the ~~Department of Commerce~~ **Walworth**
34 **County Land Use and Resource Management Department,** following the procedures
35 contained in ~~Comm 20.19 and Comm 20.21~~ of the Wis. Adm. Code, **using the procedures**
36 **prescribed in Wis. Stats. §68. Appeals of a final determination by the Walworth County**
37 **Land Use and Resource Management Department shall filed with the Department of Safety**
38 **and Professional Services within 10 business days of the date the final determination was**
39 **rendered.**
40

41 ~~(ed)~~ Permit conditions ~~requirements~~: The conditions of approval of a permit subject to this
42 article ordinance will be indicated by a letter, written on the permit application or on the permit.
43 All conditions of the approval shall be met during construction. **All permits shall require the**
44 **landowner or the responsible party to:**
45

46 **1. Obtain all required local, state and federal permit necessary prior to**
47 **commencing any construction activity on the parcel.**
48

1 **2. Notify the Walworth County Land Conservation Division within 48 hours of**
2 **commencing any land disturbing construction activity on the parcel.**

3
4 **3. Notify the Walworth County within 14 days of completion of the project and**
5 **site stabilization and submit photos of the completed project to verify completed**
6 **stabilization.**

7
8 **4. Obtain approval, in writing, from the Walworth County Land Conservation**
9 **Division prior to any modification of the project plan, erosion and sediment**
10 **control plan or project schedule or sequencing plan.**

11
12 **5. Limit land disturbing activities to the areas shown on the approved plan.**

13
14 **6. Install and maintain all erosion control best management practices identified**
15 **in the approved erosion and sediment control plan.**

16
17 **7. Inspect the condition of the construction site and all of the best management**
18 **practices within 24 hours after each rainfall event of 0.5 inches or more which**
19 **results in runoff during active construction periods, and at least once each week.**
20 **Make needed repairs and install additional best management practices as**
21 **necessary. An inspection log will be maintained to record the inspections and**
22 **repairs conducted, if requested by the Walowrth County Land Conservation**
23 **Division The inspection log will include the date of the inspection, the name of the**
24 **person conducting the inspection, a description of the of the phase of the**
25 **construction at the time of the inspection and any repairs, clean-up or modifications**
26 **made to erosion and sediment control best management practices.**

27
28 **8. Repair any siltation or erosion damage to adjoining properties or drainage ways**
29 **resulting from land disturbing activities and document repairs in a site**
30 **inspection log.**

31
32 **9. Allow the Walworth County Land Conservation Division staff to enter the**
33 **project site, for the purposes of inspection for compliance with the approved**
34 **construction site erosion control plan and permit and the provisions of this**
35 **ordinance.**

36
37 **9. Keep a copy of the construction site erosion and sediment control plan at the**
38 **construction site.**

39
40 **(e) Permit Conditions. Permits approved and issued under this ordinance may include**
41 **specific conditions established by the Walworth County Land Conservation Division in**
42 **addition to the permit requirements set forth in sub. (1) when needed to assure compliance**
43 **with the performance standards listed in Division 2 of this ordinance. Permit conditions**
44 **will be listed as conditions of approval on the permit.**

45
46
47

1 ~~(ef)~~ *Permit duration:* A permit issued pursuant to this article ~~ordinance~~ will expire ~~24 months~~
2 after issuance. shall be valid for a period of 180 days, or the length of the building permit or
3 other construction authorization, whichever is longer, from the date of issuance. The
4 Walworth County Land Conservation Division may grant one or more permit extensions
5 not to exceed 180 days cumulatively, using the permit amendment process.
6

7 *(g) Permit amendment.* The Walworth County Land Conservation Division may amend a
8 permit issued under this ordinance, including extending the permit expiration date, if
9 requested in writing. The landowner or the landowner's representative must request the
10 permit renewal or amendment at least 2 weeks prior to the permit expiration date on a
11 form provided by the Walworth County Land Conservation Division and pay the
12 corresponding fee. The Walworth County Land Conservation Division may request the
13 implementation of additional erosion and sediment control measures and plan
14 implementation information prior to granting the permit amendment.
15

16 *(h) Permit transfer.* Prior to the expiration date of a permit issued under this ordinance,
17 the Walworth County Land Conservation Division may transfer a permit to a new
18 landowner, upon written request and payment of the applicable permit transfer fee. The
19 new landowner must certify acceptance of the permit conditions and the approved erosion
20 and sediment control plan or submit a revised erosion and sediment control plan for
21 approval. The revised erosion and sediment control plan must comply with the plan
22 requirements listed in Section 26-114 of this ordinance.
23

24 **Section 26-116. Notice of Termination.** ~~The owner or the owner's agent shall submit a notice~~
25 ~~of termination to Walworth County when land disturbing construction activity involves one or~~
26 ~~more acres and all of the following have occurred:~~
27

- 28 a. ~~All land disturbing construction activities have ceased.~~
- 29 b. ~~All disturbed areas have been stabilized with a uniform perennial cover with a density of~~
30 ~~at least 70% of cover for the unpaved areas and areas not covered by permanent~~
31 ~~structures or that employ equivalent permanent stabilization measures.~~
- 32 c. ~~All temporary erosion and sediment control practices have been removed.~~
33

34 **Sec. ~~26-117~~ 26-116. Enforcement, violations and penalties.**
35

36 ~~An owner or the owner's agent is subject to the following enforcement actions and penalties, if~~
37 ~~land disturbing construction activities are found to be in violation of this article.~~
38

39 **a) Prohibited practices shall include, but are not limited to the following:**
40

- 41 **1. Commencing any land disturbing activity, subject to this ordinance, prior to**
42 **obtaining a Walworth County Construction Site Erosion Control Permit.**
- 43 **2. Failing to install the erosion and sediment control best management practices**
44 **identified in the approved plan, prior to commencing any land disturbing**
45 **construction activity, subject to this ordinance.**
- 46 **3. Failing to limit land disturbing activities to the areas shown on the approved**
47 **plan.**
- 48 **4. Failing to comply with any requirement or condition of the permit approval.**

1 **5. Failing to maintain erosion and sediment control measures until final**
2 **stabilization.**

3 **6. Failure to comply with any notice of noncompliance or violation.**
4
5

6 **b) Violations. Not complying with any requirement of this ordinance shall be deemed a**
7 **violation. A landowner or the responsible party is subject to the enforcement actions and**
8 **penalties described in this section, if land disturbing construction activities are found to be**
9 **in violation with any requirement of this ordinance.**

10
11 **The Walworth County Land Conservation Division shall notify the landowner and the**
12 **responsible party of any violation in writing. The Walworth County Land Conservation**
13 **Division is authorized to use the following methods of enforcement, in any combination,**
14 **against a landowner or the responsible party that is found in violation of any requirement**
15 **or provision of this ordinance.**
16

17 (1) ~~Notice of compliance and noncompliance.~~ A notice of ~~compliance or noncompliance~~ with
18 this ~~code~~ **ordinance** shall be ~~written on the building permit and~~ posted at the job site. Upon a
19 finding of noncompliance, the **Walworth** County Soil Erosion Inspector shall notify the
20 applicant **landowner**, of record and the owner **responsible party**, in writing, of the violations to
21 be corrected. The time period allowed for compliance with the erosion and sediment control
22 provisions of this ~~code~~ **ordinance** shall be based on the severity of the noncompliance in
23 relation to soil loss or potential damage to the waters of the state or adjacent properties.
24

25 ~~(b2) Stop-work and cease and desist orders.~~ The **Walworth** County Land Conservation
26 **Division** may issue a special order directing the immediate cessation of work on a one-or two-
27 family dwelling until the necessary plan **and permit** approval is obtained or until the site
28 complies with the erosion and sediment control **requirements or** provisions of this ~~code~~
29 **ordinance**. Any person who continues to work on a one-or two family dwelling after being
30 given written notice to stop-work or **a** cease and desist order shall be in violation of this ~~article~~
31 **ordinance**. Construction may resume once the erosion and sediment control compliance
32 corrections are completed.
33

34 ~~(e3) Ordinance Citations.~~ Any person violating any provisions of this ~~article~~ **ordinance** shall be
35 subject to forfeiture in accordance with ~~chapter~~ **Chapter** 14 of the **Walworth** County Code of
36 Ordinances for each violation. Each day a violation exists shall constitute a separate offense.
37

38 ~~(e4) Injunction.~~ Compliance with the provisions of this ~~article~~ **ordinance** may also be enforced
39 by injunction, or other legal proceedings.
40

41 ~~(e5) Suspension or revocation of permit.~~ **The** Walworth County **Land Conservation Division**
42 may suspend or revoke any Wisconsin uniform building permit **a construction site erosion**
43 **control permit**, where it appears ~~that~~ the permit was obtained through fraud or deceit, where the
44 applicant has willfully refused to correct a violation order, or where the **Walworth** County Soil
45 Erosion Inspector is denied access to the premises.

1 **Sec. 26-118. Compliance Inspection Fees**

2 (a) The ~~county land conservation division~~ **Walworth County Land Conservation Division** may
3 assess an inspection fee, to cover the cost to conduct a site inspection performed by the ~~division staff~~
4 **Division Staff** to assess the status of a project site in violation of this ~~article~~ **ordinance**.

5
6 (b) The inspection fee shall be established by the Walworth County Board of Supervisors, pursuant
7 to ~~chapter~~ **Chapter** 30 of the Walworth County Code of Ordinances. **Landowners and/or**
8 responsible parties subject to an inspection fee, are limited to those where formal enforcement
9 action has been undertaken and the **landowner and/or** responsible party has been issued a notice
10 of non-compliance, an ordinance citation, a cease and desist order, or is under an order or judgment
11 issued by a court with jurisdiction.

12
13 **Sec. 26-119. Appeals.** The Walworth County Board of Adjustment created pursuant to Wis. Stats.
14 §59.694, and chapter 74, ~~County Zoning~~ of the Walworth County Code of Ordinances, and
15 functioning in accordance with Wis. Stats. §68, shall hear and decide appeals where it is alleged that
16 there is error in an order, decision or determination made by the ~~county land conservation division~~
17 **Walworth Land Conservation Division** in administering this ~~article~~ **ordinance**. Upon appeal, the
18 ~~board~~ **Walworth County Board of Adjustment** may authorize variances from the provisions of
19 this ~~article~~ **ordinance** that are not contrary to the public interest, and where owing to special
20 conditions a literal enforcement of the ~~article~~ **ordinance** will result in unnecessary hardship.

21
22 **Sec. 26-120. Severability.** If any section, clause, provision or portion of this ordinance is judged
23 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall
24 remain in force and not be affected by such judgment.

25
26 **Sec. 26-121. Adoption and effective date.**

27
28 This ordinance and any amendment shall be in force and effective after a public hearing, a recommendation
29 from the **Walworth** County Land Conservation Committee, adoption by the County Board of Supervisors,
30 and publication.

31
32
33
34
35