

TOWN OF GRAND CHUTE
ORDINANCE, SERIES OF O-13-2017

AN ORDINANCE AMENDING EXISTING CHAPTER 275 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY REPEALING AND RECREATING ARTICLES I, II AND III OF THIS CHAPTER, PERTAINING TO EROSION AND SEDIMENT CONTROL.

WHEREAS, Chapter 275 of the Town of Grand Chute Municipal Code regulates construction erosion and sediment control; and,

WHEREAS, The Town of Grand Chute has determined the need to amend said Municipal Code for purposes of furthering the maintenance of safe and healthful conditions; preventing and controlling water pollution; preventing and controlling soil erosion; protecting spawning grounds, fish and aquatic life; controlling building sites, placement of structures and land uses; preserving ground cover and scenic beauty; and, promoting sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the State in the Town of Grand Chute.

NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 275, Articles I, II, and III of the Town of Grand Chute Municipal Code be hereby repealed and recreated as shown on the attached Exhibit "A".

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 5 day of September, 2017

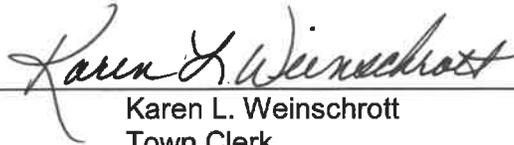
Number Voted For 4

Number Voted Against 0

Town of Grand Chute



David A. Schowalter
Town Chairman



Karen L. Weinschrott
Town Clerk

Approved as to form:

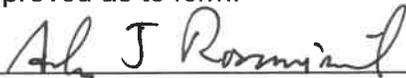
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Exhibit "A"

TOWN OF GRAND CHUTE

ORDINANCE SERIES OF O-13-2017

AN ORDINANCE AMENDING EXISTING CHAPTER 275 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY REPEALING AND RECREATING ARTICLES I, II AND III OF THIS CHAPTER, PERTAINING TO EROSION AND SEDIMENT CONTROL.

ARTICLE I

General Requirements

§ 275-1. Authority; effect on other laws.

- A. This chapter is adopted by the Town of Grand Chute Board under the authority granted by § 60.627, Wis. Stats. This chapter supersedes all provisions of an ordinance previously enacted under § 60.62, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in § 60.627, Wis. Stats., the provisions of § 60.62, Wis. Stats. apply to this chapter and to any amendments to this chapter.
- B. The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- C. The Town of Grand Chute Board hereby designates the Plan Commission and the Community Development Department to administer and enforce the provisions of this chapter.
- D. The requirements of this chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§ 281.16 and 283.33, Wis. Stats.
 - (2) Targeted performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

§ 275-2. Findings of fact.

The Town of Grand Chute Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the Town of Grand Chute.

§ 275-3. Purpose.

It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and, promote sound economic growth, by minimizing the amount of sediment

and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the State in the Town of Grand Chute.

§ 275-4. Applicability and jurisdiction.

A. Applicability.

- (1) Where not otherwise limited by law, this chapter applies to all construction sites, unless the site is otherwise exempt pursuant to § 275-4A(2) or (3):
 - (a) A permit is required for a construction site with 4,000 square feet or greater of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this chapter for a permitted site, including the performance standards pursuant to § 275-7B, the permit requirements pursuant to § 275-8, and the plan requirements pursuant to § 275-9.
 - (b) A permit is not required for a construction site with less than 4,000 square feet of land disturbing construction activity. However, the responsible party shall comply with all applicable provisions of this chapter for a non-permitted site, including the performance standards pursuant to § 275-7A.
 - (c) Notwithstanding the applicability requirements in § 275-4A(1)(a) and (b), a permit is required for a construction site with less than 4,000 square feet of land disturbing construction activity if the administering authority determines that permit coverage is needed in order to improve chapter compliance, meet targeted performance standards, or protect waters of the State. If it is determined that a permit is required, the responsible party shall comply with all applicable provisions of this chapter pertaining to a permitted site, including the performance standards pursuant to § 275-7B, the permit requirements pursuant to § 275-8, and the plan requirements pursuant to § 275-9.
 - (d) Utility work and other disturbances of a continuous distance of 100 feet of road ditch, nonagricultural grass waterway or other nonagricultural land area where drainage occurs in a watercourse.
- (2) This chapter does not apply to the following:
 - (a) Nonpoint discharges from agricultural activity areas.
 - (b) Nonpoint discharges from silviculture activities.
- (3) A construction site exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR 122, for land disturbing construction activity, shall comply with the performance standards pursuant to § 275-7A, if less than one (1) acre of land disturbing construction activity. The performance standards pursuant to § 275-7B, permit requirements pursuant to § 275-8, and plan requirements pursuant to § 275-9 are not applicable.

- B. Jurisdiction. This chapter applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the Town of Grand Chute.
- C. Exclusions. This chapter is not applicable to activities conducted by a state agency, as defined under § 227.01(1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under § 281.33(2), Wis. Stats.

§ 275-5. Definitions.

- A. For the purpose of this chapter, the following shall apply as indicated throughout the chapter:
 - (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
 - (2) The present tense includes the future tense, and the singular includes the plural.
 - (3) The word "shall" is mandatory; the word "may" is permissive.
 - (4) The word "used" or "occupied" also means intended, designed or arranged to be used or occupied.
- B. Definition of terms. For the purpose of this chapter, the following terms are defined:

ADMINISTERING AUTHORITY

A governmental employee or their designees empowered under § 60.627, Wis. Stats., to administer this chapter. For the purpose of this chapter, it is the Town of Grand Chute Community Development Department under guidance from the Plan Commission.

AGRICULTURAL ACTIVITY AREA

The part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

AGRICULTURAL PRODUCTION AREA

The part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

ATLAS 14

The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

BEST MANAGEMENT PRACTICES

Structural or non-structural measures, practices, techniques or devices employed to avoid or

minimize soil, sediment or pollutants carried in runoff to waters of the State. Also referred to as "BMPs".

BUSINESS DAY

A day the office of the administering authority is routinely and customarily open for business.

CEASE AND DESIST ORDER

A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

COMMON PLAN OF DEVELOPMENT OR SALE

A development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

CONSTRUCTION SITE

An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development.

DESIGN STORM

A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. The TP-40, Type II, 24-hour design storms for Town of Grand Chute are: 1-year, 2.2 inches; 2-year, 2.5 inches; 5-year, 3.3 inches; 10-year, 3.8 inches; 25-year, 4.4 inches; 50-year, 4.9 inches; and, 100-year, 5.3 inches. The Atlas 14, MSE4, 24-hour design storms for the Town of Grand Chute are: 1-year, 2.14 inches; 2-year, 2.45 inches; 5-year, 3.01 inches; 10-year, 3.51 inches; 25-year, 4.24 inches; 50-year, 4.85 inches; and, 100-year, 5.50 inches.

DEVELOPMENT

Residential, commercial, industrial, institutional, or other land uses and associated roads.

DIVISION OF LAND

The creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five (5) year period.

EROSION

The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN

A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

EXTRATERRITORIAL

The unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

FINAL STABILIZATION

The point in time when all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

GOVERNING BODY

Town Board of Supervisors, County Board of Supervisors, City Council, Village Board of Trustees or Village Council.

LAND DISTURBING CONSTRUCTION ACTIVITY

Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of pollutants into the municipal separate storm sewer or waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling. Also referred to as "disturbance".

MAXIMUM EXTENT PRACTICABLE

The highest level of performance that is achievable but is not equivalent to a performance standard identified within this chapter. Maximum extent practicable applies when the permit applicant demonstrates to the administering authority's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. Also referred to as "MEP".

MSE4 DISTRIBUTION

A specific precipitation distribution developed by the USDA, NRCS, using precipitation data from Atlas 14.

OFF-SITE

Located outside the property boundary described in the permit application.

ON-SITE

Located within the property boundary described in the permit application.

PERFORMANCE STANDARD

A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT

A written authorization by the administering authority to the applicant, granting permission to conduct land disturbing construction activity or to discharge post-construction runoff to waters

of the State.

PERMIT ADMINISTRATION FEE

A sum of money paid to the administering authority by the permit applicant for the purpose of recovering the expenses incurred by the authority in administering the permit

POLLUTANT

Has the meaning given in § 283.01(13), Wis. Stats.

POLLUTION

Has the meaning given in § 281.01(10), Wis. Stats.

PROTECTIVE AREA

An area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. For the purposes of this article, a protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

RESPONSIBLE PARTY

Any entity holding fee title to a property or performing services to meet the performance standards of this chapter through a contract or other agreement.

RUNOFF

Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

SEDIMENT

Settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

SEPARATE STORM SEWER

A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- A. Is designed or used for collecting water or conveying runoff.
- B. Is not part of a combined sewer system.
- C. Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- D. Discharges directly or indirectly to waters of the State.

SILVICULTURE ACTIVITIES

Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

SITE

The entire area included in the legal description of the property on which the land disturbing construction activity is proposed in the permit application.

STOP-WORK ORDER

An order issued by the administering authority that requires all construction activity on the site be stopped.

TARGETED PERFORMANCE STANDARD

A performance standard that will apply in a specific area, where additional practices beyond those contained in this chapter, are necessary to meet water quality standards. A total maximum daily load is an example of a targeted performance standard.

TECHNICAL STANDARD

A document that specifies design, predicted performance, and operation and maintenance specifications for a BMP, material, device or method.

TOTAL MAXIMUM DAILY LOAD

The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard. Also referred to as "TMDL".

TP-40

The Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55

The United States department of agriculture, natural resource conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

TYPE II DISTRIBUTION

A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973", which is incorporated by reference for this chapter. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

WATERS OF THE STATE

Has the meaning given in § 283.01(20), Wis. Stats.

ARTICLE II

Technical Requirements

§ 275-6. Technical standards.

- A. Design criteria, standards and specifications. All BMPs required to comply with this chapter shall meet the design criteria, standards and specifications based on any of the following:
- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subch. V of § NR 151, Wis. Adm. Code.
 - (2) Technical standards and other guidance identified within the Town of Grand Chute Erosion and Sediment Control Reference Guide.
 - (3) Soil loss prediction tools, such as the Revised Universal Soil Loss Equation 2 (RUSLE2), that estimate the sediment load leaving the site under varying land and management conditions may be used to show compliance with the sediment performance standards pursuant to § 275-7B of this chapter.
 - (4) In this chapter, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a Type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- B. Other standards. Other technical standards not identified in in this chapter may be used, provided that the methods have been approved by the administering authority.

§ 275-7. Performance standards.

- A. Non-permitted sites.
- (1) Responsible party. The landowner of the construction site, or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs, is a responsible party and shall comply with the requirements of this chapter.
 - (2) Requirements. At each site where land disturbing construction activity is to occur, BMPs shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into stormwater inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the State.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.

- (f) The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
 - (g) The discharge of on-site chemicals, cement and other building compounds and materials into waters of the State or off-site separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this chapter.
- (3) Location. BMPs shall be located so that treatment occurs before runoff enters waters of the State and off-site separate storm sewers. However, projects that require BMP placement in waters of the State, such as a turbidity barrier, are not prohibited by this chapter.
- (4) Implementation. The BMPs used to comply with the requirements of this chapter shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing construction activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (5) Alternate requirements. The administering authority may establish erosion and sediment control requirements more stringent than those set forth in this chapter, if the administering authority determines that an added level of protection is needed to protect resources.

B. Permitted sites.

- (1) Responsible party. The landowner or other person performing services to meet the performance standards of this chapter, through a contract or other agreement with the landowner, is a responsible party and shall comply with the requirements of this chapter.
- (2) Plan. A written erosion and sediment control plan shall be developed and implemented by the responsible party in accordance with § 275-9 of this chapter, and shall meet all other applicable requirements contained herein.
- (3) Requirements. The erosion and sediment control plan shall meet all of the following:

- (a) The plan shall use BMPs to prevent or reduce all of the following:
- [1] The deposition of soil from being tracked onto streets by vehicles.
 - [2] The discharge of sediment from disturbed areas into stormwater inlets.
 - [3] The discharge of sediment from disturbed areas into adjacent waters of the State.
 - [4] The discharge of sediment from drainage ways that flow off the site.
 - [5] The discharge of sediment by dewatering activities.
 - [6] The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.
 - [7] The discharge of sediment from erosive flows at outlets and in downstream channels.
 - [8] The discharge of on-site chemicals, cement and other building compounds and materials into waters of the State or off-site separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this chapter.
 - [9] The discharge of untreated wash water from vehicle and wheel washing into waters of the State or off-site separate storm sewers.
- (b) For sites with one acre or more of land disturbing construction activity, the plan shall meet the following sediment performance standards:
- [1] BMP's that, by design, discharge no more than five (5) tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - [2] Except as provided in § 275-7B(6), the administering authority may not require any person to employ more BMPs than are needed to meet the five (5) tons per acre per year sediment performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the sediment performance standard. The administering authority may give credit toward meeting the sediment performance standard for limiting the duration and/or area of land disturbing construction activity, or for other appropriate mechanisms.
 - [3] Notwithstanding the provisions in § 275-7B(3)(b)[1] and [2], if BMPs cannot be designed and implemented to meet the five (5) tons per acre per year sediment performance standard, the plan shall include a written, site-specific explanation

of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (c) The plan shall incorporate all of the following preventative measures:
 - [1] Maintenance of existing vegetation, especially adjacent to surface waters, whenever possible.
 - [2] Minimization of soil compaction and preservation of topsoil.
 - [3] Minimization of land disturbing construction activity on slopes of 20% or more.
 - [4] Development of spill prevention and response procedures.
- (4) Location. BMPs shall be located so that treatment occurs before runoff enters waters of the State and off-site separate storm sewers. However, projects that require BMP placement in waters of the State, such as a turbidity barrier, are not prohibited by this chapter.
- (5) Implementation. The BMPs used to comply with the requirements of this chapter shall be implemented as follows:
 - (a) In accordance with the plan developed pursuant to § 275-9, the erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing construction activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (6) Targeted performance standards. The administering authority may establish numeric water quality requirements that are more stringent than those set forth in § 275-7B(3) in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.
- (7) Alternate requirements. The administering authority may establish erosion and sediment control requirements more stringent than those set forth in this chapter if the administering authority determines that an added level of protection is needed to protect

resources. Additionally, the administering authority may establish erosion and sediment control requirements less stringent than those set forth in this chapter, if the administering authority determines that less protection is needed to protect resources. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by Wisconsin Department of Natural Resources under § NR 151, Wis. Adm. Code. The established additional requirements shall be provided to the applicant in writing.

§ 275-8. Permitting requirements, procedures and fees.

- A. Permit required. When a permit is required, no responsible party may undertake a land disturbing construction activity without prior approval of an erosion and sediment control plan for the site and receipt of a permit from the administering authority.
- B. Permit application and fees. When a permit is required, any responsible party desiring to undertake a land disturbing construction activity shall submit to the approving authority a permit application made on a form provided by the administering authority for that purpose. Unless otherwise excepted by this chapter, a permit application must be accompanied by an erosion and sediment control plan that meets the requirements set forth in § 275-9, and a non-refundable permit administration fee established by the Town of Grand Chute as set forth in § 275-10.
- C. Review and approval of permit application. The administering authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) If the permit application and plan are approved, the administering authority shall issue the permit.
 - (2) If the permit application or plan is disapproved, the administering authority shall state in writing the reasons for disapproval.
 - (3) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall inform the applicant that the plan is either approved or disapproved.
- D. Financial guarantee. As a condition of approval and issuance of the permit, the administering authority may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions. The financial guarantee shall be in an amount determined by the administering authority to be the estimated cost of construction and the estimated cost of maintenance of the practices called for in the erosion and sediment control plan. The administering authority may require the site to be certified by a licensed professional engineer. The financial guarantee shall grant the administering authority the authorization to use the funds to complete the erosion and sediment control practices if the responsible party defaults or does not properly implement the approved erosion and sediment

control plan, upon written notice by the administering authority that the requirements of this chapter have not been met.

(1) The administering authority shall release the portion of the financial guarantee established under this chapter, less any costs incurred by the administering authority to complete installation of practices, upon submission of "as-built plans" by a licensed professional engineer. The administering authority may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

E. Permit requirements. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification to the responsible party. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with the provisions in § 275-13 of this chapter.

(1) Notify the administering authority within 48 hours of commencing any land disturbing construction activity.

(2) Obtain permission in writing from the administering authority prior to any modification of the erosion and sediment control plan, pursuant to § 275-9B of this chapter.

(3) Install all BMPs as identified in the approved erosion and sediment control plan.

(4) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(5) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities, and document repairs in weekly inspection reports.

(6) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of the individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and, a description of the present phase of land disturbing construction activity at the construction site.

(7) Allow the administering authority to enter the site for the purpose of inspecting for compliance with the erosion and sediment control plan or, for performing any work necessary to bring the site into compliance with said plan. Keep a copy of the erosion

and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.

(8) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.

F. Permit conditions. Permits issued under this chapter may include conditions established by the administering authority, in addition to the requirements set forth in § 275-8E, where it is determined necessary to assure compliance with the performance standards set forth in § 275-7.

G. Permit duration. Permits issued under this chapter shall be valid for a period of 180 days from the date of issuance, or the length of the building permit or other construction authorizations, whichever is longer. The administering authority may extend the period one or more times for up to an additional 180 days. The administering authority may require additional BMPs as a condition of the extension if they are determined necessary to meet the requirements of this chapter.

H. Maintenance. The responsible party shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

I. Alternate requirements. The administering authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of land disturbing construction activity.

§ 275-9. Erosion and sediment control plan.

A. Plan requirements. The erosion and sediment control plan required under the provisions of § 275-7B shall comply with the Town of Grand Chute Erosion and Sediment Control Reference Guide, and contain at a minimum the following information:

(1) Name, address, and telephone number of the landowner and responsible parties.

(2) A legal description of the property proposed to be developed.

(3) A site map with property lines, disturbed limits, and drainage patterns.

(4) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.

(5) Performance standards applicable to the site.

(6) Proposed best management practices.

(7) Erosion and sediment control plan narrative.

(8) Construction sequence and construction schedule.

- (9) The erosion and sediment control plan shall include, at a minimum, the items specified in the Town of Grand Chute Erosion and Sediment Control Reference Guide and RUSLE2.
- B. Amendments. The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (1) There is a change in design, construction, operation, maintenance or schedule at the site, which has the reasonable potential for the discharge of pollutants to waters of the State or off-site separate storm sewers, and which has not otherwise been addressed in the plan.
 - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The administering authority notifies the applicant of changes needed in the plan.
- C. Alternate requirements. The administering authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of disturbance.

ARTICLE III

Administration

§ 275-10. Fee schedule.

Fees referred to in this chapter shall be established by the Town of Grand Chute Board and may be modified from time-to-time. A schedule of the fees established by the Town Board shall be available for review upon request.

§ 275-11. Inspection.

The administrative authority may enter and inspect any site at which land disturbing construction activities are being carried out, pursuant to the provisions of §§ 66.0119(1), (2) and (3), Wis. Stats.

§ 275-12. Enforcement.

- A. The administering authority may post a stop-work order if any of the following occurs:
- (1) Any land disturbing construction activity is being undertaken without a permit at a site for which a permit is required, pursuant to § 275-4A of this chapter.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
 - (4) Any land disturbing construction activity is in violation of the requirements in this chapter.

- B. The administering authority may revoke a permit issued under this chapter if the responsible party does not cease activity as required in a stop-work order, or fails to comply with the erosion and sediment control plan, or any permit conditions.
- C. The administering authority is authorized to request that the Town Attorney obtain a cease and desist order in any court of jurisdiction if the responsible party, after being issued a stop-work order, fails to cease land disturbing construction activity that is in violation of the requirements in this chapter.
- D. The administering authority may retract a stop-work order issued pursuant to § 275-12A, or a permit revocation pursuant to § 275-12B.
- E. After posting a stop-work order pursuant to § 275-12A, the administering authority may issue a notice to the responsible party of its intent to perform work necessary to comply with the requirements of this chapter. The administering authority may enter upon the land and perform the work or other operations necessary to bring the condition of said land into compliance. The costs of any work performed by the administering authority, plus interest at the rate authorized by the Town of Grand Chute Board, shall either be billed to the responsible party or recovered from the financial guarantee provided for that purpose. In the event a responsible party fails to provide the required payment amount and no financial guarantee has been established, or where such a financial guarantee is insufficient to cover these costs, the administering authority shall enter the amount due on the tax rolls and collect the money as a special charge against the property, pursuant to Subch. VII of § 66, Wis. Stats.
- F. Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture as provided in the Uniform Forfeiture and Bond Schedules per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- G. Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

§ 275-13. Appeals.

- A. Appeals. The Town of Grand Chute Plan Commission, created pursuant to § 16-2 of The Town of Grand Chute Municipal Code, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the administering authority in administering this article. The Plan Commission shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Plan Commission may authorize variances from the provisions of this article that are not contrary to the public interest, and where owing to special conditions, a literal enforcement of the article will result in unnecessary hardship.
- B. Who may appeal. Appeals to the Plan Commission may be taken by any aggrieved person or by any office, department, board, or bureau of the Town of Grand Chute affected by any decision of the administering authority.

§ 275-14. Variances.

In any particular case where a landowner can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this chapter would cause unnecessary hardship, the Plan Commission may grant a variance from the provisions of this chapter, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town of Grand Chute. No variance shall be granted by the Commission that is contrary to provisions of the Wisconsin Administrative Code or the Wisconsin Statutes.

§ 275-15. Limitations on municipal responsibility.

Nothing in this chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Town of Grand Chute than those minimum requirements specifically required by State of Wisconsin Statutes and Department of Natural Resources regulations.