

GENERAL CODE OF SAUK COUNTY, WISCONSIN
ORDINANCE AMENDMENT # 4-2022

Ordinance Amendment to adopt a new Sauk County Zoning Ch. 51 Erosion Control and Stormwater Management Ordinance and to Amend Section 20.07, Chapter 20, Uniform Citation Ordinance

Ordinance Amendment offered by Land Resources and Environment Committee

BACKGROUND:

The Land Resources and Environment Department has created Ch. 51 Erosion Control and Stormwater Management Ordinance for implementation in unincorporated areas of Sauk County that have adopted County Zoning pursuant to Wis Stats. §. 59.59. The purpose of this ordinance is to promote and protect the public health, safety, and general welfare of County citizens through the establishment of construction site erosion control and stormwater management in public and private property with the following objectives: protect water resources including but not limited to navigable waters, wetlands, floodplain, and groundwater; minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding, and thermal impacts of water resources; promote infiltration and groundwater recharge; minimize impacts to surrounding land uses and natural resources during and post-construction; and, protect public and private property from runoff and erosion affected by construction activities. With the adoption of this Chapter 51, additions are needed to update Chapter 20 to allow enforcement and compliance of the newly adopted chapter.

WHEREAS, Sauk County is granted the authority to enact an Erosion Control and Stormwater Management Ordinance pursuant to Wis. Stats. §59.693(2) and Wis. Stats. §281.33; and,

WHEREAS, this ordinance strictly conforms with and does not preempt or supersede the more stringent erosion and sediment control standards as required by Wis. Stats. §281.33(3m) and the Wisconsin Department of Natural Resources NR 151; and,

WHEREAS, this ordinance is applicable to all unincorporated areas of the County in which general zoning has been adopted and pursuant to Wis. Stats. §59.693(4) does not require approval and is not subject to disapproval by any town or town board; and,

WHEREAS, this ordinance supersedes all provisions of an ordinance enacted under Wis Stats. §. 59.59 that relate to construction site erosion control or storm water management regulation; and,

WHEREAS, the Land Resources and Environment Committee held a public hearing on March 22, 2022 and recommended approval of the ordinance amendments as presented; and,

NOW, THEREFORE, THE SAUK COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 51 is a new chapter attached as exhibit A and Chapter 20 of the General Code of Sauk County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

1. Chapter 51: Erosion Control and Stormwater Management: Exhibit A Attached
2. Section 20.07 of the County Code of Ordinances is amended to read:

(21) Chapter 51: Erosion Control and Stormwater Management; Pursuant to Section 51.22(4) which authorizes forfeitures of not less than \$200.00 nor more than \$1,000.00 for each offense together with the costs of action. Each section of the ordinance that is in violation and each day of continued violation is a separate offense.

	<u>Forfeiture</u>	<u>Provisions, Descriptions and Section Numbers</u>
(a)	<u>\$200.00</u>	<u>First violation in a 365-day period</u>
(b)	<u>\$500.00</u>	<u>Second violation in a 365-day period</u>
(c)	<u>\$750.00</u>	<u>Third violation in a 365-day period</u>
(d)	<u>\$1,000.00</u>	<u>Fourth and subsequent violations in two years</u>

Approved for presentation to the County Board by the Land Resources and Environment Committee this 19th day of April, 2022.

Consent Agenda Item: ☐ YES ☐ NO

Fiscal Impact: ☐ None ☒ Budgeted Expenditure ☐ Not Budgeted

Vote Required: Majority = X 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes X No _____ as reviewed by the Corporation Counsel, [Signature], Date: 04.12.2022.

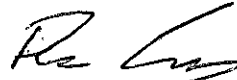
Offered and passage moved by: Land Resources and Environment Committee

[Signature]
MARTY KRUEGER, Chair

[Signature]
PETER KINSMAN, Vice Chair

[Signature]
DENNIS POLIVKA

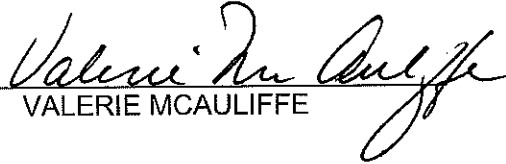
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ROSS CURRY



ROB NELSON



VALERIE MCAULIFFE

BRANDON LOHR



RANDALL PUTTKAMER

Fiscal Note: There is an estimated annual revenue of \$9,000 in erosion control permits and \$1,000 in stormwater permits. The 2022 LRE Budget does account for staff time associated with the review of permits and ordinance enforcement. *KPB*

MIS Note:

Chapter 51

Erosion Control and Stormwater Management

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- 51.04 Findings of Fact
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SUBCHAPTER I: GENERAL PROVISIONS

51.00 AUTHORITY.

- 1) This ordinance is enacted pursuant to the authority granted by Wisconsin Statutes, including, but not limited to, Wis. Stat. § 59.693, and §281.33(3m). This ordinance supersedes all provisions of any ordinance previously enacted by Sauk County that relate to construction site erosion control and stormwater management.
- 2) This ordinance will not preempt or supersede the more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - a) Wisconsin Department of Natural Resources Administrative Rules, include those authorized or promulgated pursuant to 281.16 and 283.33, Wis. Stats.
 - b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Admin. Code.

51.01 PURPOSE. To promote and protect the public health, safety, and general welfare through the establishment of construction site erosion control and stormwater management in public and private property with the following objectives:

- 1) Protect water resources including but not limited to navigable waters, wetlands, floodplain, and groundwater.
- 2) Minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding, and thermal impacts of water resources.
- 3) Promote infiltration and groundwater recharge.
- 4) Minimize impacts to surrounding land uses and natural resources during and post-construction.
- 5) Protect public and private property from runoff and erosion affected by construction activities.

51.02 JURISDICTION.

- 1) The provisions of this ordinance will apply to all unincorporated lands within the jurisdictional boundaries of Sauk County.
- 2) County owned lands. Unless exempted by this ordinance, this ordinance applies to all County-owned lands regardless of the municipality in which the land is located or what entity is assigned land management duties, including highway right-of-way.

51.03 INTERPRETATION. The Sauk County Land Resources and Environment Department is designated to administer, interpret, and enforce this ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and will be liberally construed in favor of Sauk County and may not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

51.04 FINDINGS OF FACT. The Sauk County Board of Supervisors finds that construction site erosion and uncontrolled stormwater runoff from land disturbing construction activities have significant adverse impacts upon local water resources and the health, safety, and general welfare of the community and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- 1) Carry a significant amount of sediment, nutrients, bacteria/other pathogens, organic matter, toxins and other pollutants to local lakes, streams and wetlands; and,
- 2) Diminish the capacity of water resources, such as lakes and streams, to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants; and,
- 3) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures; and,

- 4) Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows causing bank and channel erosion, and increasing downstream flooding and property damage, overburdening storm sewers, drainageways and other storm drainage systems; and,
- 5) Undermine floodplain management efforts by increasing the incidence of levels of flooding; and,
- 6) Reduce groundwater recharge, which may diminish stream base flows and/or lower water levels in local lakes, ponds, and wetlands; and,
- 7) Diminish groundwater quality by increasing pollutant loading; and,
- 8) Generate airborne particulate concentrations that are health-threatening or may cause other offsite damage to property or the environment.

51.05 SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance will not be affected.

SUBCHAPTER II: DEFINITIONS

51.06 PURPOSE AND WORD USAGE. For the purpose of this ordinance, certain terms or words used herein will be interpreted as follows:

- 1) Words used in the present tense include the future.
- 2) Words in the singular number include the plural number, and words in the plural number include the singular number.
- 3) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

51.07 DEFINITIONS.

- 1) “Agricultural use” means any of the following:
 - a) Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (1) Crop or forage production.
 - (2) Keeping livestock.
 - (3) Beekeeping.
 - (4) Nursery, sod, or Christmas tree production.
 - (5) Floriculture.
 - (6) Aquaculture.
 - (7) Fur farming.
 - (8) Forest management.
 - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - b) Any other use that the department, by rule, identifies as an agricultural use
- 2) “Agriculture” means the art or science of cultivating soil, harvesting crops, and raising livestock.
- 3) “Average Annual Rainfall” means the average of the amount of annual precipitation over the preceding three decades as measured in Sauk County Wisconsin, defined through NOAA Atlas 14.
- 4) “Bank Erosion” means the removal of soil, rock fragments, or other earthen material along the banks or bed of a stream channel resulting from high flow.
- 5) “Best Management Practices or BMPs” means a practice, technique, or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution from runoff, both during and after land disturbing activities. These may include structural, vegetative or

operational practices. For the purposes of this chapter, it refers to the following technical standards:

- a) Natural Resources Conservation Service's "Wisconsin Field Office Technical Guide, Chapter 4" or its successor; and,
 - b) Applicable construction or erosion control technical standards by the Wisconsin Department of Natural Resources.
- 6) "Connected impervious surface" means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
 - 7) "Construction site erosion control" means the prevention or reduction of soil erosion and sedimentation from land disturbing activity.
 - 8) "Department" means the Sauk County Department of Land Resources and Environment.
 - 9) "Development" means any man made change to improved or unimproved real estate, including but not limited to construction of or additions of substantial improvements or repairs to buildings, other structures, or accessory uses, subdivision layout and site plan preparation, storage of materials and equipment, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials; and installation, repair or removal of public or private sewage disposal systems or water supply facilities.
 - 10) "Dewatering" means the removal of trapped water from a construction site to allow land development or utility construction activities to occur.
 - 11) "Drainage System" means one or more natural or artificial ditches, tile drains or similar devices, which collect surface runoff or groundwater and convey it to a point of discharge.
 - 12) "Effective Infiltration Area" means that area of the infiltration system used for runoff infiltration that does not include berms, pretreatment areas, or areas used for site access.
 - 13) "Erosion" means the gradual deterioration of soil or rock by wind, water, ice, or other natural agents.
 - 14) "Excavation" the movement of earth, gravel, asphalt, concrete, sand, or soil via digging, quarrying, uncovering, removal, displacement, relocation or bulldozing of said organic material.
 - 15) "Fill" the depositing, placement, replacement, transportation, or movement of earthen material to a new location.
 - 16) "Filtering layer" means soil that has at least a 3-foot-deep layer with at least 20 percent fines; or at least a 5-foot-deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
 - 17) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or escrow account submitted to the Department by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
 - 18) "Gully Erosion" means the loss of soil from a concentrated flow of water and soil to create a defined flow channel.
 - 19) "Highly erodible land" means land that is highly susceptible to soil erosion from either water or wind due to soil properties, as identified by the Wisconsin Natural Resources Conservation Service. It would contain soils that have an erodibility index of eight or more as listed on the United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey. The maps and data can be viewed at USDA's Web Soil Survey website at <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
 - 20) "Impervious surface" means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, decks, patios, paved driveways, unpaved driveways, parking lots, and streets unless designed, constructed, and maintained to be pervious.

- 21) "Infiltration" means the process by which water enters soil and for the purpose of this ordinance and refers to water which remains onsite and does not leave as surface runoff.
- 22) "Infiltration system" means a device or practice designed specifically to increase infiltration such as basins, trenches, rain gardens, or swales. This does not include natural pervious infiltration areas such as lawns
- 23) "Karst feature" means a topography formed by the dissolution of soluble rocks such as limestone, dolomite, or gypsum and includes features such as cracks, fractures, or holes dissolved into the bedrock and which may form a direct conduit to groundwater.
- 24) "Land disturbing activities" means any land alterations or disturbances that may result in soil erosion, sedimentation or a change in drainage or infiltration patterns, including but not limited to removal of vegetation or ground cover, grading, excavation, or fill.
- 25) "Landowner" means a person or legal entity who owns a parcel of land.
- 26) "Maximum extent practicable" means implementing best management practices to achieve a performance standard specified in this ordinance which considers the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.
- 27) "Non-erosive velocity" means a rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Non-erosive velocities vary for individual sites, considering topography, soil type, and runoff rates.
- 28) "NRCS MSE4 distribution" means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14
- 29) "Peak flow" means the maximum rate of flow of water at a given point in a channel, water course, or conduit resulting from the predetermined storm or flood.
- 30) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or similar vegetated areas are examples of surfaces that typically are pervious.
- 31) "Recharge" means the portion of the average annual rainfall that infiltrates the soil and becomes groundwater.
- 32) "Redevelopment" means any construction, alteration or improvement exceeding four thousand square feet of land disturbance performed on sites where the existing site is predominantly developed as commercial, industrial, institutional, or multifamily residential uses. Development may include a mix of redevelopment and new impervious surfaces conversion
- 33) "Residential Development" means one or more structures or portions thereof that are designed and used as a place for human habitation, including: single-family, multi-family, duplex, apartment, condominium, mobile homes, or any other structure uses to house people.
- 34) "Routine maintenance of vegetation" means normally accepted horticultural practices, including pruning or removal of dead or dying vegetation, that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- 35) "Runoff" means storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- 36) "Runoff curve number or RCN" means the parameter in which runoff and infiltration from rainfall are predicted based on calculations from the National Resources Conservation Service and is utilized in the Engineering Field Manual for Conservation Practices.
- 37) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

- 38) "Sedimentation" means the disposition of eroded soils at a site different from the one where the erosion occurred.
- 39) "Site" means the area that will be disturbed and which is included in an erosion control or stormwater management plan.
- a) Site for public roadways means the area that will be disturbed along any segment of the same roadway.
- 40) "Soil loss rate" means the rate at which soil is transported beyond a particular area, usually measured in tons per acre and occurs as a result of sheet or rill erosion. This does not apply to soil movement from gully or bank erosion.
- 41) "Stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- 42) "Stop work order" means an order issued by the Sauk County Land Resources and Environment Department which requires that all construction activity on the site be stopped immediately.
- 43) "Stormwater best management practice" or "Stormwater BMP" means a structural best management practice that is designed to collect or manage the quantity or quality of stormwater runoff for an indefinite period, following adopted county or state standards. Some examples include: pervious pavement, rain gardens, infiltration trench or basin, green roof, bio-swale, filter strip, constructed wetlands, bio-retention basin, wet detention basin, or any combination of these or other permanent stormwater management practices approved by the county.
- 44) "Storm events" means the precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Sauk County.
- 45) "Stormwater management" means any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land development activities.
- 46) "Stormwater runoff" means the waters derived from natural precipitation occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.
- 47) "Street reconstruction" means removal and replacement of the road subgrade, and where existing stormwater conveyance systems are modified.
- 48) "Structure" means (a) any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed; (b) structures include, but are not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, recreational vehicle, boathouse, sign, deck, patio, driveway, fences, retaining walls or other similar types of improvements or any part of such structures; and (c) a structure includes any permanent or temporary attachments, including but not limited to awnings, extensions, porches, or decks.
- 49) "Subgrade" means the compacted, prepared or leveled, earth or rock surface on which a pavement, roadway, or upon which the foundation of a structure is built.
- 50) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- 51) "Total maximum daily load" or "TMDL" means 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.
- 52) "WinTR-20" means the United States department of agriculture, natural resources conservation service (previously soil conservation service), the single event watershed scale runoff and

routing model, Technical Release No. 20, June 1964, which is incorporated by reference for this chapter.

- 53) "Type II distribution" means 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.
- 54) "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the provisions of this ordinance unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- 55) "Zoning Administrator" means a public official, or their designee charged with the administration, enforcement, and interpretation of the Sauk County Zoning Ordinance.

SUBCHAPTER III: EROSION CONTROL REQUIREMENTS

51.08 APPLICABILITY. The requirements and provisions of this subchapter will apply to any of the following land disturbing activities and shall require the issuance of a land use permit unless otherwise exempted in section 51.09:

- 1) Grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity which affects an area of 4,000 square feet or more.
- 2) Excavating, filling or a combination which affects 400 cubic yards or more of soil, sand, excavation or fill material.
- 3) Construction, enlargement, relocation, or reconstruction of a public bridge, street, highway, or road which affects 4,000 square feet, 400 cubic feet or more.
- 4) Laying, repairing, replacing, or enlarging, an underground pipe or facility for a distance of 300 feet or more.
- 5) Land disturbing activities relating to development, including subdivision plats, certified survey maps, and condominium plats as defined in Chapter 22 of the Sauk County Code of Ordinances
- 6) Land disturbing activities, regardless of size, that the Department determines is likely to have a high risk of soil erosion or water pollution; or may violate any other erosion control standard set forth in this ordinance. This includes but is not limited to lands with highly erodible soils, and 12% or greater slopes.

51.09 EXEMPTIONS.

- 1) The following activities are exempt from all requirements of this ordinance:
 - a) Land disturbing activities directly involved with the planting, growing, and harvesting of any plant grown for human or animal consumption and the pasturing or yarding of livestock, including sod farms and tree nurseries.
 - b) Any one- or two-family dwelling structure regulated under the Wisconsin Uniform Dwelling Code with less than one (1) acre of disturbance. Any land disturbing activity over one (1) acre or not associated with a dwelling structure will not be exempt.
 - c) Any land disturbing activity that is located within 300' of a navigable body of water, including but not limited to a stream, river, wetland, pond, or lake, and therefore regulated under Chapter 8 Shoreland Protection of the Sauk County Code of Ordinances.
 - d) Projects specifically exempted from local erosion control ordinances under state or federal statute, including highway construction projects conducted under a memorandum of understanding with the Department of Natural Resources pursuant to Wis. Stat. § 281.33(2). It is the responsibility of the applicant to demonstrate such exemption with documentation acceptable to the Department. All the following conditions shall be met:

- (1) All work conducted shall meet the uniform statewide standards pursuant to Wis Stats. NR 151 Subchapter III and Subchapter IV.
- (2) A copy of all state or federal approved plans shall be kept with the Department.
- (3) Emergency roadway construction activities shall be exempt from this ordinance in the case of damage caused by violent wind, vandalism, fire, flood, ice, snow, or flood.
- (4) Any land disturbing activity that is conducted by or for Sauk County, or by or for any city, town or village on lands located within Sauk County, shall comply with all the requirements of this ordinance, including obtaining a permit and submitting an erosion control and stormwater plans, but will be exempted from providing financial guarantee, or paying fees as established in section 51.18(2)(g) of this chapter.
 - (a) At the discretion of the Zoning Administrator, any land disturbing activity that is conducted by or for Sauk County, any city, town or village may be administered by a qualified employee or agent for the municipal department undertaking the land disturbing activity.
- e) Soil conservation, stream and adjacent wetland protection and ecological restoration practices when construction is overseen by and implemented according to site specific plans and designs approved by the Natural Resources Conservation Service (NRCS), US Fish and Wildlife Service, Wisconsin Department of Natural Resources, or the Sauk County Land Resources and Environment Department.
- f) Land disturbing activity directly involved in the installation and maintenance of private on-site waste treatment systems (POWTS), as regulated by Chapter 25 of the Sauk County Code of Ordinances.

51.10 PERMIT REQUIREMENTS. Any land disturbing activity as listed in section 51.08 will require an land use permit subject to the following provisions:

- 1) **PERMIT APPLICATIONS.** No activity will take place and no land use permit for any structure will be issued until a permit for erosion control has been issued by the Zoning Administrator following an application containing all the following materials:
 - a) A completed application form with all fees as designated by the Sauk County Board of Supervisors.
 - (1) The application shall be signed by the landowner.
 - b) A timetable and schedule for proposed start time, schedule of completion, and installation of all erosion control measures.
 - c) An erosion control plan that meets or exceeds the standards listed in section 51.11 and at a minimum includes the following information:
 - (1) Property lines, lot dimensions and limits of the disturbed area.
 - (2) Any existing or proposed structures.
 - (3) Boundaries of existing natural features including but not limited to trees, lakes, ponds, streams, wetlands, rock out-croppings, and woodlands.
 - (4) Existing and proposed topography.
 - (5) Cross-sections of anticipated area of disturbance.
 - (6) Location of stockpiles.
 - (7) Existing and proposed drainage patterns.
 - (8) Revegetation plan including seeding and fertilizer recommendations.
 - (9) Provisions for protection of surrounding landowners in case of drainage off-site.
 - (10) Provisions for preventing sediment tracking off-site and onto public roadways during construction.
 - d) Copies of permits, applications, or approvals required by other governmental agencies.

51.11 EROSION CONTROL PERFORMANCE STANDARDS. The proposed design and implementation of all erosion control measures shall be designed to the following standards:

- 1) All erosion control practices shall be implemented and utilized as directed in the technical standards set forth by the Wisconsin Department of Natural Resources and the Wisconsin Construction Site Erosion Control Field Guide, or its successors.
- 2) Prevent gully and bank erosion.
- 3) Limit soil loss on exposed areas from sheet or rill erosion to an annual cumulative soil loss rate of less than 5 tons per acre annually
- 4) Existing drainage patterns shall be maintained unless filling and grading are conducted to improve infiltration on-site or reduce run-off to an adjacent property owner.
- 5) Any part of a project that is located within a Floodplain District will be subject to the provisions of Chapter 9 of the Sauk County Code of Ordinances.

51.12 IMPLEMENTATION. The BMPs used to comply with this ordinance shall be implemented as follows:

- 1) In accordance with the plan developed pursuant to section 51.10, the erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- 2) Erosion and sediment control practices shall be maintained until final stabilization.
- 3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- 4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days.
- 5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

SUBCHAPTER IV: STORMWATER CONTROL REQUIREMENTS

51.13 APPLICABILITY. The requirements and provisions of this subchapter will apply to any of the following construction activities and will require the issuance of a land use permit unless otherwise exempted in section 51.14:

- 1) Any land disturbing activity that disturbs one acre or more.
- 2) Any land disturbing activity of less than one acre but is part of a larger development plan.
- 3) Land disturbing activities relating to land developments, including subdivision plats, certified survey maps and condominium plats as defined in Ch. 22 of the Sauk County Code of Ordinances.
- 4) The construction or reconstruction of any new public or private road.
- 5) Any development that results in the cumulative addition of 20,000 square feet of impervious surface to a site.
- 6) Any construction activity that is likely to result in storm water runoff, which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter of which endangers downstream property.

51.14 EXEMPTIONS.

- 1) The following activities are exempt from all requirements of this ordinance:
 - a) Land disturbing activities directly involved with the planting, growing, and harvesting of any plant grown for human or animal consumption and the pasturing or yarding of livestock, including sod farms and tree nurseries.

- b)* Any one- or two-family dwelling structure regulated under the Wisconsin Uniform Dwelling Code with less than one (1) acre of disturbance. Any land disturbing activity over one (1) acre or not associated with a dwelling structure will not be exempt.
- c)* Any land disturbing activity that is located within 300' of a navigable body of water, including but not limited to a stream, river, wetland, pond, or lake, and therefore regulated under Chapter 8 Shoreland Protection of the Sauk County Code of Ordinances.
- d)* Projects specifically exempted from local erosion control ordinances under state or federal statute, including highway construction projects conducted under a memorandum of understanding with the Department of Natural Resources pursuant to Wis. Stat. § 281.33(2). It is the responsibility of the applicant to demonstrate such exemption with documentation acceptable to the Department. All the following conditions shall be met:
 - (1) All work conducted shall meet the uniform statewide standards pursuant to Wis Stats. NR 151 Subchapter III and Subchapter IV.
 - (2) A copy of all state or federal approved plans shall be kept with the Department.
 - (3) Emergency roadway construction activities shall be exempt from this ordinance in the case of damage caused by violent wind, vandalism, fire, flood, ice, snow, or flood.
 - (4) Any land disturbing activity that is conducted by or for Sauk County, or by or for any city, town or village on lands located within Sauk County, shall comply with all the requirements of this ordinance, including obtaining a permit and submitting an erosion control and stormwater plans, but will be exempted from providing financial guarantee, or paying fees as established in section 51.18(2)(g) of this chapter.
 - (a) At the discretion of the Zoning Administrator, any land disturbing activity that is conducted by or for Sauk County, any city, town or village may be administered by a qualified employee or agent for the municipal department undertaking the land disturbing activity.
- e)* Soil conservation, stream and adjacent wetland protection and ecological restoration practices when construction is overseen by and implemented according to site specific plans and designs approved by the Natural Resources Conservation Service (NRCS), US Fish and Wildlife Service, Wisconsin Department of Natural Resources, or the Sauk County Land Resources and Environment Department.
- f)* Land disturbing activity directly involved in the installation and maintenance of private on-site waste treatment systems (POWTS), as regulated by Chapter 25 of the County Code of Ordinances.

51.15 PERMIT REQUIREMENTS. Any construction activity as listed in section 51.13 will require erosion control and stormwater plans subject to the following provisions:

1) PRELIMINARY REVIEW

- a)* Prior to submitting an application for approval, it is recommended that the landowner, developer, contractor, or their agent consult with the Zoning Administrator for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances which may affect the proposed land disturbance.

2) PERMIT APPLICATIONS. No activity shall take place and no land use permit for any structure shall be issued until a land use permit for erosion control and stormwater has been issued by the Zoning Administrator following an application containing all the following materials:

- a)* A completed application form with all fees as designated by the Sauk County Board of Supervisors.
 - (1) The application shall be signed by the landowner.
 - (2) A narrative describing the proposed development that includes a description of the existing land use.

- (3) A timetable and schedule for proposed start time, schedule of completion, and installation of all erosion control measures.
- b)** A long-term maintenance plan pursuant to § 51.19(3) that identifies the responsible person, along with a notarized agreement certifying the implementation of the plan shall be signed by both the landowner and filed with the Sauk County Register of Deeds.
- c)** An erosion control plan that meets all requirements as listed in section 51.10.
- d)** A summary of peak flow runoff calculations by watershed area, including:
 - (1) Pre-existing peak flow rates, along with calculations for existing impervious surface and infiltration rates.
 - (2) Post-construction peak flow rates, along with calculations for proposed impervious surface and infiltration rates.
 - (3) Post-construction peak flow rates with detention areas.
 - (4) Post-construction runoff curve numbers (RCNs) that meet or exceed the peak discharge performance standards as listed in section 51.16(2).
- e)** Site plans that are clearly labeled with specifications and include the following information:
 - (1) Property lines and lot dimensions.
 - (2) All existing or proposed structures, including dimensions and setbacks.
 - (3) All public and private roads, interior roads, driveways, and parking lots.
 - (4) Boundaries of existing natural features including but not limited to trees, lakes, ponds, streams, wetlands, rock out-croppings, and woodlands.
 - (5) Existing and proposed topography.
 - (6) Cross-sections of anticipated area of disturbance that include depth to bedrock and depth to seasonal high water table levels.
 - (7) Soil maps identifying soil as described in the Sauk County Soil Survey, and any slopes greater than 12%.
 - (8) Location of all proposed stormwater management practices that include calculations for infiltration and detention. All ponds, swales, basins, or rain gardens shall include cross-sections stamped by a professional engineer.
- f)** Copies of permits, applications, or approvals required by other governmental agencies.
- g)** A financial guarantee shall be submitted to cover the costs associated with the review of plans as well as construction and installation of improvements in accordance with the stormwater management plan. An amount shall be placed in escrow for the department to hire a third-party consultant to review the plans as necessary in accordance with §. 51.19(4).
- h)** Any other information necessary to reasonably determine the location, nature, and condition of any physical or environmental practices.

51.16 STORMWATER MANAGEMENT PERFORMANCE STANDARDS. The proposed design and implementation of all stormwater management measures shall be designed, engineered and implemented to the following standards:

- 1) TOTAL SUSPENDED SOLIDS.** Best management practices shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site. BMPs shall be designed in accordance with Table § 51.11(1)(a), or to the maximum extent practicable as provided in subsection c. The design shall be based on the average annual rainfall, as compared to no run-off management controls.

- a)** Table § 51.11(1)(a):

TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent

Redevelopment	40 percent of load from parking areas and roads
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- b) For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this section.
- c) Notwithstanding sections. a. and b., if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site- specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

2) PEAK DISCHARGE.

- a) The runoff curve numbers in Table § 51.11(2)(a)(1) shall be used to represent the actual pre-development condition. Lands uses not specified in Table § 51.11(2)(a)(1) shall use the WinTR-20 SCS runoff curve numbers as defined in section 51.07(44).

(1) Table § 51.11(2)(a)(1):

Maximum Pre-Development Runoff Curve Numbers				
Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- (2) Heavily disturbed sites shall use one lower permeability class for hydrologic calculations. Lightly disturbed sites do not require modification.
 - b) Except for redevelopment projects, all stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:
 - (1) Maintain or reduce the predevelopment peak runoff discharge rates respectively, or to the maximum extent possible for the 1-year, 24-hour storm event (using the NRCS MSE4 storm distribution).
 - (2) Maintain or reduce the predevelopment peak runoff discharge rates respectively, or to the maximum extent possible for the 2-year, 24-hour storm event (using the NRCS MSE4 storm distribution).
 - (3) Maintain or reduce the predevelopment peak runoff discharge rates respectively, or to the maximum extent possible for the 10-year, 24-hour storm event (using the NRCS MSE4 storm distribution).
 - c) Maintain or reduce the predevelopment peak runoff discharge rates respectively, or to the maximum extent possible for the 100-year, 24-hour storm event (using the NRCS MSE4 storm distribution). This section does not apply to:
 - (1) A post-construction site where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 of a foot for the 2-year, 24-hour storm event.
 - (2) A redevelopment post-construction site.
- 3) INFILTRATION.** BMPs shall be designed, installed and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in sections d and e:
- c) **Low imperviousness.** For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low-density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when

designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.

- d) **Moderate imperviousness.** For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
- e) **High imperviousness.** For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
- f) **Pretreatment.** Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with section 51.16(5). Pretreatment options may include, but are not limited to, oil/ grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- g) **Prohibitions.** Infiltration practices may not be located in the following areas:
 - (1) Areas associated with tier 1 industrial facilities identified in § NR 216.21(2)(a), including storage, loading, rooftop and parking.
 - (2) Storage and loading areas of tier 2 industrial facilities identified in § NR 216.21(2)(b). Note: Runoff from tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.
 - (3) Fueling and vehicle maintenance areas.
 - (4) Areas within 1000 feet up gradient or within 100 feet down gradient of karst features.
 - (5) Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subd. E. 5. does not prohibit infiltration of roof runoff.
 - (6) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
 - (7) Areas within 400 feet of a community water system well as specified in § NR 811.16(4) or within 100 feet of a private well as specified in § NR 812.08(4) for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - (8) Areas where contaminants of concern, as defined in § NR 720.03(2), are present in the soil through which infiltration will occur.
 - (9) Any area where the soil does not exhibit one of the following characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil

layer with 10% fines or greater. This subsection e. 9. does not apply where the soil medium within the infiltration system provides an equivalent level of protection. Subsection e. 9. does not prohibit infiltration of roof runoff due to the potential for groundwater contamination.

h) Exemptions. The following are not required to meet the requirements of this section:

- (1) Redevelopment post-construction sites.
- (2) Roads in commercial, industrial and institutional land uses, and arterial residential roads.

4) Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

5) Groundwater Standards. Infiltration systems designed in accordance with this section must, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin Code ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

c) Notwithstanding par. (a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

6) Separation distances. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 51.13(6)(a):

a) Table 51.13(6)(a)

Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	-
All Other Impervious Source Areas	3 feet or more	Filtering Layer

7) Outlets. Discharges from new construction sites shall have a stable outlet capable of carrying designed flow that meets or exceeds the performance standards as listed in section 51.16(2), at a non-erosive velocity. Outlet design shall consider flow capacity and flow duration. This requirement applies to both site outlets and outlets to stormwater conveyances or bodies of water.

SUBCHAPTER V: PROCEDURES & ADMINISTRATION

51.17 PURPOSE. The purpose of this subchapter is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

51.18 LAND RESOURCES AND ENVIRONMENT DIRECTOR AND ZONING ADMINISTRATOR: DESCRIPTION AND ROLES.

- 1) AUTHORITY.** The Zoning Administrator is the administrative and enforcement officer for the provisions of this chapter pursuant to the general authorization of the Wisconsin Statutes. The Land Resources and Environment Director will serve as the Zoning Administrator unless the director designates a different position or staff person as the zoning administrator. Other professional and administrative staff within the department may assist the director or Zoning Administrator in the performance of the duties prescribed herein.
- 2) DUTIES AND RESPONSIBILITIES.** To interpret and administer this chapter, as well as certain other chapters of the Sauk Co. Code of Ordinances as provided therein. With respect to this chapter, the zoning administrator will have the following specific duties and responsibilities:
 - a)** Conduct on-site inspections of buildings, structures, lands, waters, erosion control, and stormwater control measures to determine compliance with all provisions of this chapter.
 - b)** Be permitted access to premises to make inspections to ensure compliance with this chapter. If refused entry after presentation of identification, the zoning administrator may seek the assistance of the corporation counsel to procure a special inspection warrant in accordance with the Wisconsin Statutes.
 - c)** Review and approve site plans for land uses under this chapter prior to the issuance of land use permits for such uses, ensuring compliance with this and other applicable ordinances and any additional requirements of designated official review and approval bodies.
 - d)** Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter. All interpretations are subject to appeal to the board of adjustment in accordance with the procedures in this chapter.
 - e)** Investigate all complaints made relating to the location and use of erosion control best management practices, stormwater control measures, lands, and waters; and fulfill enforcement functions prescribed by this chapter.
 - f)** Issue stop work orders whenever the zoning administrator finds that any land disturbing activity, construction, development, land alteration, or other land use does not comply with the provisions of this ordinance, the zoning administrator will post, in a conspicuous place on the premises, a stop work order which will cause all activity to cease until the land disturbing activity, construction, development, or land use is in compliance with all ordinances of the County. A card certifying a stop work order shall provide the following information: (1) date of issuance; (2) town and section number; (3) property address or parcel identification number; (4) reason for posting; and (5) signature of the inspector posting the card.
 - g)** Establish department fees for permits and approvals required under this chapter to be approved by the Sauk County Board of Supervisors.
 - h)** Any other duties or responsibilities delegated or assigned by competent authority.

51.19 EROSION CONTROL & STORMWATER MANAGEMENT PERMITS. Except where another section of this ordinance specifically exempts certain types of land disturbing activities from this requirement, a land use permit for erosion control and stormwater shall be obtained from the zoning administrator before any land disturbing activity, as defined in section 51.07(21).

- 1) Approval Process.** Any application for an erosion control and stormwater management permit shall be made to the zoning administrator on forms furnished by the Department and shall

a) The zoning administrator, or their designated reviewer shall review the submitted plans and application for compliance with the standards identified in sections 51.11 and 51.16. The submitted plans shall be reviewed within ten (10) days of submittal and either approved, or staff shall notify the applicant in writing of any deficiencies.

- a)** The maintenance agreement shall contain the following information and provisions:

- (1) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the storm water management system.
 - (3) Identification of the person or legal entity responsible for long term maintenance of the storm water management practices.
 - (4) Certification that the landowner or legal entity shall maintain storm water management practices in accordance with the schedule included in subsection (b) and will maintain records of the results of the site inspection for maintenance. All certifications shall be provided with notarized signatures.
 - (5) Authorization for the Zoning Administrator to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- b)** The Department shall have the following authority to enforce the maintenance agreements:
- (1) Require that records of site inspections, maintenance or corrective actions be kept on file with the Department as a public record.
 - (2) The Department may access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (3) Require corrective action on stormwater facilities that are not being maintained according to the maintenance agreement or may require additional maintenance. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Zoning Administrator.
 - (4) The Department shall be authorized to perform the corrected actions if the responsible party designated under subsection (a)(c) does not make the required corrections in the specified time frame. A special assessment shall be charges against the property pursuant to subch. VII of ch. 66, Wis. Stats to cover the costs of the corrective actions.
- 4) *Financial Assurance.*** Financial assurance shall be submitted to cover the costs associated with the review and implementation of all stormwater plans pursuant to section 51.15(2)(g) of this chapter and meet the following requirements:
- a)** An amount shall be placed in escrow for the Department to hire a third-party consultant to review the plans as necessary.
- (1) Any amount not utilized in the review of the application and plans shall be returned to the applicant, along with an invoice of the cost of review.
- b)** Following approval of the land use permit, and prior to any land disturbing activities, as a condition of the permit, the responsible party shall file another form of financial assurance with Sauk County. The financial assurance shall provide that the operator and landowner shall faithfully perform all requirements in this chapter and as stated in their approved plans. Financial assurance shall be payable exclusively to Sauk County.
- (1) The amount of financial assurance shall equal as closely as possible the cost to Sauk County of hiring a contractor to complete construction and installation of improvements in accordance with the stormwater management plan.
 - (2) Acceptable forms of financial assurance include a letter of credit, bond, or an amount to be placed in escrow. Financial assurance shall be payable exclusively to Sauk County and released upon successful completion of the project and implementation of the stormwater plan. Any interest from the financial assurance shall be paid to the responsible party. All forms of financial assurance shall be automatically renewable unless other assurances are provided prior to the maturity date.

- c) The responsible party shall notify the Department as stipulated in section 51.19(2)(e) of installation of all approved stormwater management practices, and permanent site stabilization measures. Sauk County shall inspect the site within 30 days of notice and receipt of as-built certifications stamped by a professional engineer to determine if site had been altered in accordance with the approved stormwater plan. After determining that stormwater measures have been implemented according to the approved plan and the site stabilized, Sauk County shall issue a certificate of completion and release the financial assurance. Sauk County may make the following determination upon inspection of the site:
 - (1) Site stabilization and plan implementation are not yet complete;
 - (2) It is not possible to assess site stabilization and plan implementation due to weather conditions, snow cover, or other relevant factors;
 - (3) Site stabilization and plan implementation are complete.
 - d) Financial assurance shall be forfeited if any of the following occur:
 - (1) Land disturbing activity has occurred and the permit is revoked under § 51.22 of the Sauk County Code of Ordinances.
 - (2) Land disturbing activity has occurred and the permit has expired under section 51.19(6).
 - e) Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90-day notice to Sauk County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Sauk County a replacement proof of financial assurance. In the absence of this replacement, financial assurance shall be forfeited to Sauk County.
 - f) The responsible party may change from one method of financial assurance to another. This may not be done more than once per year unless a required adjustment is imposed pursuant to subsection (g). The responsible party shall give Sauk County at least 60 days' notice prior to changing methods of financial assurance and may not actually change methods without written approval of Sauk County.
 - g) Financial assurance may be adjusted when required by Sauk County. Sauk County shall notify the responsible party in writing that adjustment is necessary and the reasons for it. Sauk County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for implementing the plan and stabilizing the site.
- 5) *Permit Transfers.* A land use permit issued under this chapter may be transferred to a new owner upon satisfaction of the following:
- a) A permit may be transferred to a new owner upon submittal to the Department of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be followed.
 - b) A long-term maintenance plan that identifies the responsible person, along with a notarized agreement certifying the implementation of the plan shall be signed by both the new owner and filed with the Sauk County Register of Deeds.
 - c) The transfer is not valid until financial assurance has been submitted by the new owner and accepted by the Department in writing. The previous responsible party shall maintain financial assurance until the new owner has received approval and provided financial assurance.
 - d) Any permit transferred to a new owner, operator, developer, or contractor shall maintain the same expiration date unless an extension is granted pursuant to section 51.19.(7).
- 6) *Plan Amendments.* Any proposed changes, alterations, or modifications to approved plans, or construction schedules shall be submitted to the department with a written justification for the

change. No changes, alterations, or modifications shall be implemented without prior approval by the department.

- 7) *Expiration.* If the work authorized by the land use permit is not completed within 24 months of the date of the approval, the permit approval will be considered void. The applicant may apply for, and the zoning administrator may grant, a one-time, 12-month extension provided that a written extension request is submitted before the original expiration date.

8) *Conditions.*

- a) All erosion control practices shall be implemented prior to construction and shall be maintained through the duration of the entire project. Stormwater management measures shall be maintained in perpetuity as certified in the maintenance plan.
- b) The permittee is responsible for implementing all aspects of the approved plan, unless an amendment is approved by the department. The permittee shall submit financial assurance to cover the costs associated with the review of plans as well as construction and installation of improvements in accordance with the stormwater management plan.
- c) The permittee shall maintain all road drainage systems, stormwater drainage systems, BMPs, and other facilities identified in the erosion and sediment control plan.
- d) The permittee shall repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log. All mud-tracking off-site onto public roadways shall be removed by the end of each working day.
- e) The permittee shall inspect the BMPs within 24 hours after each rain of 0.5 inches or more that results in runoff during active construction periods and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
- f) A copy of the approved permit and plans shall be kept on-site, readily accessible to contractors, engineers, the department, and any other authorized personnel.
- g) All other conditions as deemed necessary by the Department for public health, safety, and well-being.

- 9) *Variances.* An applicant may request a variance from the performance standard requirements as listed in sections 51.11 and 51.16. Variances will not be granted unless the applicant demonstrates to the satisfaction of the Board of Adjustment the following:

- a) Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner; and,
- b) The hardship is due to exceptional physical conditions unique to that particular property; and,
- c) Granting the variance shall not create substantial detriment to adjacent lands or waters that would adversely affect the public health, safety, or welfare, nor be contrary to the spirit, purpose, or intent of the regulations of this ordinance.

51.20 BOARD OF ADJUSTMENT: DESCRIPTION AND ROLES.

- 1) **MEMBERS.** The chairperson of the Sauk County Board of Supervisors is hereby directed to appoint a board of adjustment according to Wis. Stat. § 59.694, consisting of 5 members, with allowance for payment of per diem and mileage, and 2 alternate members appointed in accordance with Wis. Stat. § 59.694(2)(bm).
- a) One member from the board of supervisors, resident of an unincorporated area which have approved the Sauk County Zoning Ordinance.
 - b) Three citizen members, residents or officials of those townships within the county, which have approved the Sauk County Zoning Ordinance.

- c) One member, resident of any unincorporated area.
 - d) Appointed board members shall reside in separate townships, and all members shall reside in unincorporated areas.
- 2) **POWERS AND DUTIES.** The board of adjustment will have the following powers:
 - a) To hear and decide appeals where it is alleged that there is error in any interpretation, order, requirement, decision, or determination made by the zoning administrator or any administrative official in the enforcement, administration, or interpretation of this chapter or of Wis. Stat. § 59.69.
 - b) To authorize such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- 3) **RECORDING OF ACTIONS.**
 - a) The board of adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which will be filed by the zoning administrator and will be a public record.
 - b) The final disposition of an appeal or variance application to the board of adjustment will be in a form of a written decision signed by the chair of the board of adjustment
- 4) **RULES.**
 - a) The board of adjustment will meet as needed at a fixed time and place as may be determined by the chair and at such other times as the board of adjustment may determine.
 - b) All meetings of the board of adjustment will be open to the public.
 - c) The board of adjustment shall fix a reasonable time and place for the public hearing and give public notice thereof, including due notice to the parties in interest. Public notice shall be publication of a class 2 notice under Wis. Stats. Ch. 985 and a copy of the notice to any lot within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings will not invalidate the public notice.
 - d) The board of adjustment will have power to call on any county departments for assistance in the performance of its duties and it will be the duty of such other departments to render all such assistance as may be reasonably required. The corporation counsel will provide legal counsel to the board or arrange for legal counsel in the event of a conflict.
 - e) The board of adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the county board.
- 5) **APPEALS.**
 - a) Appeals to the Sauk County Board of Adjustment may be taken by a person aggrieved or by an officer, department, board, or bureau of the municipality affected by any decision of the zoning administrator. The appeal shall be taken within a reasonable time, as provided by the board, by filing an appeal with the Department. The zoning administrator shall transmit forthwith to the board all the papers constituting the record upon which the action appealed from was taken.
 - (1) *Hearing Appeals.* The Sauk County Board of Adjustment shall fix a reasonable time for the hearing of the appeal; give public notice thereof by publishing in the official newspaper of the county a Class II notice specifying the date, time, and place of hearing and the matters to come before the board; as well as mailed notices to the parties in

interest including the appropriate district office of the Wisconsin Department of Natural Resources 10 days prior to the public hearing.

- (2) A decision regarding the appeal shall be made as soon as practicable.
- (3) The final disposition of an appeal or application to the Sauk County Board of Adjustment shall be in the form of a written resolution or order signed by an officer of the board. The resolution shall state the facts that are the basis for the board's determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application.
- (4) A copy of any decision regarding an appeal or granting of a variance shall be mailed to the district office of the Wisconsin Department of Natural Resources within 10 days of the filing of the decision.
- (5) Upon hearing, any party may appear in person or by representative.

51.21 CHANGES AND AMENDMENTS.

- 1) The county board may from time to time, alter, supplement, or change the regulations contained in this ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), § 216.415 and § 281.33 and this ordinance where applicable.
- 2) Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stat. § 59.69(5).

51.22 ENFORCEMENT AND PENALTIES.

- 1) Violations of a permit, plan, condition of an approved plan or any other approval issued under this chapter associated with such permit or other approval, will be deemed a violation of this chapter and will constitute grounds for revocation of the permit as well as fines, forfeitures, and any other available remedies. A permit or other approval may be revoked by the Zoning Administrator and furnished to the permit holder in writing, stating the reasons thereof. A permit may be revoked if either of the below has occurred.
 - a) The permit or other approval legally issued under this chapter has received three separate violations in writing within a one-year period.
 - b) The same violation has occurred for a consecutive 60 days.
 - c) The permit of approval legally issued under this chapter was not developed in accordance with the approved plans.
- 2) Whenever the Zoning Administrator, or designee finds that any development activity does not comply with the provisions of this ordinance or Chapters 7, 8 or 9 of the Sauk County Code, the Zoning Administrator or designee shall post a stop work order in a conspicuous place on the premises.
 - a) It will be a violation of this ordinance for anyone to remove a stop work order card from the premises without specific authorization from the zoning administrator or designee.
- 3) A permit other approval issued in violation of this chapter, other ordinances of the Sauk County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.
- 4) Any land disturbing activity, development, redevelopment, building, or structure constructed, moved, or structurally altered; or any use established after the effective date of this ordinance in violation of the provisions of this ordinance; by any person, firm, association, corporation; including building contractors or their agents; shall be deemed a violation. The provisions of this chapter will be enforced through the agency, the zoning administrator, law enforcement officers, and the corporation counsel. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with; or who resists the enforcement of any of

the provisions of this chapter; will be subject to a fine of not less than \$200.00 nor more than \$1,000.00 (exclusive of court costs) per offense, together with the taxable costs of action. Each section of the ordinance that is in violation and each day that the violation exists will constitute a separate offense. This chapter may be enforced by any remedy, legal or equitable. Actions may be brought by the corporation counsel or by the owner of land within the zoning district affected by the regulations of this chapter. Every violation of this ordinance is a public nuisance and the creation of a public nuisance may be enjoined and the maintenance of a public nuisance may be abated pursuant to Wis. Stat. § 59.69(11).