

Ordinance No. 2016-9

**An Ordinance Adopting New Village of Bristol  
Construction Site Erosion Control Regulations**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. REPEAL AND ADOPTION OF PROVISIONS.**

Title 15, Chapter 2 "Construction Site Erosion Control" of the Village of Bristol Code of Ordinances is repealed in its entirety and is recreated to read as follows:

## Title 15 ► Chapter 2

---

# Construction Site Erosion Control

<b>15-2-1</b>	Authority
<b>15-2-2</b>	Findings of Fact
<b>15-2-3</b>	Purpose
<b>15-2-4</b>	Applicability and Jurisdiction
<b>15-2-5</b>	Definitions
<b>15-2-6</b>	Technical Standards
<b>15-2-7</b>	Performance Standards
<b>15-2-8</b>	Permitting Requirements, Procedures and Fees
<b>15-2-9</b>	Erosion and Sediment Control Plan, Statement and Amendments
<b>15-2-10</b>	Fee Schedule
<b>15-2-11</b>	Inspections
<b>15-2-12</b>	Exceptions and Waivers
<b>15-2-13</b>	Enforcement
<b>15-2-14</b>	Appeals
<b>15-2-15</b>	Severability
<b>15-2-16</b>	Effective Date
<b>15-2-17</b>	Limitations on Village Responsibility

### **Sec. 15-2-1 Authority.**

- (a) **Statutory Authority.** This Chapter was originally adopted under the authority granted by Sections 60.627 and 61.354, Wis. Stats. This Chapter supersedes all provisions of any ordinance(s) previously adopted under Sections 60.62 and 61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in Section 61.234, Wis. Stats., Section 61.35, Wis. Stats., applies to this Chapter and to any future amendments to this Chapter.
- (b) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) **Administration.** The Village of Bristol hereby designates the Director of Public Works/Village Engineer to administer and enforce the provisions of this Chapter. Any

**15-2-1**

powers granted or duties imposed upon the Director of Public Works/Village Engineer may be delegated in writing by the Director of Public Works/Village Engineer to persons or entities acting in the beneficial interest or in the employ of the Village of Bristol.

- (d) **Limitations on Pre-Emption.** 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 Sections 281.16 and 283.33, Wis. Stats.
  - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

**Sec. 15-2-2 Findings of Fact.**

The Village 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 Village of Bristol.

**Sec. 15-2-3 Purpose and Intent.**

It is the purpose of this Chapter to:

- (a) Maintain safe and healthful conditions;
- (b) Prevent and control water pollution;
- (c) Prevent and control soil erosion and sediment discharge;
- (d) Protect spawning grounds, fish and aquatic life;
- (e) Control building sites, placement of structures and land uses;
- (f) Preserve ground cover and scenic beauty; and
- (g) Promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Bristol.

**Sec. 15-2-4 Applicability and Jurisdiction.**

- (a) **Applicability.** Except as provided under Subsection (b) below, this Chapter applies to the following land disturbing construction activities:
- (1) Construction site activities, as defined in Section 15-2-5, involving excavation, grading, filling or other earth moving activities, resulting in a loss or removal of protective ground cover, vegetations;
  - (2) When any watercourse is to be changed, enlarged or materials are removed from a stream or lake bed;

- (3) When any utility work in which underground conduits, piping, wiring, water lines, sanitary sewers, storm sewers, or similar structures will be laid, repaired, replaced or enlarged, if such work involves more than three hundred (300) linear feet of each disturbance; or
  - (4) Grading, removal of protective ground cover or vegetation, excavation, landfilling or land disturbing activity within two hundred (200) feet of a lake, stream, or wetland when work affects more than ten (10) cubic yards of material.
- (b) **Chapter Inapplicability.** This Chapter does not apply to the following:
- (1) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services under SPS 321.125 or SPS 360, Wis. Adm. Code, except where the provisions of this Chapter are more restrictive
  - (2) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development, such as local roads and streets within a residential or industrial development. Transportation facility projects directed and supervised by the Wisconsin Department of Transportation are not subject to this Chapter. The Village is required to comply with the construction site transportation facility performance standards in Subch. IV of NR 151, Wis. Adm. Code, for its own transportation-related projects.
  - (3) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing activity.
  - (4) Non-point discharges from agricultural facilities and practices.
  - (5) Non-point discharges from silviculture activities.
  - (6) Routine maintenance for project sites under one (1) acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) **Village Staff Determination.** Notwithstanding the applicability requirements in Subsection (a), this Chapter applies to construction sites of any size that, in the opinion of the Village staff, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public health and safety.
- (d) **Jurisdiction.** This Chapter applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Bristol, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Section. 236.45(2) and (3), Wis. Stats..
- (e) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats.

## Sec. 15-2-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
- (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 61.354, Wis. Stats., that is designated by the Bristol Village Board to administer this Chapter.
  - (2) **Agricultural Activity Area.** The part of the farm where there is planning, 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, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
  - (3) **Agricultural Facilities and Practices.** Has the meaning in Sec. 281.16(1), Wis. Stats.
  - (4) **Agricultural Production Area.** The part of a 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".
  - (5) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical.
  - (6) **Best Management Practice ("BMP").** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the State of Wisconsin.
  - (7) **Business Day.** A day the Office of Director of Public Works/Village Engineer is routinely and customarily open for business.
  - (8) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village or its authorized designees.
  - (9) **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 map land divisions, and other developments.
  - (10) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of 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 long-range planning-only document that describes separate construction projects, such as a 20-year transportation improvement plan, is generally not a common plan of development.

- (11) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (12) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (13) **Division of Land.** The creation from one (1) 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.
- (14) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (15) **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.
- (16) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (17) **Final Stabilization.** 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 seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (18) **Governing Body.** The Village Board of the Village of Bristol, Kenosha County, Wisconsin.
- (19) **Land Disturbing Construction Activity (Disturbance).** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (20) **Landowner.** Any person holding fee title, an easement or other interest in property which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of stormwater BMPs on the property.
- (21) **Maximum Extent Practicable (MEP).** The highest level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account 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. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (22) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

**15-2-5**

- (23) **Permit.** Written authorization made by the Director of Public Works/Village Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (24) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (25) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (26) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated to meet the performance standards of this Chapter through a contract or other agreement.
- (27) **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (28) **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (29) **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 is designed or used for collecting water or conveying runoff.
- (30) **Silviculture Activity.** 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.
- (31) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application..
- (32) **Stop Work Order.** An order issued by the Director of Public Works/Village Engineer, or designee, which requires that all construction activity on the site be stopped.
- (33) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (34) **Transportation Facility.** A highway, railroad, public mass transit facility, public-use airport, public trail, or any other public work for transportation purposes such as harbor improvements under Section 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Safety and Public Services.
- (35) **Waters of the State.** As defined in Section 281.01(18), Wis. Stats., includes those portions of Lake Michigan and Lake Superior within the boundaries of the State of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

## **Sec. 15-2-6 Applicability of Maximum Extent Practicable.**

Maximum extent practicable (MEP) applies when a person who is subject to a performance standard of this Chapter demonstrates to the Director of Public Works/Village Engineer's satisfaction that a

performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

### **Sec. 15-2-7 Technical Standards.**

The following best management practice methods (BMPs) shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of storm water practices needed to meet the water quality standards of this Chapter:

- (a) **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this Chapter shall incorporate technical standards and design methods specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. Where not superseded by stricter requirements in *Village of Bristol Erosion Control and Stormwater Management Requirements*, the following standards are also incorporated by reference:
  - (1) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, November 1993 Revision.
  - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of NR 151, Wis. Adm. Code.
  - (3) Soil loss prediction tools [such as the Universal Soil Loss Equation (USLE)] when using an appropriate rainfall or runoff factor (also referred to as the "R factor") or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (b) **Other Standards.** Other technical standards not identified or developed in Subsection (a) may be used provided that the methods have been approved by the Director of Public Works/Village Engineer.

### **Sec. 15-2-8 Performance Standards.**

- (a) **Responsible Party.** The responsible party shall comply with this Section. The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan, or causing such plan to be developed and implemented through a contract or other agreement. This plan shall be developed in accordance with Section 15-2-10 that incorporates the requirements of this Section.
- (b) **Plan.** A written plan shall be developed in accordance with Section 15-2-10 and implemented for applicable land development activities.



(c) **Erosion and Sediment Control Performance Standards.**

- (1) **Specific Standards.** All drainage facilities and practices required to comply with this Chapter shall meet performance standards specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer.
- (2) **General Erosion and Sediment Control Objectives.**
  - a. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
    1. The deposition of soil from being tracked onto streets by vehicles.
    2. The discharge of sediment from disturbed areas into on-site stormwater inlets.
    3. The discharge of sediment from disturbed areas into adjacent waters of the state.
    4. The discharge of sediment from drainageways 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 transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.
  - b. 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 Subsection.
- (3) **Sediment Performance Standards.** In addition to the erosion and sediment control practices under Subsection (c)(2) above, the following erosion and sediment control practices shall be employed:
  - a. BMPs 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.
  - b. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
  - c. Notwithstanding Subsection (c)(3)a above, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (4) **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:
- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
  - b. Minimization of soil compaction and preservation of topsoil.
  - c. Minimization of land disturbing construction activity on slopes of twenty percent (20%) or more.
  - d. Development of spill prevention and response procedures.
- (d) **Location.** The BMP's used to comply with this Section shall be located before runoff enters waters of the state. While regional treatment facilities may be appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.
- (e) **Implementation – Generally.** The BMPs used to comply with this Section shall generally be implemented as follows:
- (1) Erosion and sediment control practices shall be constructed and/or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan.
  - (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) days.
  - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (f) **Alternate Requirements.** The Director of Public Works/Village Engineer may establish alternative erosion and sediment control requirements to those set forth in *Village of Bristol Erosion Control and Stormwater Management Requirements*, if the Director of Public Works/Village Engineer determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this Chapter and *Village of Bristol Erosion Control and Stormwater Management Requirements* shall be convened in accordance with Sections 15-2-13 and 15-2-14.

## **Sec. 15-2-9 Permitting Requirements, Procedures and Fees.**

- (a) **Permit Required.** No responsible party may commence a land disturbing construction activity subject to this Chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works/Village Engineer.
- (b) **Permit Application and Fees.** The responsible party desiring to undertake a land disturbing construction activity subject to this Chapter shall submit an application for a

permit and an erosion and sediment control plan that meets the requirements of Section 15-2-10. The applicant shall pay an application fee consistent with the fee schedule maintained by the Village Clerk. By submitting an application, the applicant is authorizing the Village staff to enter the site to obtain information required for the review of the erosion and sediment control plan.

- (c) **Review and Approval of Permit Application(s).** The Director of Public Works/Village Engineer 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) The Director of Public Works/Village Engineer may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within thirty (30) business days of the receipt of a complete permit application, including all items as required by Subsection (b), the Director of Public Works/Village Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.
  - (2) If the permit application and plan are approved, the Director of Public Works/Village Engineer shall issue the permit.
  - (3) If the permit application or plan is disapproved, the Director of Public Works/Village Engineer shall state in writing the reasons for disapproval.
  - (4) The Director of Public Works/Village Engineer may request additional information from the applicant. If additional information is submitted, the Director of Public Works/Village Engineer shall have thirty (30) business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
- (d) **Financial Guarantee.** As a condition of approval and issuance of the permit, the Director of Public Works/Village Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (e) **Permit Requirements.** All permits shall require the responsible party to:
- (1) Notify the Director of Public Works/Village Engineer within two (2) full business days before commencing and land disturbing construction activity.
  - (2) Notify the Director of Public Works/Village Engineer of completion of any BMP's within three (3) full business days after their installation.
  - (3) Obtain permission in writing from the Director of Public Works/Village Engineer prior to any modification pursuant to Section 15-2-10 of the erosion and sediment control plan.
  - (4) Install all BMP's as identified in the approved erosion and sediment control plan.
  - (5) Maintain all road drainage systems, stormwater drainage systems, BMP's and other facilities identified in the erosion and sediment control plan.
  - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site

- erosion control log. Remove accumulated sediment from downstream culverts, storm sewers, and other drainage facilities.
- (7) Inspect the BMP's within twenty-four (24) hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction on the site.
  - (8) Allow Village staff to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. The responsible party shall keep a copy of the erosion and sediment control plan at the construction site.
- (f) **Permit Conditions.** Permits issued under this Section may include conditions established by the Director of Public Works/Village Engineer in addition to the requirements set forth in Subsection (e), where needed to assure compliance with the performance standards in Sections 15-2-7 and 15-2-8.
  - (g) **Permit Duration.** Permits issued under this Section shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The permit duration may be extended by the Director of Public Works/Village Engineer one (1) or more times for up to an additional one hundred eighty (180) days cumulatively. The Director of Public Works/Village Engineer may require additional BMP's as a condition of the extension if they are necessary to meet the requirements of this Chapter.
  - (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMP's necessary to meet the requirements of this Chapter until the site has undergone final stabilization.

### **Sec. 15-2-10 Erosion and Sediment Control Plan and Amendments.**

- (a) **Erosion and Sediment Control Plan Statement.** For each construction site identified under Section 15-2-4, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works/Village Engineer. The erosion and sediment control plan statement shall briefly describe the site, development schedule, and BMPs that will be used to meet the requirements of this Chapter. A site map shall also accompany the erosion and sediment control plan statement.
- (b) **Erosion and Sediment Control Plan Requirements.** An Erosion and Sediment Control Plan shall be prepared and submitted to the Director of Public Works/Village Engineer. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer.

**15-2-10**

- (c) **Erosion and Sediment Control Plan Amendments.** The applicant shall amend the plan if any of the following occur:
- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state 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 the construction site runoff.
  - (3) The Director of Public Works/Village Engineer notifies the applicant of changes needed in the erosion and sediment control plan.

**Sec. 15-2-11 Fee Schedule.**

The fees referred to in other sections of this Chapter shall be established by the Bristol Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Bristol Village Board shall be available for review in the Village Clerk's office.

**Sec. 15-2-12 Inspections.**

- (a) **Project Inspections.** The Director of Public Works/Village Engineer, Building Inspector, or designee may access the site for the purpose of inspecting installation and construction "best management practices" at any time between initiation of construction activities and final inspection/release of the project guarantees.
- (b) **Work Without a Permit Inspections.** If land disturbing construction activities are being carried out without a permit required by this Chapter, the Director of Public Works/Village Engineer, Building Inspector, or designee may enter the land pursuant to the provisions of Section 66.0119(1), (2) and (3), Wis. Stats.

**Sec. 15-2-13 Exceptions and Waivers.**

- (a) **General.** Where the Director of Public Works/Village Engineer finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative approach, the Village administrative authority may approve exceptions and waivers to these regulations so that substantial justice may be done and the public welfare secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Director of Public Works/Village Engineer shall not approve exceptions and waivers unless such administrative authority shall make findings

based upon the evidence presented that all of the following conditions are met by the petitioner:

- (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or its owners;
  - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law; and
  - (5) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (b) **Conditions.** In approving exceptions or waivers, the Director of Public Works/Village Engineer may require such conditions as will in the administrative authority's judgment secure substantially the purposes described in this Chapter and accompanying written stormwater management and erosion control requirements.
- (c) **Procedures.** A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Director of Public Works/Village Engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## **Sec. 15-2-14 Enforcement.**

- (a) **Stop-Work Order Issuance.** The Director of Public Works/Village Engineer may post a stop-work order if any of the following occurs:
- (1) Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
  - (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.
- (b) **Improper Activity to Cease.**
- (1) **Permit Revocation.** If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works/Village Engineer may revoke the permit.
  - (2) **Cease and Desist Court Order.** If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public

Works/Village Engineer, or if a responsible party violates a stop-work order posted under Subsection (a), the Director of Public Works/Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

- (c) **Retraction of Enforcement Orders.** The Village Board, upon the recommendation of the Director of Public Works/Village Engineer, may retract the stop-work order issued under Subsection (a) or the permit revocation under Subsection (b).
- (d) **Notice of Village Intent to Perform Necessary Project Work.** After posting a stop-work order under Subsection (a), the Director of Public Works/Village Engineer may issue a notice of intent to the responsible party of intent to perform work necessary to comply with this Chapter. The Village staff or contractors may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this Subsection by the Village of Bristol, plus interest at the rate authorized by the Village Board, shall be billed to the responsible party or recovered from the surety bond or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect it as a special assessment against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.
- (e) **Forfeiture Penalty.** Any person, firm, association, or corporation violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense. Such forfeiture(s) may be in addition to other penalties under this Chapter.
- (f) **Injunction.** 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.

### **Sec. 15-2-15 Appeals.**

- (a) **Village Board.** The Village Board, comprised pursuant to the Village of Bristol Code of Ordinances under to Chapter 61, Wis. Stats.:
  - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works/Village Engineer in administering this Chapter, except for cease and desist orders under Sec. 15-2-14(b)(2);
  - (2) Upon appeal, the Village Board may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship; and
  - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

- (b) **Who May Appeal.** Appeals to the Village Board may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Bristol affected by any decision of the Director of Public Works/Village Engineer.
- (c) **Court Action.** This Section does not apply to determinations made regarding this Chapter in either municipal court or circuit court. In such circumstances the appeal procedure shall be that set forth for appealing municipal court decisions and/or circuit court decisions as applicable.

### **Sec. 15-2-16 Severability.**

If any section, clause, provision or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall remain in force and not be affected by such judgment.

### **Sec. 15-2-17 Effective Date.**

This Chapter shall be in force and effect from and after its adoption and posting. The above and foregoing Chapter was duly adopted by the Village Board of the Village of Bristol, Kenosha County, Wisconsin.

### **Sec. 15-2-18 Limitations on Village Responsibility.**

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village of Bristol which has adopted this Chapter than those minimum requirements specifically required by the Wisconsin Statutes, Wisconsin Administrative Code and Wisconsin Department of Natural Resources regulations.



**SECTION II. SEVERABILITY.**

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

**SECTION III. EFFECTIVE DATE.**

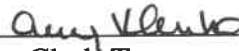
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28 day of March, 2016.

VILLAGE OF BRISTOL, WISCONSIN



\_\_\_\_\_  
Village President



\_\_\_\_\_  
Village Clerk-Treasurer

INTRODUCED: 3/28/16

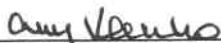
PASSED: 3/28/16

PUBLISHED/POSTED: \_\_\_\_\_

State of Wisconsin:  
County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 28 day of March, 2016, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 28 day of March, 2016.



\_\_\_\_\_  
Amy Klemko, Village Clerk-Treasurer