

CHAPTER 22
EROSION CONTROL

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22.01 INTRODUCTION. (Am. Ord. #2655 – 5/18/09).

(1) **FINDINGS AND DECLARATION OF POLICY.** The City finds that urbanizing land uses have accelerated the process of soil erosion, and sedimentation in the waters of the State. It is, therefore, declared to be the policy of the City to provide for the control and, if possible, the prevention of soil erosion, and thereby to preserve the natural resources, control floods, protect the capacity of drainage facilities, and prevent impairment of dams and reservoirs, protect the quality of public waters, preserve wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the City.

(2) **INTENT AND PURPOSE.** The purpose of this chapter is to promote the public health, safety, property and general welfare of the citizens of the City and to conserve the soil, water and related resources and control erosion and sedimentation caused by land disturbing activities.

(3) **APPLICABILITY.** (Am. Ord. #2655 – 5/18/09). This chapter shall apply to the use of lands within the incorporated boundaries of the City and the use of land subject to extraterritorial land division review pursuant to ch. 18 of this Code and the requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) (Cr. Ord. #2655 – 5/18/09). Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

(b) (Cr. Ord. #2655 – 5/18/09). Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

(4) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) **TIME FOR COMPLIANCE.** Land disturbing activities commenced after the effective date of this chapter shall be in compliance with all provisions of the chapter.

22.02 LAND DISTURBING ACTIVITIES SUBJECT TO EROSION CONTROL.

(1) (Am. Ord. #2655 – 5/18/09). **GENERAL REQUIREMENT.** Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities or who permits another person to do the same, on land subject to this section, shall

be subject to the provisions of this chapter.

(2) **LAND DISTURBING ACTIVITIES OF LESS THAN ONE ACRE.** (Am. Ord. #2655 – 5/18/09). Land disturbing activities of less than one acre shall be subject to the erosion and sediment control provisions of this chapter if:

(a) An area of 2,000 square feet or greater will be disturbed by excavation, grading, filling or other earth-moving activities, resulting in the removal of ground cover or vegetation; or

(b) Excavation, fill, or any combination thereof will exceed 400 cubic yards;
or

(c) Any watercourse is to be changed, enlarged or materials are removed from stream or lake beds; or

(d) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, piping, wiring, waterlines, sanitary sewers or storm sewers, or similar structures will be laid, repaired, replaced or enlarged, involves more than 300 linear feet of trenching or earth disturbance; or

(e) Any subdivision or minor land division, as defined by ch. 18 of this Code, requires plat approval or any certified survey map is created; or

(f) (Cr. Ord. #2655 – 5/18/09). Any disturbed area is within the floodplain district(s) based on a 100 year recurrence interval flood or wetlands; or

(g) (Cr. Ord. #2655 – 5/18/09). There is a disturbance of 100 lineal feet of roadway ditch, grass water way or other land area where surface drainage flows in a defined open channel including the placement, repair or removal of any underground pipe, utility or other facility within the cross section of the channel at flow capacity.

(3) **LAND DISTURBING ACTIVITIES OF ONE ACRE OR MORE.** (Cr. Ord. #2655 – 5/18/09). Land disturbing activities of one acre or more shall be subject to the construction site performance standards of NR 151.11, Wis. Admin. Code, as amended from time to time.

(4) **EXEMPTIONS.** (Cr. Ord. #2655 – 5/18/09). This section does not apply to the types of projects, facilities, practices and activities listed under NR 151.11(3), Wis. Admin. Code, as amended from time to time.

22.03 DEFINITIONS (Am. Ord. #1986 – 2/5/90). As used in this chapter, the following terms are defined as indicated:

(1) (Repealed Ord. #2655 – 5/18/09).

(2) **CONTROL PLAN.** This term shall refer to an Erosion and Sedimentation Control Plan. Said plan shall consist of a written or graphic description or condensation of

written and graphic description approved by the Administrator of methods for controlling sediment pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a development area.

(3) EROSION. The detachment or movement of soils or rock fragments by water, wind, ice or gravity.

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

(5) (Repealed Ord. #2655 – 5/18/09).

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

(7) LAND DISTURBING ACTIVITIES. Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including, but not limited to, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land-disturbing activities as home gardens and repair and maintenance of private driveways. Additionally, this term does not include agricultural land uses.

(8) (Repealed Ord. #2655 – 5/18/09).

(9) LAND OCCUPIER. (Am. Ord. #2655 – 5/18/09). Any person who has a fee simple interest in the land as a soil owner, as a tenant in common or a joint tenant or as a trustee, assignee, or land contract vendee.

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

(11) PARCEL. (Am. Ord. #1986 - 2/5/90). All contiguous lands under the ownership or control of a land occupier or land user. For lands which have been subdivided, parcel shall mean an individual lot or parcel as created by the subdivision.

(12) PERMIT. (Am. Ord. #2655 – 5/18/09). The signed written statement issued by the City under this chapter authorizing the applicant to engage in general land disturbing use specified in the permit application and for a specified period of time.

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

(14) REMOVAL OF GROUND COVER. (Am. Ord. #2655 – 5/18/09). Cutting

vegetation to the ground or stumps, complete extraction or killing by spraying or burning.

(15) **SEDIMENT.** (Am. Ord. #2655 – 5/18/09). Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity of ice, and has come to rest on the earth's surface at a different site or location.

(16) **SEDIMENTATION.** Settling or deposition of sediment.

(17) (Repealed Ord. #2655 – 5/18/09).

(18) **STOP WORK ORDER.** (Am. Ord. #2655 – 5/18/09). A means of giving notice to the permittee that the Administrator believes that the permittee has violated one or more provisions of this chapter. A stop work order means that the activity must be ceased or brought into compliance with this chapter within a reasonable timeframe as determined by the Administrator.

(19) (Repealed Ord. #2655 – 5/18/09).

(20) **DRAINAGE SYSTEM.** (Am. Ord. #2655 – 5/18/09). All facilities used for conducting storm water to, through or from a drainage area to the point of final outlet, including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, pumping stations, grass waterways, detention basins, retention basins, sedimentation basins and sedimentation traps.

(21) (Repealed Ord. #2655 – 5/18/09).

(22) **WATERCOURSE.** Any lake, pond, stream or other waters which are navigable under the laws of the State.

(23) **WORKING DAY.** (Am. Ord. #2655 – 5/18/09). A calendar day, except Saturdays, Sundays and State recognized legal holidays, on which weather and other conditions not under the control of a contractor, will permit construction operations to proceed with the normal working force.

(24) **ADMINISTRATOR.** (Cr. Ord. #2381 - 12/04/00). The Director of Economic and Community Development or such person or persons as he shall designate subject to his supervision.

22.04 REGULATION OF LANDS NOT OTHERWISE SUBJECT TO THIS CHAPTER.

Notwithstanding any other provisions of this chapter, it shall be a violation of this chapter for any condition to be established, maintained or allowed to be maintained, that results in excessive erosion or sedimentation to adjacent land, public streets or water bodies. Penalties and remedies may be sought for such activities as provided in sec. 22.09 of this chapter.

Erosion is excessive when, contrary to the standards set forth in sec. 22.05 of this chapter, an unsafe condition results in the streets; undue sedimentation occurs in lakes, streams and drainage facilities; erosion endangers downstream property owners or their property; or the public health and safety or general welfare of the citizens of the City is harmed. streams and drainage facilities; erosion endangers downstream property owners or their property; or the public health and safety or general welfare of the citizens of the City is harmed.

22.05 EROSION CONTROL REQUIREMENTS, PRINCIPLES AND DESIGN STANDARDS (Rep. & Recr. Ord. #1986 – 2/5/90).

(1) EFFECT OF COMPLIANCE. Compliance with the standards and criteria of this section shall not bar a nuisance action or other civil action brought by any public or private party related to or arising from erosion or sedimentation.

(2) GENERAL REQUIREMENTS. (Am. Ord. #2655 – 5/18/09). The following general requirements shall apply to all erosion control plans, permits and all sites and activities regulated under this chapter in order to control sediment to the maximum extent practicable:

(a) Erosion control plans shall incorporate best management practices as identified in the technical standards identified or developed by the Wisconsin Department of Natural Resources in accordance with Subchapter V of NR 151 of the Wisconsin Administrative Code, or by other technical standards that are not identified or developed by the previous documents, provided the methods have been approved by the City.

(b) Erosion control plans shall relate to the topography, adjacent land uses, and soils of the site so that the lowest potential for erosion is created.

(c) Natural plant covering shall be preserved and protected and shall be a principle factor in developing the erosion control plan.

(d) The smallest practical area of land shall be exposed during development and the duration of that exposure should be as short as is practical.

(e) All disturbed ground left inactive for 10 working days during the excavation or construction process shall be stabilized by mulching or covering.

(f) All soil or dirt storage piles containing more than 10 cubic yards of material shall be protected from the forces of erosion.

(g) Temporary sediment basins shall be constructed and maintained upstream of drainage ways to trap, remove and prevent sediment and debris from occurring.

(h) Water pumped from the site shall be treated by temporary sediment

basins, grit chambers, filter and polymer bags, or other appropriate measures.

(i) All waste and unused building materials, including garbage, debris, chemicals, cleaning wastes, wastewater, toxic and hazardous materials, cement, and other compounds and materials used on the construction site during construction shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(j) Each site shall have graveled or paved roads, access drives and parking areas and/or stone tracking pads of sufficient width and length to prevent sediment from being tracked onto public roadways. Any sediment reaching a public roadway shall be removed (not flushing) before the end of each work day.

(k) All storm drain inlets shall be protected with straw bales, filter fabric or equivalent barrier meeting accepted design criteria and specifications.

(l) (Cr. Ord. #2655 – 5/18/09). Construction site operators shall manage waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site so as to reduce adverse impacts on waters of the state and the storm sewer system.

(3) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. (Am. Ord. #2655 – 5/18/09). All erosion control measures required to comply with this chapter shall meet the design criteria, standards and specifications as identified in the technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of NR 151 of the Wisconsin Administrative Code or by other technical standards that are not identified or developed by the previous documents, provided the methods have been approved by the City.

22.06 APPLICATION AND ISSUANCE OF PERMITS (Rep. & Recr. Ord. #1986 – 2/5/90; Am. Ord. #2050 – 11/18/91; Am. Ord. 2187 – 12/12/94; Am. Ord. #2296 - 12/15/97; Rep. & Recr. Ord. #2381 - 12/04/00).

(1) PERMIT REQUIRED.

(a) Unless specifically exempted by this chapter, no land occupier or land user may undertake a land disturbing activity subject to this chapter without receiving an erosion control permit from the Administrator prior to commencing the proposed activity.

(b) (Am. Ord. #2655 – 5/18/09). As a condition of obtaining the erosion control permit, each land occupier or land user shall submit for approval an application, erosion control plan and fees.

(c) In lieu of an individual permit for each land disturbing activity subject to this chapter, an annual permit may be issued to public or private utilities. The utility shall agree to adopt and follow a procedure for each land disturbing activity which meets all

applicable standards contained in this chapter. The permit shall provide that in the event that a utility activity fails to meet the standards, the permit shall terminate and the utility shall be subject to penalties as provided in this Municipal Code. Prior to each land disturbing activity, the permittee shall submit an erosion control plan for such activity in accordance with subs. (3) and (4) below and shall give advance notice of such activity as required by sub. (6)(b) below.

(2) FEES. (Rep. & Rec. Ord. #2296 - 12/15/97; Rep. & Rec. Ord. #2381 - 12/04/00).

(a) Fees shall not be required for activities conducted by the Federal, State, County or City government or a public school district.

(b) The fees for permits shall be determined from time to time by the Common Council. A schedule of the fees then in effect shall be kept on file in the office of the Department of Economic and Community Development.

(3) EROSION CONTROL PLAN REQUIRED. (Am. Ord. #2655 – 5/18/09). Unless specifically exempted by this chapter, every applicant for a permit required by this chapter shall develop and submit a plan to control erosion and sedimentation which might result from the proposed activity. If the proposed land-disturbing activity involves a parcel of less than 1/2 acre, the applicant's erosion control permit may suffice as the erosion control plan; the erosion control permit for less than 1/2 acre shall specify those control devices and practices necessary to control erosion and sedimentation.

(4) CONTENTS OF THE EROSION CONTROL PLAN. (Am. Ord. #2655 – 5/18/09). The erosion control plan shall contain any such information which the Administrator may need to determine soil erosion, and sedimentation potential and control. The Administrator may require the following, as well as any other information which, in his judgment, is needed to evaluate the control plan

(a) A map of the site at a scale not smaller than one inch equals 100 feet showing the location of the predominant soil types and the existing vegetative cover.

(b) A topographic map at a scale not smaller than one inch equals 100 feet with a vertical contour interval of 2 feet of the site including enough of the contiguous properties to show existing on-site drainage patterns, roads, storm sewer systems, wetlands and watercourses that may affect or be affected by the proposed development of the site. The site boundaries shall also be shown clearly on the map.

(c) A plan of the site at a scale not smaller than one inch equals 100 feet showing the following:

1. The name, address and telephone number of the land occupier along with the name and telephone number of the party responsible for maintaining erosion control measures and structures.

2. The limits of wetland and natural flood plain district(s) based on a 100 year recurrence interval flood, if any.

3. A construction sequence and timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area of soil disturbing activity prior to the completion of effective measures for erosion and sediment control.

4. Proposed topography of the site with a maximum of 2 foot contour intervals showing the following:

a. Location of proposed land disturbing activity, proposed disturbance of protective cover, any proposed additional structure on the site, areas to be seeded or mulched, interim and permanent stabilization practices, areas to be vegetatively stabilized and areas to be left undisturbed.

b. Elevations, dimensions, locations of all proposed soil disturbing activities including where topsoil will be stockpiled so it will not contribute to erosion and sedimentation.

c. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.

d. The kinds of utilities and proposed areas of installation.

e. Proposed paved and covered areas in square feet or to scale on the plan map.

f. The type of proposed surface soil (upper 6 inches) on areas not covered by buildings, structures or pavement. Description shall be in such terms as original surface soil, subsoil, sand, silt, clay or other.

g. Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch or other.

h. Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

i. Methods to prevent tracking of soil off the site of the land disturbing activity.

j. If materials are to be hauled off-site, the location where materials will be disposed.

k. (Cr. Ord. #2655 – 5/18/09). Location of proposed major structural and non-structural erosion control measures.

l. (Cr. Ord. #2655 – 5/18/09). Location of proposed infiltration and post construction site best management practices.

m. (Cr. Ord. #2655 – 5/18/09). Description of any structural practices to divert flow away from exposed soils.

n. (Cr. Ord. #2655 – 5/18/09). Stabilization measures for existing or proposed drainage ways.

o. (Cr. Ord. #2655 – 5/18/09). Proposed location of the temporary topsoil and/or stockpiles.

5. Plans and hydraulic computations for all permanent or temporary sedimentation basins. The method and frequency of maintenance shall be noted, and the use of security measures such as fencing shall be shown. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed and calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

(d) (Cr. Ord. #2655 – 5/18/09). A plan of sufficient scale to show the construction site, wetlands, flood plains, and locations where storm water is discharged to a surface water or wetland within ¼ mile downstream of the construction site. The depth to groundwater, as indicated by Natural Resources Conservation service soil information where available.

(5) REVIEW OF APPLICATION. The Administrator shall receive and review all permit applications which are accompanied by the appropriate fee. The Administrator shall determine if measures included in the plan to control erosion and sedimentation are adequate to meet all the applicable standards as set out in sec. 22.05 of this chapter. Prior to approval of the erosion control plan or any amendment, the Administrator may transmit the plan to the Plan Commission for review and recommendations. The Administrator shall inform the applicant in writing whether he approves, approves conditionally with modifications, or disapproves the control plan. If the Administrator approves the control plan, he shall issue the permit. If additional information or modifications are required, the Administrator shall so notify the applicant. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Administrator's decision as provided in sec. 22.08 of this chapter. If the Administrator requires modification of the erosion control plan, the applicant must modify the permit application and control plan accordingly and reapply for the permit (no additional permit fee is required for such reapplication), or the applicant may appeal the decision as provided in sec. 22.08 of this chapter.

(6) PERMIT CONDITIONS. (Am. Ord. #2655 – 5/18/09). All permits issued under this chapter shall be issued subject to the general requirements of this chapter and any permittee who begins to perform any land disturbing activity authorized by permit shall

comply with all of the following conditions:

(a) All land disturbances, construction implementation and development shall be done in accordance with all state and federal regulations and the erosion control plan as approved by the Administrator.

(b) The permittee shall give at least 2 working days written notice to the Administrator in advance of the start of any land disturbing activity.

(c) The permittee shall file written notice of completion of all land disturbing activities and/or the completion of installation of all on-site sedimentation facilities within 20 days after completion.

(d) Approval in writing must be obtained from the Administrator prior to any modifications to the approved erosion control plan.

(e) The permittee shall be responsible for maintaining all public rights of way, streets, runoff and drainage systems and drainage ways as specified in the approved erosion control plan.

(f) The permittee shall be responsible for repairing any damage at his expense to all affected streets and properties caused by sedimentation resulting from any land disturbing activities.

(g) The permittee shall provide, install, and maintain at his expense all drainage and erosion control improvements required by this chapter and the approved erosion control plan.

(h) No work shall be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and blowing dirt.

(i) Unless otherwise provided for by this chapter, no portion of disturbed land shall be allowed to remain uncovered for a period greater than 3 working days following completion of the land disturbing activity.

(j) The permittee agrees to allow the Administrator, or his designee, to enter onto the land regulated under this chapter for the purpose of inspecting for compliance with the approved control plan and permit. The permittee authorizes the Administrator to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the Administrator and further consents to the City placing the total of the costs and expenses of such work and operations upon the tax roll as a special tax against the property.

(k) (Cr. Ord. #2655 – 5/18/09). The permittee shall obtain all required state and federal permits associated with the land disturbing activity.

(l) (Cr. Ord. #2655 – 5/18/09). The permittee shall inspect all best

management practices within 24 hours after each rain event of 0.5 inch or more, or at least once each week, and make any needed repairs.

(m) (Cr. Ord. #2655 – 5/18/09). The permittee shall conduct inspections and maintain an inspection log for the site. The inspection log shall include the name of the inspector; the date and time of inspection; a description of the present phase of construction; the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management best management practice(s); and any action needed or taken to comply with this chapter. The inspection log shall also include a record of best management practice(s) maintenance and repairs conducted. The permittee shall maintain a copy of the inspection log at the construction site and it shall be made available to the Administrator upon request.

(7) PERMIT DURATION. Permits issued under this chapter shall be valid for a period, as specified on the face of the permit by the Administrator, and all work must be completed prior to the expiration date of the permit. However, the Administrator is authorized to extend the expiration date of the permit if he finds that such an extension will not cause an increase in erosion, sedimentation or runoff. The Administrator is further authorized to modify the plans if necessary to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

(8) SURETY BOND. (Am. Ord. #2655 – 5/18/09). As a condition for approval and issuance of any permit required by this chapter, the Administrator may require the permittee to deposit a cash bond, an irrevocable letter of credit, or other financial security to guarantee the faithful execution of the approved control plan and permit conditions. All securities must be approved by the City Attorney in the amount it would cost the City to complete the required erosion control measures as estimated by the Administrator.

22.07 ADMINISTRATION.

(1) DELEGATION OF AUTHORITY. The Council herewith designates the Administrator to administer and enforce the provisions of this chapter under the direction of the Board of Public Works. The Administrator may appoint assistants to aid in the performance of his duties and may seek technical advice as needed from the Washington County Land Conservation Committee as to the adequacy of any proposed plan and permit application submitted to him.

(2) ADMINISTRATIVE DUTIES. (Am. Ord. #2655 – 5/18/09). In the administration and enforcement of this chapter, the Administrator shall perform the following duties:

(a) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions.

(b) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issued the permits required by

sec. 22.06 (1) of this chapter in accordance with the procedure as set forth in this chapter, but only when the erosion and sedimentation will be controlled to meet the standards of sec. 22.05 of this chapter.

(c) Investigate all complaints made to the application of this chapter.

(d) Revoke any permit granted under this chapter if it is found that the holder of the permit has misrepresented any material fact in his permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing subsequently by the Administrator; or has violated any of the other conditions of the permit as issued to the applicant.

(3) INSPECTION AUTHORITY. (Am. Ord. #2655 – 5/18/09). The Administrator, or his designee, is authorized to enter upon any public or private lands affected by this chapter to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan and, after permit issuance, to determine compliance with this chapter. If permission cannot be received from the land occupier or user, entry by the Administrator shall be in accordance with §§66.0119, Wis. Stats.

(4) ENFORCEMENT AUTHORITY (Am. Ord. #1986 – 2/5/90; Am. Ord. #2655 – 5/18/09). The Administrator is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this chapter. A copy of the stop work order shall be provided by certified mail to the permittee at the address shown on the permit or, if there no permit was issued, to the owner of the property as shown by the records of the City Assessor. The Administrator shall supply a copy of each stop work order to the City Attorney who may commence further legal proceedings. Stop work orders shall remain in effect until the land disturbing activity is brought into compliance with this chapter.

22.08 APPEALS.

(1) AUTHORITY. The Board of Public Works shall:

(a) Hear and decide appeals where it is alleged that there is error in any order, requirement decision or determination made by the Administrator in administering this chapter.

(b) Authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would cause an undue hardship.

(2) WHO MAY APPEAL? Appeals may be taken by any person aggrieved or by any officer, department or board of the City affected by the order, or requirement, decision or determination made by the Administrator. Such appeals shall be filed with the Board of Public Works within 30 days after the date of the written notice of the decision or order of

the Administrator.

22.09 VIOLATIONS.

(1) PENALTY. (Am. Ord. #2655 – 5/18/09). Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to forfeiture of not less than \$100 nor more than \$1,000 plus the cost of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense. The City may also seek an order to restore the property to the condition required by this chapter.

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

(3) PERFORMANCE OF WORK BY THE CITY. (Rep. & Recr. Ord. # 1986 - 2/5/90).

(a) When the Administrator determines that land disturbing activities are being carried on in violation of this chapter or a permit issued pursuant to this chapter, including failure to make any improvements or follow practices as approved in a plan, or failure to comply with the time schedule included in a plan, the Administrator or a party designated by him may enter upon the land and perform, or cause to be performed, the work or other operations necessary to bring the condition of said lands into conformity with the requirements of this chapter or the approved plan. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special tax against the property and collected with any other taxes levied thereon pursuant to §66.0627, Wis. Stats.

(b) (Am. Ord. #2655 – 5/18/09). The Administrator shall give at least 72 hours written notice before performing such work or causing the work to be performed, except that no notice shall be necessary in cases requiring immediate action to prevent harm to the public health, safety or welfare. On land for which a permit has been obtained, written notice shall be considered given upon personal delivery or upon mailing via certified mail to the address of the permittee shown on the application. If no permit has been granted for the work or activity, written notice shall be considered given upon personal delivery or upon mailing to the address of an owner as shown by the records of the City Assessor.