

CHAPTER 12 APPENDIX B
EROSION CONTROL ORDINANCE

1.1 **AUTHORITY**

This ordinance is adopted under the authority granted by Sec. 62.2345 Stats., for cities.

1.2 **FINDINGS AND PURPOSE**

(1) **FINDINGS.** The City of New Holstein finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this city.

(2) **PURPOSE.** It is the purpose of this ordinance to preserve the natural resources: To protect the quality of the waters of the state and the City of New Holstein; and to protect and promote the health, safety and welfare of the people, to the extent practicable by:

(a) Minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.

1.3 **APPLICABILITY OF ORDINANCE**

This ordinance applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the City of New Holstein and the public and private lands subject to extraterritorial review under ch. 236, Stats. All state funded or conducted construction is exempt from this ordinance.

Note: State funded or conducted construction activities must meet the requirements contained in the “State Plan for the Control of Construction Erosion and Storm water Runoff” (State plan), which contains similar requirements as contained in this model ordinance, as a minimum.

1.4 **DEFINITIONS**

(1) **“AGRICULTURAL LAND USE”** means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(2) **“COMMERICAL LAND USE”** means use of land for the retail or wholesale sale of goods or services.

(3) **“CONSTRUCTION SITE CONTROL MEASURE”** means a control measure used to meet the requirements of 1.7(2) of this ordinance.

- (4) “CONTROL MEASURE” means a practice or combination of practices to control erosion and attendant pollution.
- (5) “CONTROL PLAN” means a written description or the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by The Building Inspector.
- (6) “EROSION” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (7) “LAND DEVELOPING ACTIVITY” means the construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (8) “LAND DISTURBING CONSTRUCTION ACTIVITY” means any manmade change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (9) “LANDOWNER” means any person holding title to or having an interest in land.
- (10) “LAND USER” means any person operation, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (11) “RUNOFF” means the rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (12) “SET OF 1 YEAR DESIGN STORMS” means the following rain intensities and rain volumes or corresponding values specific to the community for the storm durations or 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately once per year. [Note: the following are typical characteristics of these one year storms for most of Wisconsin:

storm duration (hours)	average rain intensity (inches/hour)	total rain (inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3]

(13) "Site" means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

1.5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES

All control measures required to comply with this ordinance shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector.

1.6 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

1.7 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(1) APPLICABILITY. This section applies to the following sites of land development or land disturbing activities:

- (a) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.
- (b) Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
- (c) Those involving grading, removal or protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more;
- (d) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material;
- (e) Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction;
- (f) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The following requirements shall be met on all sites described in sub. (1).

(a) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upslope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particle of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Building Inspector. Water may not be discharged in a manner that causes erosion of the site receiving channels.

(b) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(c) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.

Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(d) Drain inlet protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

(e) Site erosion control. The following criteria (1. through 5.) apply only to land development or land disturbing activities that result in runoff leaving the site.

1. Canalized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in 1.7(2)(e) 3.c. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channel. [Note: Soil and Conservation Service guidelines for allowable velocities in different types of channels should be followed.]

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subpart. a. and b. or a. and c.

a. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or siding (only available prior to September 15) or by mulching or covering, or other equivalent control measure.

b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% for the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of 1-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

4. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than 7 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

1.8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

No landowner or land user may commence a land disturbance or land development activity subject to this ordinance without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this ordinance shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for the review of the control plan.

(1) CONTENT OF THE CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.

(a) Existing site map. A map of existing site conditions on a scale of at least 1 inch equals 100 feet showing the site and immediately adjacent areas:

1. Site boundaries and adjacent lands which accurately identify site location:
2. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site. [Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.]
3. 100 year floodplains, flood fringes and floodways;
4. Location of the predominant soil types;
5. Vegetative cover;
6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
7. Locations and dimensions of utilities, structures, roads, highways, and paving; and
8. Site topography at a contour interval not to exceed five feet.

(b) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(c) Site construction plan. A site construction plan including:

1. Locations and dimensions of all proposed land disturbing activities;
2. Locations and dimensions of all temporary soil or dirt stockpiles;
3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance;
4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this ordinance; and
5. Provisions for maintenance of the construction site control measure during construction.

(2) CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING LESS ONE ACRE, BUT MEETING THE APPLICABILITY REQUIREMENTS STATED IN 1.7 (1).

