

# CHAPTER 21

## EROSION CONTROL/LAND DISTURBANCE

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## EROSION CONTROL/LAND DISTURBANCE 21.01

21.01 AUTHORITY. This Code is adopted under the authority granted pursuant to s. 59.693, Wis. Stats.

### 21.02 FINDINGS AND PURPOSE.

(1) Findings. La Crosse County finds that runoff from land disturbance activities carry a significant amount of sediment and other pollutants to the waters and right-of-way of the County, state, and private properties.

(2) Purpose. It is the purpose of this Code to protect La Crosse County's unique natural resources by minimizing the amount of sediment carried by runoff or discharged from land disturbance activities to perennial waters, wetlands, private properties, and public right-of-ways.

### 21.03 APPLICABILITY.

(1) This Code applies to land disturbance activities on lands within the boundaries and jurisdiction of La Crosse County in the unincorporated areas. Permits granted under this Code do not release the permittee, landowner or land user from other applicable federal, state or local regulations. The recipient of a permit agrees to indemnify and hold harmless the County of La Crosse, its employees or designated agents from any cost, suit, liability or award which might be assessed due to the acceptance of a control plan or issuance of permits, or because of any adverse effect upon any person or property attributed to a project of the permittee.

(2) Any land disturbance occurring on a 1 and 2 family dwelling site, prior to issuance of a building permit under the UDC (Wisconsin Uniform Dwelling Code), shall be subject to the requirements of this Code. Once a UDC building permit has been issued, the construction site shall be regulated according to Comm. 21.125 and relevant provisions of the Wisconsin Uniform Dwelling Code. If there is an agreement executed between a town and the Department for construction sites once a building permit has been issued, the Department shall regulate land disturbances upon the site in accordance with the UDC. This Code shall apply to all 1 and 2 family dwellings after occupancy of the dwelling, or after the building inspector has preformed the final inspection.

(3) The following sites shall comply with all of the requirements of this Chapter but shall be exempted from obtaining a permit, providing a bond or paying a fee under this Chapter:

(a) Any project that is designed and/or certified by the La Crosse County Department of Land Conservation as part of a soil conservation or water pollution control project.

(b) Land disturbance activity by the County or any township within the County, other federal, state, and local permits may be required.

(c) Nonmetallic mining sites that have been issued a permit and have paid fees under Chapter 27 of the La Crosse County Code of Ordinances.

## EROSION CONTROL/LAND DISTURBANCE 21.04

### 21.04 DEFINITIONS.

- (1) "Access road development" means any excavation or filling for the construction of roads and trails where access is needed for public or private use except when constructed for the purpose of harvesting timber.
- (2) "Agricultural land use" means use of land for planting, growing, cultivating, and harvesting of crops for human or livestock consumption and pasturing, but does not include the construction of agricultural buildings, facilities or other disturbances as indicated in s. 21.07 of this Code.
- (3) "Anchored mulch" means soft mulch that has been either punched in place or sprayed with a tackifier to prevent loss of surface protection due to wind or raindrop impact erosion.
- (4) "Average annual rainfall" means a calendar year of precipitation, excluding snow, which is considered typical.
- (5) "Best management practices or BMP" means structural or non-structural measures, practices, techniques, or devices determined by the Department to be effective measures in preventing or reducing runoff pollutants from leaving the site.
- (6) "Channelized flow" means where surface drainage is confined in an area of concentrated flow, including but not limited to ditches and grass waterways.
- (7) "Control measure" means a practice or combination of practices to control erosion and attendant pollution.
- (8) "Control plan" means a written description and/or plan map of the number, locations, sizes, and other pertinent information of soil and water erosion control measures designed to meet the requirements of this Code submitted by the applicant for review and acceptance by the Planning, Resources and Development Committee or Land Conservation Department staff.
- (9) "Department" means the La Crosse County Department of Land Conservation.
- (10) "Department of Land Conservation" means the designated staff of the Department, as authorized pursuant to s. 92.09, Wis. Stats.
- (11) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- (12) "Final stabilization" means the establishment of perennial vegetation with a minimum coverage rate of 70% of the soil surface – this may be a combination of herbaceous or woody species and durable mulch; covering the soil with a hard surface such as a structure, concrete, bituminous material or riprap.
- (13) "Inactive" means no land disturbance or construction related activity is occurring.

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(14) "Planning, Resources and Development Committee" means the committee created pursuant to s. 92.06, Wis. Stats.

(15) "Land disturbance activity" means any man-made change of the land surface, including removing protective cover to expose the soil, excavating, filling, grading, construction of all agricultural and non-agricultural buildings, roads, parking lots and similar facilities, but not including agricultural land uses as defined in s. 21.04(2) of this Code.

(16) "Landowner" means any person having fee title ownership of the land.

(17) "Land user" means any person who uses the land as owners, operators, lessors, renters or occupiers who are providing a service that requires access or alterations of the land in order to perform the service, including any person or persons, firm, company or corporation performing work at a site.

(18) "Logging road" means any new or existing road that is mechanically shaped where the road will be specifically used to facilitate the harvesting of timber.

(19) "MEP" or "Maximum Extent Practicable" means a 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 factors such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performing standards and may vary based on the performance standard and site condition.

(20) "Mulch" means a cover used in erosion control to protect the soil surface, a minimum of 80% surface coverage required if being used as surface protection in an unseeded area. (See DNR Technical Standard 1058)

(21) "Non-erosive velocities" means a rate of flow of storm water runoff, usually measured in feet per second, that does not erode soils. Non-erosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.

(22) "Perennial waters" means the springs, rivers, lakes, ponds, or wetlands of the County lasting or continuing throughout the year and includes the navigable waters as defined in the La Crosse County Shoreland Zoning Code.

(23) "Permit" means the authority granted by the Zoning, Planning and Land Information Department to conduct activities regulated by this Code.

(24) "Percent slope" means the grade of the land determined by the vertical rise or fall in feet, per horizontal length in feet, measured perpendicular to the land contour and expressed as a percentage. When determining the restricted development area in s. 21.04(24) of this Code, the slope of the existing land contour shall be used.

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(25) "Planning Administrator" means the County Zoning, Planning and Land Information Director.

(26) "Planning, Resources and Development Committee" means the committee appointed by the County Board pursuant to s. 59.69(2), Wis. Stats.

(27) "Pollutant control requirements" means control measures used to meet the requirements pursuant to s. 21.07(2) of this Code.

(28) "Restricted development area" means all land in the unincorporated areas of La Crosse County which exists at or steeper than 30% slope.

(29) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

(30) "Sheet flow runoff" means water, usually storm runoff, flowing in a thin layer over the ground surface; also called overland flow.

(31) "Shoreland Zone" means all lands in the unincorporated areas of La Crosse County which are within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, flowages; or within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

(32) "Site" means the entire area on which the land disturbance activity is proposed in the permit application.

(33) "Temporary best management practices" means any BMP that is intended to reduce runoff pollutants until final stabilization.

(34) "Tracking" means the detachment and movement of soil, sediment, or rock fragments by vehicle tires.

(35) "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions and indicated on NRCS or County wetland inventory maps.

### **21.05 TECHNICAL STANDARDS.**

(1) Design, standards and specifications. All control measures required to comply with this Code shall meet the design criteria, standards and specifications based on any of the following:

(a) Applicable design guidance and technical standards developed by the DNR under subchapter V of Chapter NR 151, Wisconsin Administrative Code.

(b) Standards and specifications contained in the NRCS La Crosse County WI Field Office Technical Guide.

(2) Other technical standards. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Department.

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21.06 PERFORMANCE STANDARDS. All erosion control plans shall by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis as compared with no sediment or erosion controls, until the site is stabilized.

(1) Erosion and sediment control BMP's may be used alone or in combination to meet the 80% sediment reduction goal. Plans comply with 21.08(2), (3) and 21.09 shall be determined by the Department as meeting the 80% sediment control reduction.

(2) The Department may recognize other methods for determining compliance with the 80% sediment reduction goals as they are standardized.

21.07 MAINTENANCE OF CONTROL MEASURES. All control measures necessary to meet the requirements of this Code shall be maintained by the landowner or land user to ensure adequate performance and to prevent nuisance conditions.

21.08 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE ACTIVITIES.

(1) Applicability. This section applies to any of the following sites:

(a) Those involving land disturbance activities affecting surface area of 4,000 square feet or more on slopes less than 20%;

(b) Those involving land disturbance activities affecting a surface area of 2,000 square feet or more on slopes 20% and greater, or within the Shoreland Zone as defined in s. 21.04(26) of this Code;

(c) Those involving excavation or filling or a combination of both affecting 400 cubic yards or more of soil;

(d) Those required by the Planning, Resources and Development Committee to obtain an Erosion Control Permit.

(e) Those disturbing 100 lineal feet or greater within an area of channelized flow; including the installation, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel. In case of emergency, utility repair work may commence prior to receiving the erosion control permit.

(f) Other sites as determined by the Department where severe actual or potential erosion problems warrant corrective action.

(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 a site shall be treated by control measures in s. 21.05 of this Code. Water may not be discharged in a manner that causes off site erosion or sedimentation.

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(b) Tracking. Each site egress shall be constructed of clean rock of adequate size to remove sediment from tires or other methods such as tire washing shall be utilized to minimize sediment tracked onto public or private roadways. All traffic entering or leaving the site shall do so by way of the designated access drive, which is to be properly maintained throughout construction. (See DNR Technical Standard 1057)

(c) Drain inlet protection. All on-site storm drain inlets shall be protected until all contributing drainage areas have been stabilized. (See DNR Technical Standard 1057).

(d) Site erosion control. Site erosion control shall be attained by the following:

1. All site developments and land disturbance activities shall be planned and implemented to best fit the terrain, minimize exposed area, and retain as much existing vegetation as possible.

2. Runoff from areas adjacent to the site shall be diverted around disturbed areas where possible.

3. All land disturbance activities on the site shall be conducted in accordance with the approved erosion control plan. To the maximum extent practicable, the areas of bare soil exposed at any time shall be minimized.

4. Cuts and fills shall be planned and constructed to minimize the length and steepness of slopes.

5. Channels and other concentrated flow areas shall be properly designed and constructed to control runoff within and from the site in a manner that will not erode the conveyance and receiving channels. Design storms used shall be determined by size of watershed, downstream conditions, and design requirements contained in other applicable County ordinances; but, in no case shall the design be based on less than a 10 year storm event.

6. Sediment shall be contained on-site through the use of approved BMPs.

7. Earth storage piles shall be protected with perimeter controls such as silt fence, a vegetable buffer straw bale barrier, or temporary stabilization. (See DNR Technical Standards 1056, 1054, 1055, 1050, 1058 and 1059)

(e) Final Grading. Final grade of the site shall be such that runoff from the site is discharged at non-erosive velocities. Discharges shall be to locations that do not adversely impact adjoining properties or natural waterways.

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(3) Sediment Cleanup. Sediment removal times on sites described in s. 21.07(1) shall meet the following:

(a) Off-site sediment deposition occurring as a result of a storm event shall be cleaned up within 24 hours of the end of the storm event.

(b) All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up by the end of the same workday.

(4) Removal of Practices. When disturbed areas have been stabilized, temporary structural BMPs shall be removed.

21.09 STABILIZATION. This section shall apply to sites, where prior to final stabilization, there exists the possibility of considerable off-site impact. Applicability of this section shall be determined by the Department prior to issuance of the permit or after the permit has been issued if deemed necessary due to weather or seasonal conditions. If a site, subject to this section, is not stabilized within 7 days after final grade has been established and perimeter and/or inlet BMPs have been removed, these protective measures shall be reinstalled.

(1) Temporary Stabilization in Areas Receiving Sheet Flow Runoff. Temporary stabilization of exposed soils may be done at any time of year. One or more of the following methods shall be used to provide temporary stabilization.

(a) Anchored mulch with a minimum depth of 1 inch, use for short duration stabilization, less than 45 days before area will be reworked.

(b) Seeding and mulching in areas that need protection for a maximum of 1 growing season prior to being reworked or prior to final stabilization.

### Seeding and Mulching as Temporary Stabilization.

Growing season – March 1 to October 15 (annual warm season seeds).

Dormant season – October 16 to March 1 (winter wheat or winter rye seed).

1. When temporary seeding takes place between March 1 and October 15, seed shall be an annual herbaceous plant that germinates within 10 days, seed shall be protected with mulch.

2. Dormant Seeding. When temporary seeding takes place between October 16 and March 1 a winter wheat or winter rye shall be substituted for the warm season seed.

(c) Approved soil stabilizer applied in accordance with manufacturer's recommendations.

(d) Protecting soil with a protective cover such as a tarp.

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(2) Grasses used as Final Stabilization in Areas Receiving Sheet Flow Runoff. One or more of the following methods shall be used to provide final stabilization with grasses:

(a) Seeding and mulching to provide for a final established vegetation providing a minimum cover of 70% of the soil surface.

1. When permanent seeding takes place between March 1 and October 15, annual seed may be included in the seed mix as a cover crop but the majority of the seed shall be perennial seed. The seeding shall be protected with anchored mulch or approved erosion mat.

2. Dormant seeding for final stabilization. When a site is ready for final seeding after November 15, seed mix may contain winter wheat or rye as a cover crop but the majority of the seed shall be perennial seed. The seeding shall be protected with anchored mulch or approved erosion mat. When the site is ready for final seeding after October 15, but prior to November 15, anchored mulch may be applied and dormant seeding done with perennial seed applied on top of the mulch after November 15.

### Grasses as Final Stabilization:

Growing Season – March 1 to October 15.

Between October 15 – November 15, use anchored mulch (dormant seed on top of mulch after November 15.)

Dormant Season – November 15 to March 1.

(b) Sod. When sod is being used as final stabilization it may be used any time of the year the ground is not frozen.

(3) Final Stabilization of Channels.

(a) Vegetation may not be used as the sole means of final stabilization of channels if the 10 year 24 hour storm event will produce flow velocities greater than 4.0 feet per second;

(b) In vegetated channels, vegetation shall be established prior to using the channel to convey concentrated flow unless check dams or other planned erosion control measures, such as approved erosion mat, are installed to reduce water velocities and prevent channel erosion;

(c) If sod is used to stabilize a channel, it shall be staked.

(4) Final Stabilization of Steep Slopes Using Vegetation. Fill slopes longer than 10 feet with a slope of 3 to 1 or steeper and cut slopes longer than 10 feet with a slope of 2 to 1 or steeper that use vegetation for final stabilization shall incorporate 1 or more of the following practices:

(a) Approved erosion mat used in accordance with the manufacturer's recommendation.

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(b) Approved soil stabilizers applied according to manufacturers directions, used in conjunction with seed and mulch.

(c) Staked sod.

(5) **Stabilization Using Retaining Walls.** If a retaining wall is planned for final stabilization and has a height of greater than 4 feet, or if a series of walls 4 feet or less are used as final stabilization, a retaining wall plan shall be submitted for review prior to permit approval. Retaining walls cannot be constructed within the 10' setback line as defined in s. 21.11(1). Land disturbance within the 10' setback may occur for the purpose of installing retaining wall stabilization (e.g. grid, anchors). After installation of the wall the area within the 10' setback shall be restored to original grade. No disturbance of 30% slopes is to occur for the purpose of installing or stabilizing a retaining wall.

**21.10 APPROVED MATERIALS.** Erosion mats, tackifiers and soil stabilizers shall be listed in and used in accordance with the Wisconsin Department of Transportation Erosion Control Product Acceptability List.

**21.11 RESTRICTED DEVELOPMENT AREAS.** The County has determined that land disturbance activities on slopes of 30% or steeper create an erosion hazard and that the potential for off-site damage to public and private property warrants protection of these environmentally sensitive areas.

(1) No land disturbance shall occur within 10 feet of these areas. A 10 foot setback line shall be established by the applicant or their designee from where the slope becomes 30% or steeper to indicate the restricted areas. No permits shall be issued until 10 foot slope setback stake locations are inspected by the Department. Slope stakes shall remain in place until final stabilization of the site.

(2) Land disturbance activities regulated by this Code on slopes of 30% or steeper are limited to the following:

(a) Logging roads where no less disruptive alternate access to the site is available, and where a Category D control plan has been submitted and a permit has been granted.

(b) Access road developments for residential purposes where no less disruptive alternate access to the building site is available, and where a Category C permit has been granted.

(c) Quarry operations where a Category C control plan has been submitted and an erosion control permit and nonmetallic mine reclamation permit (Chapter 27 of this Code) will be obtained.

(d) Utilities installations where a Category C permit has been granted.

(e) Areas where 30% slopes are less than 4,000 noncontiguous square feet.

(f) Areas where the Department has identified existing erosion that can be stabilized with approved BMP's.

## EROSION CONTROL/LAND DISTURBANCE 21.12

21.12 PERMITS AND CONTROL PLANS. A land disturbance activity subject to this Code shall not occur without an approved control plan. An application for a permit, or submission of a control plan, authorizes representatives of the Zoning, Planning and Land Information Department or the Department of Land Conservation to enter the site to obtain information required for the review of the control plan.

(1) Control Plan Contents. Required contents of control plans will depend on the slope of the land proposed for the land disturbance, amount of land to be disturbed, and proximity of the proposed land disturbance activity to streams, rivers, lakes, private properties, and wetlands.

(a) Category A. A “Standard Erosion Control Plan for Minor Land Disturbances” may be submitted in lieu of a more detailed plan if all of the following conditions are met:

1. 20,000 square feet of land or less will be disturbed;
2. 1,000 cubic yards or less of excavation and/or filling will occur;
3. Land disturbances will not occur within Shoreland Zones;
4. Final grades will be no steeper than 3 horizontal to 1 vertical.

(b) Category B. Category B control plans will be required for land disturbance activities where any of the above conditions pursuant to s. 21.10(1)(a)1., 2., and 4. of this Code, cannot be met. Category B plans will also be required for land disturbance activities on slopes of 12% or greater but less than 20%. These control plans shall conform to the Category B and C checklist in the Appendix (available from Land Conservation Dept.). The checklist may be modified by the Department.

(c) Category C. Category C control plans will be required for land disturbance activities where slopes are 20% or greater, sites within the Shoreland Zone, and erosion control plans for quarrying operations. These control plans shall conform to the Category B and C checklist in the Appendix.

(d) Category D. For logging roads, permit application must be accompanied by a timber cut notice or a Managed Forest Law Contract.

(e) Category Changes. The Department or its designee may reduce the category of the plan if the land disturbance activity is determined to have minimal off-site erosion potential.

(2) Review of Control Plan. Control plans are to be submitted to the Department of Land Conservation. The Department shall determine if the requirements of the Code have been met. If conditions are not met, the Department shall inform the applicant and may either require additional information, require resubmittal, or disapprove the plan. Within 30 working days of receipt of the additional information, the Department shall issue or deny the permit. If the Department requires resubmittal, the review period for the resubmittal will follow the schedule provided in this section. If the plan is disapproved, the Department shall inform the applicant in writing of the reasons for disapproval. Accepted control plans will be submitted to the Department according to the following schedule. Time frames will begin upon receipt of the control plan by the Department. Special conditions may warrant extended review periods.

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- (a) 7 working days for Category A and D sites.
- (b) 10 working days for Category B sites.
- (c) 20 working days for Category C sites.

(d) Control plans requiring Planning, Resources and Development Committee approval shall not be reviewed by the Committee unless submitted to the Department 35 working days prior to the regularly scheduled Committee meeting. Planning, Resources and Development Committee approved plans shall be reviewed on site by the plan developer, excavator and Department of Land Conservation staff prior to any land disturbance.

### (3) Plans Requiring Planning, Resources and Development Committee Approval.

(a) Any plans meeting the definition of subdivision as defined in Chapter 18 of the La Crosse County General Code.

(b) Any plan involving a land disturbance of 5 or more acres.

(c) Any private development of a road that will become a public road.

(4) Permits. Permits shall be applied for at the Department of Land Conservation office. Permits shall be issued by the Department upon acceptance of the control plan and payment of any applicable fees.

(a) Duration. Category A, B, and C permits shall be valid for 1 year. Category D permits shall be valid for 2 years. The Department may extend any permit 1 or more times for up to an additional 1 year. The Department may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Code.

(b) Permit Conditions. All permits shall require the landowner or land user to:

1. Notify the Department at least 24 hours prior to commencing any land disturbance activity;
2. Obtain permission from the Department prior to modifying the control plan;
3. Install and maintain all control measures as identified in the control plan;
4. Repair any siltation or erosion damage to adjoining areas, such as perennial waters, wetlands, and drainage ways resulting from land disturbance activities;
5. Keep a copy of the control plan on the site;

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6. Notify the Department within 48 hours of completion of the land disturbance activity; and

7. Keep permit plaque posted so as to be visible from a public roadway at entrance to the site.

(c) Additional Permit Conditions. All permits approved by the Planning, Resources and Development Committee shall require the landowner or land user to:

1. Meet with the Department staff for a final inspection to determine if all of the conditions of the permit approval have been met; and,

2. Provide the Department with as-built plans of engineered practices to ensure proper installation of erosion control and storm water management measures.

(5) Escrow Account or Surety Bond. As a condition of approval and issuance of the permit, the Planning, Resources and Development Committee may require the applicant to deposit performance surety such as a letter of credit, posted bond or cash escrow in the amount of not less than the cost of execution of the approved control plan and permit conditions on projects within the Shoreland Zone or with 5 acres or more of land disturbance activities. Surety must be provided for the length of the project plus one growing session. The required surety will be a part of a maintenance agreement which will give the Department the authority to use the funds to complete the project if the developer defaults or does not properly implement the approved plan. This agreement shall be recorded in the County Register of Deeds Office prior to the issuance of any permit and shall be effective for a sufficient time period to perform the activities required, make the appropriate inspections and approve the final installation.

### **21.13 INSPECTION.**

(1) The Planning Administrator, the Department, or designee of either is authorized to inspect the site at any time prior to or after the issuance of the permit.

(2) If the land disturbance is being carried out without a permit and control plan, the Planning Administrator, the Department, or designee of either shall enter the land to implement enforcement of provisions pursuant to ss. 66.122, 66.123, and 92.07(14), Wis. Stats.

### **21.14 ENFORCEMENT AND PENALTIES.**

(1) The Department or its designee may issue a Notice of Non-compliance if:

(a) The control plan is not being implemented as approved; or

(b) The conditions of the permit are not being met.

(2) The Planning Administrator, Department, or designee of either may post a stop-work order if:

(a) Any land disturbance regulated under this Code is being undertaken without a permit and approved control plan;

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- (b) Sediment has left the site;
  - (c) A Notice of Non-compliance has been issued and the necessary action has not been taken within the time frame indicated on the Notice to comply with the permit's conditions; or
  - (d) Land disturbance activities are being carried out improperly within restricted development areas.
- (3) If the applicant does not cease the land disturbance activity and comply with the control plan or permit conditions within 48 hours after posting the stop-work order, the Planning Administrator or Department may revoke the permit.
- (4) Where no permit has been issued or a stop-work order has been posted, the Planning Administrator or Department may require the District Attorney to obtain a cease and desist order, or any other form of injunctive relief as needed.
- (5) Upon review of the actions taken, the Planning Administrator, the Department, or designee of either may retract the stop-work order or the revocation.
- (6) After posting a stop-work order, the Planning Administrator or Department may issue a notice of intent to the landowner and land user, if applicable, of the County's intent to perform work necessary to comply with this Code.

The County may go on the site and commence the work no sooner than 5 days after issuing the notice of intent. Exceptions may be granted in emergency situations where the potential for severe off-site damage warrants immediate attention. The cost of the work performed by the County, plus interest, at the rate authorized by the County Board shall be billed to the landowner. In the event a landowner fails to pay the amount due, the County Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to s. 66.60(16), Wis. Stats.

(7) Any person, including the land user, violating any of the provisions of this Code may be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense until they comply with the provisions of this Code and may also be enforced by injunction.

(8) If the violation occurs within the restricted development area or within the Shoreland Zone, the Department may require the land to be restored to its original topographic grade and stabilized according to the Department's requirements.

### **21.15 APPEALS.**

(1) Board of Adjustment. The Board of Adjustment created pursuant to s. 17.80 of the La Crosse County Zoning Ordinance pursuant to s. 59.694 and 68.11, Wis. Stats.:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Department or Planning Administrator in administering this Code;

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(b) Upon appeal, may authorize variances from the provisions of this Code, which are not contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship; and,

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) Who May Appeal. Any applicant, landowner, land user or aggrieved party may appeal any order, decision or determination made by the Department or Planning Administrator relative to sites in which 1 person has interest.

21.16 CONFLICTING ORDINANCES. The provisions of this Code shall prevail over any previous Codes of La Crosse County that are or may be in conflict therewith.

21.17 AMENDMENTS. Amendments to this Code may be made upon petition of any interested party by using the same procedure as is provided in s. 59.69, Wis. Stats., except that any amendment does not require approval and is not subject to disapproval by any town board.

21.18 FEES. Control Plan Review and Resubmittal Fees.

(1) Ordinary Fees. Control plan review fees shall be determined by the County Board. Only 1 fee per each control plan submitted may be charged except where resubmittal is required.

(2) Re-submittal fees will be assessed at a maximum of 25% of the original permit fee or actual cost, which ever is less.

(3) After-the-Fact Fees.

(a) When a permit is acquired after-the-fact, the fee shall be a minimum of two times the ordinary fee for the project.

(b) When a project involves the removal of material from the property and a permit has not been granted, the permit fee shall be assessed at five times the ordinary fee.

21.19 EFFECTIVE DATE. This amended Code shall take effect after passage and publication. The original Code took effect on January 1, 1992. All lots in subdivision plats and certified surveys that have been duly recorded in the Office of Register of Deeds prior to the effective date of this Code are exempt from the maximum slope requirements contained herein. No land disturbance is permitted on these lots unless a permit is issued pursuant to s. 21.12, of this Code.