

# **CHAPTER 31: STORMWATER AND EROSION CONTROL**

## **SECTION 31.01 CREATION OF STORMWATER AND EROSION CONTROL ORDINANCE.**

Chapter 31 of the Baraboo Code of Ordinances is hereby created as set forth below. This ordinance is adopted under the authority granted the Town by village powers, its police power and Wis. Stat. 60.627 of the Wisconsin Statutes.

## **SECTION 31.02 PURPOSE.**

The Purpose of this ordinance is to address the hazards to public health and safety and property caused by stormwater runoff; to conserve and promote the orderly development of land and water resources through the control of erosion, sedimentation and water runoff; to reduce water pollution; and to protect public and private property affected by discharges of stormwaters.

## **SECTION 31.03 DEFINITIONS.**

### **A. FOR THE PURPOSES OF THIS CHAPTER.**

The definitions of the following terms are adopted:

1. "Minor Land-Disturbing Activity" means all those activities other than those deemed to be major land-disturbing activities. Minor land-disturbing activities are any man-made change of the land surface other than maintenance and/or construction of public roads and roadways by the Town of Baraboo, including removing vegetative cover, excavating, filling and grading, paving and construction of buildings and structures, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees. Minor land-disturbing activities mean those activities where the land disturbance covers ½-acre or less and the activities do not otherwise fall within the definition of major land-disturbing activities.
2. "Major Land-Disturbing Activity" means those activities where the land disturbance covers more than ½-acre, where a subdivision as defined by Wis. Stat. Ch. 236, is created or where the Town Building Inspector and/or Town Engineer determines that special circumstances due to topography, proximity to watercourses, relation to sensitive environmental areas or other circumstances that may be affected by stormwater runoff make the disturbance a major one.

## **SECTION 31.04 PERMIT.**

No minor or major land disturbing activity may be conducted without permit issued under this ordinance. No minor or major land-disturbing activity may be conducted unless such activity is conducted as set forth in the permit issued under this ordinance. No minor or major land-disturbing activity may be conducted that is in violation of the terms of this ordinance.

**SECTION 31.05 EXCLUSIONS.**

**A. EXCLUDED FROM THIS CHAPTER.**

The following activities are generally excluded from coverage under this Chapter:

1. Those building sites for the construction of public buildings and buildings that are places of employment and which are subject to the statewide standards called for by Wis. Stat. § 101.1206, and rules established thereunder.
2. State-funded or state-conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan and street and right-of-way maintenance and/or construction by the Town of Baraboo.
3. Agricultural land uses as defined in this ordinance, and quarries, except where the Town Building Inspector and/or Town Engineer determines that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten other property owners, watercourses or other environmentally sensitive areas unless control measures are taken.
4. Small land-disturbing activities such as gardens, minor landscaping modifications, and minor repair of sidewalks, paths or driveways, except where the Town Building Inspector and/or Town Engineer determines that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
5. Utility companies responsible for short-term, emergency repair work. Short-term, emergency repair work means emergency work that can be completed in less than seven (7) days. If such emergency work consists of more than short-term repair, the utility company shall enter into a memorandum agreement with the Town of Baraboo clearly stating the utility company's responsibilities as to the requirements of the ordinance.

**SECTION 31.06 MAJOR LAND-DISTURBING/DEVELOPMENT ACTIVITY APPLICATION.**

**A. CONTROL PLAN REQUIRED.**

An application for a permit for a major land-disturbing activity or land development activity shall include a control plan with a minimum of the following information:

1. Existing Site Map. A map of existing site conditions on a scale of at least 1-inch equals 100 feet showing the site and adjacent property within at least 100 feet including the following:
  - a. Site boundaries and adjacent lands which accurately identify site location.
  - b. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

- c. 100-year floodplains, flood fringes and floodways.
  - d. Location of the predominant soil types.
  - e. Vegetative cover.
  - f. Location and dimensions of stormwater drainage systems and natural drainage patterns which may affect the site, continuing at least to the nearest perennial stream (small scale map may be used if necessary).
  - g. Locations and dimensions of utilities, structures, roads, highways and paving.
  - h. Site topography at a contour interval not to exceed two feet.
2. Plan of final site conditions. A plan of final site conditions at the same scale and including the same list of items as the Existing Site Map but including the planned site changes. The 1- and 2-year storms shall be used to plan for runoff quality. The 5-, 10-, 25-, 50- and 100-year storms shall be used to plan for quantity of runoff.
3. Site Construction Plan. A site plan including:
- a. Locations and dimensions of all proposed land-disturbing activities, with 2' contours for proposed grading.
  - b. Locations and dimensions of all site management control measures necessary to meet the requirements of this ordinance.
  - c. Schedule of anticipated starting and completion date of each land-disturbing or land-developing activity including the installation of site control measures needed to meet the requirements of this ordinance.
  - d. Provisions for maintenance of the site control measures during and after land-disturbing activities.
  - e. Provide on construction site plan the name, address, and phone numbers for the person responsible for maintenance of construction site erosion control measures.
4. Maintenance Plan.
5. Such other information as the Town Engineer deems necessary, including, but not limited to, supporting calculations for sizing site control measures.

## **SECTION 31.07 EROSION AND RUNOFF CONTROLS REQUIRED.**

### **A. APPLICABILITY.**

The erosion and runoff controls specified below apply to the following sites of major land-disturbing activities or land development activities:

1. Those sites requiring certified survey map approval or subdivision or land division plat approval under the Town ordinances.
2. Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats, unless excluded otherwise.
3. Those sites involving grading, the removal of protective ground cover or vegetation, excavation, land-filling or other land-disturbing activity affecting a land surface area of 4,000 square feet or more.
4. Those sites involving excavation or filling, or a combination of excavation and filling, involving 400 cubic yards or more of dirt, sand or other excavation or fill material.
5. Those sites involving any street, highway, road, or bridge construction, enlargement, relocation or reconstruction, except by the Town of Baraboo.
6. Those sites involving the inspecting, laying, repairing, replacing or enlarging of an underground pipe, cable or other facility for a distance of 300 feet or more.
7. Those sites involving the changing, enlargement, dredging or other alteration to any watercourse.
8. Those other situations where the Town Building Inspector and/or Town Engineer determines that erosion or runoff is likely to occur unless control measures are taken.

#### **B. MINIMUM EROSION AND RUNOFF CONTROL STANDARDS TO BE MET.**

At a minimum, the erosion and runoff control standards listed below must be met on all sites described in subparagraph A above. Additional or more stringent control standards may be required in those situations where the Town Engineer determines that special circumstances due to topography, limited down-stream conveyance capacity, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards.

1. **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate control measures. Such sedimentation basins shall have a depth of at least 3 feet, be surrounded by a 4-foot-high snow fence or equivalent barrier and be designed in accordance with current Wisconsin Department of Natural Resources practices. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving water.

2. 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 of and not allowed to be carried by runoff into a receiving channel or ditch system.
3. Tracking. Each site shall have a graveled entrance pad of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning (not hydraulic flushing) before the end of each workday.
4. Channeled Runoff. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical, as determined by the Town Building Inspector and/or Town Engineer.
5. Sequenced Activities. All activities on the site shall be conducted in such a sequence as to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
6. Stabilize Disturbed Ground. All disturbed ground and soil or dirt piles shall be contained on the site by filter barriers or other suitable means. The containment measures shall be installed at a time established by the reviewing authority. The containment measures shall remain in place until the site is adequately stabilized, as may be determined by the Town Engineer.
7. Filter Fences, Straw Bales on Slopes. Filter fences, straw bales or equivalent control measures shall be placed continuously along all side slopes and down slope sides of the site where deemed appropriate by the reviewing authority. If a channel or area of concentrated runoff passes through the site, filter barriers shall be placed continuously along the channel edges to reduce sediment reaching the channel.
8. Drain Inlet Protection. Affected storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications, as determined by the Town Engineer.
9. Sedimentation Control Measures. Where required by the Town Engineer, sedimentation basins or equivalent sediment control measures shall be constructed and maintained for the duration of the land-disturbing activity, or longer, if so provided in the permit. Sedimentation basins shall be constructed in accordance with accepted design standards, as approved by the Town Building Inspector and/or Town Engineer. Sedimentation ponds for construction site and permanent erosion control shall be designed in accordance with current Wisconsin Department of Natural Resource practices. Sedimentation basin depth shall be at least 3-feet and all sedimentation basins shall be surrounded by a 4-foot-high snow fence or equivalent barrier. The basic design discharge rate shall also be sufficiently low, as determined by the Town Building Inspector and/or Town Engineer, so as to not cause erosion along the discharge channel of the receiving water. The permittee shall periodically remove sediment from the basin so as to maintain a depth of at least 1.5 feet at all times. This control requirement also applies to any site, regardless of size, if a channel originates in the disturbed area.

10. Onsite Detention and Runoff Control Requirements. The peak rate of runoff after the proposed land-disturbing activities shall not be greater than the peak rate which would have resulted from the same storm event occurring over the site of the proposed activity with the land in its natural undeveloped state for the 2-, 10-, and 50-year storm events. Predevelopment curve numbers shall be not greater than the following:

- a. Type A Soil 54
- b. Type B Soil 70
- c. Type C Soil 80
- d. Type D Soil 85

### **C. CALCULATIONS.**

1. Calculations for peak stormwater discharges from all contributing sub-areas for both pre-development and post-development conditions for the 2-, 10-, 50-, and 100-year storm events. Peak flows shall be based upon synthetic storm frequency events calculated using Urban Hydrology for Small Watersheds. TR-55 or TR-20 computer models must be used unless another method is approved by the Town Engineer in writing.

2. Calculate the rate of discharge in cubic feet per second (cfs) at the point or points of discharge from the site for 2-, 10-, 50-, and 100-year storm events. Provide the proposed provisions to carry runoff to the nearest adequate outlet, such as a curbed street, storm drain or natural drainage way.

3. Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance measures and pipe outfalls.

4. Estimate of cost of erosion control, sediment control, and stormwater management structures and features.

5. Provide a Maintenance Agreement for all stormwater and erosion control facilities including easements to insure short as well as long-term erosion and sediment pollution control and stormwater management.

6. Sod, seeding mixtures, rates, lime, and fertilizer application rates, quality, and kind of mulching for both temporary and permanent vegetative control measures.

### **D. APPLICATION REVIEW.**

Applications for major land-disturbing activities must be reviewed and approved by the Town Engineer before a permit can be granted. Within 30 days of receipt of a completed application, the Town Engineer shall determine if the requirements of this ordinance are met and shall approve, reject or conditionally approve the application. If the application is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval. An applicant may petition the Town Board for review of a rejection or conditional approval within 30 days.

## **E. PERMIT REQUIREMENTS.**

All major land-disturbing and/or land development activity permits shall require the permittee to do at least the following:

1. The applicant shall provide, prior to issuance of the permit, an irrevocable letter of credit, certificate of deposit or certified check to the Town in an amount equal to 125% of the estimated cost of all required stormwater and erosion control measures. The security deposited shall guarantee that all required control measures will be installed according to the approved plan. The security shall remain in full force until released by the Town Board, and only after an inspection by the Town Building Inspector and/or Town Engineer assures that all required control measures have been fully and satisfactorily completed. The Town shall have the right to draw upon the security for purposes of obtaining compliance with the approved control plan as the Town deems necessary. If the erosion and runoff control requirements of this ordinance are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under any other chapter of the Town ordinance.
2. Contact the Town Clerk upon completion of any control measures and at least two working days prior to commencing any land-disturbing activity.
3. Obtain written permission from the Town Building Inspector and/or Town Engineer prior to modifying the control plan. The Town Building Inspector and/or Town Engineer is authorized to permit only those modifications that comply with the terms of this ordinance, and/or as approved by the Town Engineer.
4. Install all control measures as identified in the approved control plan.
5. Maintain all control measures as identified in the control plan.
6. Repair any damage to adjoining surfaces and drainage ways resulting from any land developing or disturbing activities on the permitted site.
7. Inspect the control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs as soon as possible but not later than 24 hours.
8. Allow the Town enforcement agent to enter the site for the purpose of inspecting for compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
9. Keep a copy of the approved control plan on the site.

## **SECTION 31.08 MINOR LAND-DISTURBING ACTIVITY.**

### **A. APPLICATION.**

An applicant may apply for a minor land-disturbing activity permit by submitting an application showing the following:

1. An Existing Site Plan

- a. The location of the proposed development by government lot, quarter section, township and range.
- b. The outline of the parcel of land upon which the proposed development will take place and its size in acres or square feet. All contiguous parcels that are owned by the same owner or developer shall be shown or indicated on the plan.
- c. Date, scale and north point.
- d. Names and addresses of the owner, developer and other professionals preparing the plan (if applicable).
- e. Location, right-of-way width and names of all existing driveways, streets, roads, pedestrian paths, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the site or immediately adjacent thereto.
- f. Locations and outlines of all existing property boundary lines, lot lines, structures, drives, streams and watercourses, wetlands, grasslands, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the parcel or immediately adjacent thereto.

2. A Proposed Site Plan

- a. Changes to any item identified in the Existing Site Plan.
- b. The proposed location of any improvements or changes related to stormwater.

3. Impervious area calculations for the Existing Site and the Proposed Site.

4. Stormwater flow arrows showing the surface water flow patterns on both the Existing Site Plan and Proposed Site Plan.

5. Proposed Maintenance Plan.

**B. REVIEW.**

Applications for minor land-disturbing activities shall be reviewed by the Town Building Inspector and/or Town Engineer for compliance with this ordinance. If the Building Inspector and/or Town Engineer determines the proposed project will not involve a significant impact on neighboring properties or on the regional stormwater systems it may proceed to be permitted as a Minor Land-Disturbing Activity.



If such a determination is made, the Town Building Inspector and/or Town Engineer will provide written notification of the requirements for compliance with stormwater quality measures, direction of flows to the appropriate channels and compliance with the construction site soil erosion standards as set forth in this ordinance. The permit will be granted upon the applicant's acceptance of the requirements set forth by the Town Building Inspector and/or Town Engineer.

1. If the Building Inspector/Town Engineer determines that the project does not qualify as a Minor Land-Disturbing Activity, written notice setting forth the reasons for the determination will be provided to the applicant. An applicant can petition the Town Board for review of this determination within 30 days of issuance of written notice of rejection or conditional approval.
2. If an applicant disagrees with the requirements for compliance as determined by the Town Building Inspector and/or Town Engineer, the applicant may petition the Town Board for review of those requirements within 30 days of the issuance of written notice of the requirements.

### **C. REQUIREMENTS.**

All minor land-disturbing activity permits shall require the permittee to:

1. Obtain permission in writing from the Town Building Inspector and/or Town Engineer prior to modifying the compliance requirements. The Building Inspector and/or Town Engineer is authorized to permit only those modifications that comply with the terms of this ordinance.
2. Install all control measures as identified by the Town Building Inspector and/or Engineer.
3. Comply with the maintenance plan.
4. Repair any damage to adjoining surfaces and drainage ways resulting from any land developing or disturbing activities on the permitted site.
5. Inspect the control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs as soon as possible, but not later than 24 hours.
6. Allow the Town enforcement agent to enter the site for the purpose of inspecting for compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.

## **SECTION 31.09 INSPECTION.**

### **A. AGENT MAY INSPECT.**

The Town enforcement agent may inspect all major and minor land-disturbing activities and sites in order to ensure compliance with the control plan, maintenance plan and permit. As a part of the permitting process, the applicant shall authorize such inspections. If land-disturbing or land development activities are being carried out without a valid permit, the Town enforcement agent may enter the land pursuant to the special inspection warrant provisions of Wis. Stat. § 66.0119.

## **B. ACCESS.**

The Town of Baraboo shall be authorized to access any property that has a permit issued under this ordinance to complete necessary inspections of the stormwater management features. All such properties shall be inspected by the Town of Baraboo biennially to verify compliance with its approved stormwater management plan. All such properties shall be shown on the Storm Water Management Map attached hereto and incorporated herein as Exhibit 31.09.B(1).

## **C. REPAIR AND MAINTENANCE.**

Upon notification by the Town of Baraboo, the Landowner, land user and/or permittee, shall, at such person's cost, complete any repair work or maintenance work required based upon the Storm Water Management Inspection. The Landowner, land user and/or permittee shall complete the specified maintenance or repairs within 90 days of notification. If the maintenance or repairs are not completed within the specified time period, the Town of Baraboo is authorized, but not required, to perform the specified maintenance or repairs. The Town of Baraboo may levy the costs and expenses of such inspections, maintenance and/or repairs as a special charge against the property and collected as such in accordance with Wisconsin Statutes.

### **SECTION 31.10 CONTROL STANDARDS MAY BE MODIFIED BY TOWNSHIP.**

These control standards set forth here are intended to apply on a typical development site in the Town of Baraboo area. When land-disturbing or land development activity is proposed for a site with extraordinary features, then the Town Board may, at its discretion, require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land-disturbing or development activities are proposed on or near slopes of more than twenty percent (20%); designated floodplains, wetland or conservancy areas; or environmental corridor areas identified in the Town Master Plan.

### **SECTION 31.11 MAINTENANCE.**

#### **A. CONTROL MEASURES.**

All control measures necessary to meet the requirements of this ordinance shall be maintained by the landowner, land user, and/or permittee in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions during the period of land disturbance and perpetually after the development is completed. If the Town accepts a public dedication of a control measure, then the Town will physically maintain the measure unless otherwise agreed in writing. The method of payment of any or all of the maintenance costs may be determined by the Town Board, as appropriate.

#### **B. MAINTENANCE PLAN.**

As a part of the application, the developer and/or land-owner shall provide a maintenance plan for permanent maintenance of the stormwater improvements. Such plan must be approved by the Town Building Inspector and/or the Town Engineer before a permit will be issued. In addition, the maintenance

requirements will be recorded with the Sauk County Register of Deeds. A maintenance plan must set forth the following:

1. A Maintenance Plan describing the stormwater management features used on the site and the maintenance activities that are necessary to maintain compliance.
2. List who is the current responsible party for maintenance and repairs.
3. Provide an access easement and/or authorization to the Town of Baraboo to access the property to conduct inspections for determining compliance with the maintenance plan.

### **C. STORM WATER MANAGEMENT MAINTENANCE.**

## **SECTION 31.12 FEES.**

### **A. MINOR LAND-DISTURBING ACTIVITY FEE.**

The application fee for a minor land-disturbing activity permit shall be as stated in the current fee schedule. Where a building permit is paid in connection with the same activity, then no additional fee needs to be paid in order to obtain the necessary land-disturbing activity permit.

### **B. MAJOR LAND-DISTURBING ACTIVITY FEE.**

The application fee for a major land-disturbing activity permit shall be as stated in the current fee schedule. In addition to this fee, before any permit will be issued, the applicant must pay the actual engineering fees or expenses incurred by the Town in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. Where plat or certified survey map review fees are paid pursuant to any other chapter of the Town ordinances for the project covered by the proposed land-disturbing activity permit, then the erosion control permit fee will be waived. Where the application fee is waived, the applicant must still pay engineering and inspection fees and expenses, however, such fees and expenses shall not be duplicative of any engineering or inspection fees paid in connection with plat or certified survey map approval.

## **SECTION 31.13 LIMITS.**

All land-disturbing activity permits, whether major or minor, shall be valid for a period of one year from the date of issuance. All work must be completed prior to expiration of the permit. If land-disturbing activity is to continue beyond the expiration of the permit, then application and review pursuant to this ordinance is required.

## **SECTION 31.14 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

### **A. VIOLATIONS.**

No land development or land-disturbing activities within the scope of this ordinance may occur without full compliance with the scope of this ordinance. Any person who violates or fails to comply with any provision of this ordinance is subject to the enforcement and penalty provisions below.

## **B. ENFORCEMENT.**

This ordinance shall be enforced consistent with the policies and purposes underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this ordinance.

1. Stop-Work Order. A stop-work order may be issued by the Town Enforcement Agent if:
  - a. any land-disturbing or land-developing activity regulated under this ordinance is being undertaken without a permit;
  - b. the control plan is not being implemented in a good-faith manner; or
  - c. the conditions of the permit are not being met. Stop-work orders may be retracted when compliance with the ordinance is obtained. The Town Enforcement Agent has the authority to retract a stop-work order for major and minor land-disturbing activities.
2. Revocation of Permit. Where a stop-work order has been issued in order to obtain compliance with a control plan, the Town may revoke the permit if the permittee does not cease the illegal activity or obtain compliance with the control plan or permit conditions within twenty-four (24) hours from issuance of the stop-work order. Permits for major and minor land-disturbing activities may be revoked by the Town Enforcement Agent.
3. Town to Perform Work.
  - a. Twenty-four (24) hours after posting a stop-work order, the Town may issue a notice of intent to the permittee or landowner or land user of the Town's intent to perform work necessary to comply with this ordinance. Upon receipt of landowner permission or pursuant to court order, the Town Enforcement Agent and/or other designated Town officials or agents may go on the land and commence the work.
  - b. When a violation of this ordinance or of the conditions of the permit cause sediment to deposit on any public street or public property, the Town Enforcement Agent and/or other designated Town officials or agents may proceed to remove and/or clean such sediment.
  - c. The cost of the work performed by the Town pursuant to subsections 1 or 2 above, plus interest, shall be billed to the permittee or the landowner on whose property the work under subsection 1 was performed, or from whose activities or property the sediment originated for work under subsection 2, or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stat. § 66.0701.

## **C. PENALTIES.**

Any person violating any provision of this ordinance shall be subject to forfeitures as follows: for major land-disturbing activities, not less than \$200 nor more than \$2,000 plus the actual costs of prosecution for each offense; for minor land-disturbing activities, not less than \$50 nor more than \$500 plus the actual costs of prosecution for each offense. Each day a violation exists shall constitute a separate offense. The Town Board will determine when prosecution action should be taken based on its own initiative or upon reports made by the Town Enforcement Agent. Before commencing a forfeiture action, the Town Board shall issue a written warning to the person believed to be violating the ordinance, granting the person two (2) days in which to remedy the violation and avoid the commencement of a forfeiture action.

### **SECTION 31.15 EROSION AND SEDIMENTATION CONTROL REGULATIONS FOR LANDS ACTIVITIES NOT OTHERWISE SUBJECT TO THIS ORDINANCE.**

Notwithstanding any other provisions of this ordinance, it shall be a violation of this ordinance for any person to create, permit, establish, maintain or allow to be maintained any condition or activity that causes excessive runoff or erosion to adjacent land, public streets or water bodies. Penalties and remedies may be sought for such activities as provided in Section 31.14. Erosion and runoff activities is excessive when, in the opinion of the Town Engineer, an unsafe condition results in the streets, roadways or highways; sedimentation occurs in lakes and streams; environmentally sensitive lands are threatened; runoff endangers downstream property; or the public health, safety or general welfare of the citizens of the Town of Baraboo is otherwise threatened or harmed.

### **SECTION 31.16 APPEALS AND VARIANCES.**

#### **A. APPEAL OR VARIANCE REQUESTS.**

1. By Applicant or Permittee. Any aggrieved applicant, permittee or land user may appeal order, decision, determination or inaction of the Town Building Inspector and/or Engineer within thirty (30) days of the same. An applicant may apply for a variance from the requirements of this ordinance. A twenty-five-dollar (\$25) fee must accompany any appeal or variance request involving a minor land-disturbing activity. A three-hundred-dollar (\$300) fee must accompany any appeal or variance request involving a major land-disturbing or land-development activity. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and must be filed with the Town Clerk.

2. Appeal by Citizens. An appeal of any order, decision, determination or inaction of the Town in administering or enforcing this ordinance may be commenced upon the filing of a petition signed by twelve (12) adult residents of the Town and payment of a three-hundred-dollar (\$300) fee. The appeal must be filed with the Town Clerk within thirty (30) days of the Town's action and must state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the Town Clerk within five working days of its filing, if any with the Town. The filing of a citizen appeal, by itself, does not prohibit the commencement of continuation of any work or activity.

3. Multiple Appeals Prohibited. Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Town Board shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final

resolution of a matter. The Board may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

**B. AUTHORITY OF TOWN BOARD.**

1. The Town Board shall hear and decide all variance requests and appeals in accordance with the provisions of this ordinance. The Town Board shall only grant such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal.

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