

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Environment, ch. 18; Floods, ch. 26; Health and Sanitation, ch. 30; Solid Waste, ch. 54; Streets, Sidewalks and Other Public Places, ch. 58; Subdivisions, ch. 62; Utilities, ch. 74; Waterways, ch. 78; Zoning, ch. 82.

Article I.

Sec. 10-1--Reserved.
Sec. 10-2. Fair Housing Ordinance.
Sec. 10-3--10-26. Reserved.

Article II. Construction Site Erosion Control

Sec. 10-27. Construction Site Erosion Control Ordinance for the County.
Sec. 10-28. Purpose.
Sec. 10-29. Statutory Authorization.
Sec. 10-30. Findings of Fact.
Sec. 10-31. Applicability and Jurisdiction.
Sec. 10-32. Effective Date.
Sec. 10-33. Specific Words and Phrases.
Sec. 10-34. Technical Standards.
Secs. 10-35, 10-36. Reserved.
Sec. 10-37. Performance Standards.
Sec. 10-38. Permitting Requirements, Procedures and Fees.
Secs. 10-39—10-41. Reserved.
Sec. 10-42. Erosion and Sediment Control Plan, Statement, and Amendments.
Sec. 10-43. Fee Schedule.
Sec. 10-44. Inspection.
Sec. 10-45. Enforcement.
Sec. 10-46. Appeals.
Secs. 10-47 to 10-49. Reserved.

Article III. Post-Construction Stormwater Management

Sec. 10-50. Foreword.
Sec. 10-51. Authority.
Sec. 10-52. Findings of Fact.
Sec. 10-53. Purpose and Intent.
Sec. 10-54. Applicability and Jurisdiction.
Sec. 10-55. Definitions.
Sec. 10-56. Technical Standards.
Sec. 10-57. Performance Standards.
Sec. 10-58. Permitting Requirements, Procedures and Fees.
Sec. 10-59. Stormwater Management Plan.
Sec. 10-60. Maintenance Agreement.
Sec. 10-61. Financial Guarantee.
Sec. 10-62. Fee Schedule.
Sec. 10-63. Enforcement.
Sec. 10-64. Appeals.
Sec. 10-65. Severability.

ARTICLE I.

Section 10-2. Fair Housing Ordinance.

(a) The County of Calumet recognizes its responsibilities under Section 106.50, Wisconsin Statutes, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.

(b) The Calumet County hereby adopts Section 106.50 Wisconsin Statutes, and all subsequent amendments thereto.

(c) The officials and employees of Calumet County shall assist in the orderly prevention and removal of all discrimination in housing within the County of Calumet by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes.

(d) The County Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, and shall assist any person alleging a violation thereof in the County of Calumet to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes.

(Ord. 2003-12, 9-23-03).

ARTICLE II.

CONSTRUCTION SITE EROSION CONTROL

Sec. 10-27. Construction Site Erosion Control Ordinance for the County of Calumet, Wisconsin.

Sec. 10-28. Purpose.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the State in Calumet County.

Sec. 10-29. Statutory Authorization.

(a) This ordinance is adopted under the authority granted by §59.693, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §59.69, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in §59.693, Wis. Stats., §59.69, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of Calumet County.

(c) Calumet County hereby designates the Calumet County Land & Water Conservation Department or their designee to administer and enforce the provisions of this ordinance.

(d) 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:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

Sec. 10-30. Findings of Fact.

Calumet County finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the County.

Sec. 10-31. Applicability and Jurisdiction.

(a) Applicability.

(1) This ordinance applies to the following land disturbing construction activities except as provided under sub. (2):

A. A construction site, which has 4,000 square feet or greater of land disturbing construction activity.

B. A construction site, which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.

C. A construction site, which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with s. NR 103.08(1m), Wis. Adm. Code.

D. Land disturbing construction activity that includes the construction of one- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in one-acre or more of land disturbance.

(2) This ordinance does not apply to the following:

A. Land disturbing construction activity that includes the construction of 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance. These construction sites are regulated by the Wisconsin Department of Safety and Professional Services under s. SPS 321.125, Wis. Adm. Code.

B. A construction project that is exempted by federal statutes or regulations from the requirement to have a National Pollutant Discharge Elimination System Permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

C. Nonpoint discharges from agricultural activity areas.

D. Nonpoint discharges from silviculture activities.

E. Mill and crush operations.

(3) Notwithstanding the applicability requirements in paragraph (1), this ordinance applies to construction sites of any size that, in the opinion of the Land & Water Conservation Department, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter off of a construction site or that endangers property or public safety.

(b) Jurisdiction. This ordinance applies to land disturbing construction activity on construction sites located within the unincorporated areas of Calumet County.

(c) Exclusions. This ordinance is not applicable to:

(1) activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats., but also including the office of District Attorney, which is subject to the State Plan Promulgated or a Memorandum of Understanding entered into under §281.33 (2), Wis. Stats.

(2) any town which has adopted an ordinance under Wis. Stat. §60.627(2)(b).

Sec. 10-32. Effective Date.

This ordinance shall be in force and effect October 1, 2008.

Sec. 10-33. Specific Words and Phrases.

Agricultural Activity Area. The part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of vill, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling, pond construction, wetland restoration and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural Production Area. The part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Average Annual Rainfall. A calendar year of precipitation, excluding snow, which is considered typical. For purposes of this ordinance, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

Best Management Practice or BMP. Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.

Business Day. A day the Land & Water Conservation Department is routinely and customarily open for business.

Cease and Desist Order. A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

Common Plan of Development or Sale. A development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different

schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, Certified Survey Maps, and other developments.

Construction Site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development.

Development. Residential, commercial, industrial, institutional, or other land uses and associated roads.

Division of Land. The creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.

Erosion. The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sediment Control Plan. A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction activities.

Extraterritorial. The unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

Final Stabilization. Land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Land Disturbing Construction Activity or Disturbance. Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

Maximum Extent Practicable or MEP. 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 competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Performance Standard. A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit. A written authorization made by the Land & Water Conservation Department to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.

Pollutant. The meaning given in §283.01(13), Wis. Stats.

Pollution. The meaning given in §281.01(10), Wis. Stats.

Protective Area. The meaning given in Sec. 10-59(c)(5) of the Calumet County Post-Construction Stormwater Management Ordinance.

Land & Water Conservation Department. Calumet County Land & Water Conservation Department or its designee.

Responsible Party. Any person or entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

Runoff. Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment. Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Separate Storm Sewer. A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not draining to a storm water treatment device or system.
- (d) Discharges directly or indirectly to waters of the State.

Site. The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop Work Order. An order issued by the Land & Water Conservation Department which requires that all construction activity on the site be stopped.

Technical Standard. A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Waters of the State. The meaning given in §281.01(18), Wis. Stats.

Sec. 10-34. Technical Standards.

(a) Design Criteria, Standards and Specifications. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Technical standards and other guidance identified within the Calumet County Construction Site Erosion Control and Post-Construction Stormwater Ordinance Reference Guide. The Reference Guide is available for review in the Land & Water Conservation Department or online at <http://www.co.calumet.wi.us/index.aspx?nid=195> .

(b) Other Standards. Other technical standards not identified or developed in sub. (a), may be used provided that the methods have been approved by the Land & Water Conservation Department.

(c) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

Secs. 10-35. -- 10-36. Reserved.

Sec. 10-37. Performance Standards.

(a) Responsible Party. The responsible party shall implement an Erosion and Sediment Control Plan, developed in accordance with Sec. 10-42 that incorporates the requirements of this section.

(b) Plan. A written Erosion and Sediment Control Plan shall be developed in accordance with Sec. 10-42 and implemented for each construction site.

(c) Requirements. The Erosion and Sediment Control Plan shall meet the following minimum requirements to the maximum extent practicable:

(1) BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the construction site as follows:

A. For construction sites with 1 acre or greater of land disturbing construction activity, reduce the total suspended solids load by 5 tons per acre per year, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed the 5 tons per acre per year sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

Note to Users: Soil loss prediction tools such as the Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the site under varying land and management conditions may be used to show compliance with the sediment performance standard.

B. For construction sites with less than 1 acre of land disturbing construction activity, reduce the total suspended solids load using BMPs from the Calumet County Construction Site Erosion Control and Post-Construction Stormwater Reference Guides. These sites are not required to satisfy a numeric performance standard.

(2) Notwithstanding par. (1), if BMPs cannot be designed and implemented to reduce the sediment load by 5 tons per acre per year, the plan shall include a written and site-specific explanation as to why the sediment performance goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(3) At each site where land disturbing construction activity is to occur, the plan shall include BMPs that shall be used to prevent or reduce all of the following:

- A. The deposition of soil from being tracked onto streets by vehicles.
- B. The discharge of sediment from disturbed areas into storm water inlets.
- C. The discharge of sediment from disturbed areas into adjacent waters of the state.
- D. The discharge of sediment from drainage ways that flow off the site.
- E. The discharge of sediment by dewatering activities.
- F. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
- G. The discharge of onsite chemicals, cement and other building compounds and materials into waters of the state or offsite separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this ordinance.

Note to Users: Wastewaters, such as concrete truck washout, need to be properly managed to limit the discharge of pollutants to waters of the state. A separate permit may be needed from the Wisconsin Department of Natural Resources where a wastewater discharge has the potential to adversely impact waters of the state. The appropriate Wisconsin Department of Natural Resources wastewater specialist should be contacted to determine if wastewater permit coverage is needed where wastewater will be discharged to waters of the state.

(d) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the State.

(e) Alternate Requirements. The Land & Water Conservation Department may establish requirements more stringent than those set forth in this section if the Land & Water Conservation Department determines that an added level of protection is needed.

(f) The BMPs used to comply with this ordinance shall be implemented as follows:

- A. The erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- B. Erosion and sediment control practices shall be maintained until final stabilization.
- C. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- D. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- E. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(g) Targeted performance standards. The Calumet County Land and Water Conservation Department may establish numeric water quality requirements that are more stringent than those set forth in section 10-37 in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.

Sec. 10-38. Permitting Requirements, Procedures and Fees.

(a) Permit Required. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the Land & Water Conservation Department.

(1) Exemptions:

- a. Any roadway construction or other land disturbing activity by the State, unless part of a larger common plan of development, provided they comply with the Construction Site Erosion Control and Post-Construction Stormwater requirements of this chapter.
- b. The Land & Water Conservation Department may waive the requirement for a permit and fee if it is determined by the Land & Water Conservation Department that a given construction site will have no appreciable off-site impacts or is internally drained and will not discharge runoff from the site during construction or after development occurs. This only applies to sites that are not required to meet performance standards in Sec. 10-37.

(b) Permit Application and Fees. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Sec. 10-37 and shall pay an application fee to the Land & Water Conservation Department. By submitting an application, the applicant is authorizing the Land & Water Conservation Department to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.

(c) Review and Approval of Permit Application. The Land & Water Conservation Department shall review any complete permit application that is submitted with an Erosion and Sediment Control Plan, and the correct required fee. The following approval procedure shall be used:

(1) Within 20 business days of the receipt of a complete permit application, Erosion and Sediment Control Plan and correct fee as required by sub. (b), the Land & Water Conservation Department shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(2) If the permit application and plan are approved, the Land & Water Conservation Department shall issue the permit.

(3) If the permit application or plan is disapproved, the Land & Water Conservation Department shall state in writing the reasons for disapproval.

(4) The Land & Water Conservation Department may request additional information from the applicant. If additional information is submitted, the Land & Water Conservation Department shall have 20 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(5) Failure by the Land & Water Conservation Department to inform the permit applicant of a decision within 20 business days of receiving all required submittals shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) Surety Bond. As a condition of approval and issuance of the permit, the Land & Water Conservation Department may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion Control Plan and any permit conditions.

(e) Permit Requirements. All permits shall require the responsible party to:

- (1) Notify the Land & Water Conservation Department within 48 hours of commencing any land disturbing construction activity.
- (2) Notify the Land & Water Conservation Department of completion of any BMPs within 10 business days after their installation.
- (3) Obtain permission in writing from the Land & Water Conservation Department prior to any modification pursuant to Sec. 10-42(c) of the Erosion and Sediment Control Plan.
- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the Erosion and Sediment Control Plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
- (7) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.
- (8) Allow the Land & Water Conservation Department to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan and for performing any work necessary to bring the site into compliance with the Control Plan.
- (9) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (10) Keep a copy of the Erosion and Sediment Control Plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until final stabilization of the site.

(f) Permit Conditions. Permits issued under this section may include conditions established by the Land & Water Conservation Department in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in Sec. 10-42.

(g) Permit Duration. Permits issued under this section shall be valid for a period of 1 year, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Land & Water Conservation Department may extend the period one or more times for up to an additional 1 year. The Land & Water Conservation Department may

require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(h) Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

(i) Alternate Requirements. The Land & Water Conservation Department may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

(j) General permits. the Calumet County Land & Water Conservation Department may issue a General Erosion Control Permit to a municipality or other county department for road ditch maintenance along public roads and to private utilities for utility maintenance and siting. The following conditions apply to the issuing of general permits for these purposes:

(1) General permits may only be issued for a one-year period. Road ditch maintenance and utility work shall only take place during the period between April 1 and September 1. After September 1, work must be approved on a case by case basis by the administering authority. Permit fees for utility work may differ from those charged per S.10-38 of this ordinance as determined by the administering authority. No permit fees shall be charged for road ditch maintenance.

(2) A list of planned road ditch maintenance and utility work must be provided to the administering authority no less than 10 business days prior to work.

(3) Listed sites must be accompanied with an erosion control plan. The erosion control plan may include generic erosion control practices that are applicable to the proposal.

(4) The erosion control plan must incorporate erosion control measures for road ditch maintenance and utility work, and be designed using criteria defined in the current edition of Wisconsin Department of Transportation Facilities Development Manual.

Secs. 10-39. -- 10-41. Reserved.

Sec. 10-42. Erosion and Sediment Control Plan, Statement, and Amendments.

(a) Plan Requirements. The Erosion and Sediment Control Plan required under Sec. 10-42 (b) shall comply with the Calumet County Construction Site Erosion Control and Post-Construction Stormwater Reference Guides and contain at a minimum the following information:

(1) Name, address, and telephone number of the landowner and responsible parties.

(2) A legal description of the property proposed to be developed.

(3) A site map with property lines, disturbed limits, and drainage patterns.

(4) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.

(5) Performance standards applicable to site.

(6) Proposed best management practices and practice locations shown on the site map.

(b) Erosion and Sediment Control Plan Statement. For each construction site identified under Sec. 10-31 (a)(3), an Erosion and Sediment Control Plan Statement shall be prepared. This Statement shall be submitted to the Land & Water Conservation Department. The Statement shall briefly describe the site, including a site map. Further, it shall also include the Best Management Practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(c) Amendments. The applicant shall amend the plan if any of the following occur:

(1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the State and which has not otherwise been addressed in the Plan.

(2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(3) The Land & Water Conservation Department notifies the applicant of changes needed in the Plan.

(d) Alternate Requirements. The Land & Water Conservation Department may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

Sec. 10-43. Fee Schedule.

The fees referred to in this ordinance shall be established by the Land and Water Conservation Committee. A schedule of the fees established shall be available for review in the Land & Water Conservation Department.

Permit fees may be waived for projects that are not required to submit a fee for a permit granted under Chapter 18, Article IV, Sec. 18-108(b).

Sec. 10-44. Inspection.

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Land & Water Conservation Department may enter the land pursuant to the provisions of §66.0119, Wis. Stats.

Sec. 10-45. Enforcement.

(a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The Calumet County Land & Water Conservation Department shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-

construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(c) Upon receipt of written notification from the Calumet County Land & Water Conservation Department under sub. (2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Calumet County Land & Water Conservation Department in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Calumet County Land & Water Conservation Department may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Calumet County Land & Water Conservation Department plus interest and legal costs shall be billed to the responsible party.

(e) The Calumet County Land & Water Conservation Department is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the corporation counsel to obtain a cease and desist order in any court with jurisdiction.

(f) The Calumet County Land & Water Conservation Department may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Calumet County Land & Water Conservation Department or by a court with jurisdiction.

(h) The Calumet County Land & Water Conservation Department is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the corporation counsel for the commencement of further legal proceedings in any court with jurisdiction.

(i) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 50 dollars and no more than 500 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(j) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

(k) When the Calumet County Land & Water Conservation Department determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Calumet County Land & Water Conservation Department or a party designated by the Calumet County Land & Water Conservation Department may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Calumet County Land & Water Conservation Department shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be entered on the tax roll as a tax against the property and collected with any other taxes levied thereon.

Sec. 10-46. Appeals.

(a) The Calumet County Land Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Calumet County Land & Water Conservation Department in administering this ordinance. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(b) Who may appeal. Appeals to the Land Conservation Committee may be taken by any aggrieved person or by an officer, department, board, or bureau of Calumet County affected by any decision of the Calumet County Land & Water Conservation Department.

Secs. 10-47. -- 10-49. Reserved.