

## CHAPTER 426

### SOIL EROSION AND SEDIMENT CONTROL

[History: Ord 526-1978]

#### **426.01 TITLE AND PURPOSE.**

(1) This Chapter will be known as the "Richland Center Soil Erosion and Sediment Control Ordinance".

(2) Excessive quantities of soil are eroding within areas that are undergoing development for homes, industrial sites, roads, and recreation areas in and around the City of Richland Center. This soil erosion makes necessary costly repairs to gullies and washed out fills, streets, roads and embankments. The resulting sediment clogs drains, fills road ditches, deposits on roads and streets, causes muddy streams and unsightly conditions, and is expensive to remove. Sediment fills channels and as a result flooding may occur on adjacent property because of the reduced channel capacity. The problem is a threat to the health, safety and well-being of the community.

**426.02 DEFINITIONS.** (1) The following definitions shall apply in the interpretation and enforcement of this Chapter, unless otherwise specifically stated:

(a) **CERTIFICATION:** A signed, written statement by the Building Inspector that specific required constructions, inspections or tests have been performed and that such comply with the applicable requirements of these articles or regulations.

(b) **EROSION:** The wearing away of the land surface by the action of wind, water or gravity.

(c) **EXCAVATION OR CUT:** Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.

(d) **DEBRIS BASIN:** A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, or silt or other material.

(e) **DEVELOPMENT:** The smallest area where one or more structures may be erected.

(f) **DIVERSION:** A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

(g) **EMBANKMENT:** A man-made deposit of soil, rock or other material.

(h) **FIFTY YEAR FLOOD PLAIN:** That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of fifty (50) year recurrence frequency after total development of the watershed.

(i) **EXISTING GRADE:** The vertical location of the existing ground surface prior to cutting or filling.

(j) **FINISHED GRADE:** The final grade or elevation of the ground surface conforming to the proposed design.

(k) **GRADING:** Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

(l) **GRADING PERMIT:** A permit issued to authorize work to be performed under this Chapter.

(m) **GRASSED WATERWAY:** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field.

(n) **MULCHING:** The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(o) **NATURAL GROUND SURFACE:** The ground surface in its original state before any grading, excavation or filling.

(p) **PERMITTEE:** Any person to whom a permit is issued in accordance with this Chapter.

(q) **PROFESSIONAL ENGINEER:** An engineer duly registered or otherwise authorized by the State of Wisconsin to practice in the field of civil engineering.

(r) **REGULATED GRADING:** Any grading performed with the approval of and in accordance with criteria established by the Building Inspector.

(s) **SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water or gravity as a product of erosion.

(t) **SEDIMENT BASIN:** See Debris Basin.

(u) **SEDIMENT POOL:** The reservoir space allotted to the accumulation of submerged sediment during the life of the structure.

(v) **SLOPE:** Degree of deviation of surface from the horizontal, usually expressed in percent or degree.

(w) **SOIL:** All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

(x) **SOIL ENGINEER:** A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

(y) **SITE:** Any plot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.

(z) **STRIPPING:** Any activity which removes or significantly disturbs the vegetative

surface cover including clearing and grubbing operations.

(aa) **STRUCTURE:** Homes, industrial buildings, streets, roads, dams or other constructed objects of a permanent nature expected to last several years.

(ab) **STRUCTURAL ROCK FILLS:** Fills constructed predominantly of rock materials for the purpose of supporting structures.

(ac) **TEMPORARY PROTECTION:** Stabilization of erosive or sediment producing areas.

(ad) **VEGETATIVE PROTECTION:** Stabilization of erosive or sediment producing areas or covering the soil with:

1. permanent seeding, producing long-term vegetative cover.
2. short-term seeding producing temporary vegetative cover, or
3. sodding, producing areas covered with a turf of perennial sodforming grass.

(ae) **WATERCOURSE:** Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow of flood water.

(af) **CITY PLANNING COMMISSION:** The Richland Center Planning Commission.

#### **426.03 APPLICATION PROCEDURE.**

(1) **INITIAL.** Any developer, subdivider or builder shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that soil erosion and sedimentation are limited and controlled in accordance with the erosion and sedimentation control regulations, standards and specifications approved by the Common Council.

(2) **COMPLIANCE.** The developer, subdivider, or builder is encouraged to consult the existing development plans and the detailed zoning map of the City of Richland Center and the extraterritorial zone adjacent to the City before submitting a plan for review by the City Planning Commission.

No site plan or plot shall be approved for development unless it includes soil erosion and sediment control measures in accordance with technical standards of the Richland County Soil and Water Conservation District, which are on file in the office of the Richland County Soil and Water Conservation District.

The developer, subdivider, or builder shall bear the final responsibility for installation and construction of all required erosion control practices according to the provisions of this Chapter and outlined in the approved site-development plan and amendments thereto.

(3) **DATE REQUIRED.** The developer, subdivider or builder must submit the following information for the entire tract of land, whether or not the tract will be developed in stages:

- (a) A boundary line survey of the site on which the work is to be performed.

(b) Description of the features, existing and proposed, surrounding the site and of importance to the proposed development.

(c) Description of general topographic and general soil conditions on the site.

(d) Location and description of existing and future man-made features of importance to the proposed development.

(e) Plans for soil-erosion and sediment control in accordance with standards of the Richland County Soil and Water Conservation District.

(f) A time schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control practices.

(4) PERMITS.

(a) Requirement: No person shall do any grading, stripping, cutting or filling unless he has a valid grading permit issued by the Building Inspector. The permit will be issued in the name of the owner who will be ultimately responsible for compliance with the terms of this Chapter. The owner may designate an agent who may make application in the owner's behalf.

(b) Application: A separate application shall be required for each grading permit. Plans, specifications, and time schedules shall be submitted with each application for a grading permit. The plans shall be prepared or approved and signed by a professional engineer or by an architect. The Building Inspector may waive the preparation or approval and signature by the professional engineer or architect when the work entails no hazard to adjacent property.

(c) Fees. The Common Council of the City of Richland Center shall establish fees for the processing of applications and for field inspections to be paid by applicants for permits. These fees shall be subjected to periodic revisions by the Common Council to reflect changing costs and needs.

**426.04 PRINCIPLES AND STANDARDS.**

(1) IMPLEMENTATION. Since considerable soil erosion can take place during construction, development plans shall contain proposed erosion and sediment control practices. These practices shall be incorporated into the final plat and the final construction drawings. Erosion and sediment control practices shall conform to the standards and specifications established by the Richland Soil and Water Conservation District. The practices shall apply to all features of the construction site, including street and utility installations as well as to the protection of individual lots. Practices shall also be instituted to prevent or control erosion and sedimentation during the various states of development.

(2) GENERAL DESIGN PRINCIPLES. Practical combinations of the following general principles will provide effective sediment control when properly planned and applied.

(a) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

(b) Grading of land with the One Hundred (100) year flood plan of watercourses designated and delineated as being subject to flood hazard will not be permitted unless sufficient topography and

hydrologic data is presented to the Common Council to indicate that such alteration will have no detrimental influence on the flow characteristics of the stream.

(c) Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation to the greatest extent possible before removing the vegetation cover from an area.

(d) Wherever feasible, natural vegetation shall be retained and protected.

(e) Where inadequate vegetation exists, temporary vegetation or protective mulching shall be established within 15 days of any grading.

(f) The smallest practical area of land shall be exposed at any one time during development.

(g) Excavated material, topsoil stockpiles, and spoil-dirt storage piles shall be leveled to conform with surrounding ground elevation within 60 days of the time any such storage pile is established.

(h) Sediment basins (debris basin, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from lands undergoing development.

(i) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.

(j) The permanent final vegetation and structures shall be installed as soon as practical in the development, and in no case more than 30 days after the structure has been occupied or made ready for occupancy. If the development is under construction during the winter season, all permanent final vegetation and structures shall be installed by May 15th of the year.

### (3) DEVELOPMENT STANDARDS.

(a) All developments with specifications and timing schedules, and including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with standards and specifications established by the Richland Soil and Water Conservation District.

(b) Technical standards for the design and installation of erosion and sediment control measures are on file at the office of the Richland Soil and Water Conservation District and in the office of the City Clerk.

(4) MAINTENANCE. Individuals or developers carrying out soil erosion and sediment control measures under this Chapter, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition except where the Common Council has accepted maintenance responsibility.

**426.05 VARIANCE AND EXCEPTIONS.** The City of Richland Center Common Council shall have the authority to interpret this Chapter and may in specific cases grant variances and exceptions to these requirements providing such variance or exception is in harmony with the general purpose and intent of the requirements.

**426.06 INSPECTION AND ENFORCEMENT.**

(1) INSPECTION. The requirements of this Chapter shall be enforced by the Building Inspector who shall inspect or require adequate inspection of the work. If the Building Inspector finds any existing conditions not as stated in any application, grading permit, or approved plan, he may refuse to approve further work.

(2) VIOLATIONS. Whenever, by the provisions of this Chapter, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Chapter.

(3) CORRECTION. All violations shall be corrected within thirty (30) days following the date of issuance of written notice to correct. If not corrected, they shall be referred to the City Prosecuting Attorney for initiation of prosecution procedures.

(4) PENALTIES. Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this Chapter, or of the terms of any permit or exception granted thereunder, or of any lawful order or requirement of the Building Inspector of the City, shall upon conviction thereof forfeit to the City of Richland Center not less than \$25.00 nor more than \$200.00, together with the costs of prosecution and any applicable penalty assessment, and in case of failure to pay such forfeiture, costs and assessment, may be imprisoned in the Richland County Jail until so paid, but not to exceed 90 days. Each day that a violation continues shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Chapter.

**426.07 VALIDITY AND SEVERABILITY.** If any section, clause, provisions, portion, sub-section, sentence, or phrase of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and such decision shall not affect the validity of the remaining portion of this Chapter. The Common Council hereby declares that it would have enacted this Chapter and each part thereof irrespective of the fact that any one or more sections, clauses, provisions, portions, sub-sections, sentences, or phrases be declared invalid.

**426.08 EFFECTIVE DATE.** This Chapter shall be effective from and after February 7, 1978.