

CHAPTER 47 - CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Sec. 47-1. - Authority.

- (a) This chapter is adopted under the authority granted by §62.234, Wis. Stats. This chapter supersedes all provisions of any ordinance previously enacted under §62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats., applies to this chapter and to any amendments to this chapter.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) The Common Council hereby designates the Administering Authority to administer and enforce the provisions of this chapter.
- (d) The requirements of this chapter 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 § NR 151.004, Wis. Adm. Code.
 - (3) Dodge County – Chapter 7-Subdivision Design and Improvements for lands of the City located within Dodge County.
 - (4) Columbia County – Soil Erosion Control Standards for lands of the city located within Columbia County.

Sec. 47-2. - Findings of Fact.

The Common Council acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the City of Columbus.

Sec. 47-3. - Purpose.

- (a) It is the purpose of this chapter to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; 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 the City of Columbus.

- (b) Use of this chapter will foster consistent, statewide application of the construction site performance standards for any land disturbing activities related to new development, infill development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

Sec. 47-4. - Applicability and Jurisdiction.

- (a) **Applicability.**
 - (1) Except as provided under par. (2), this chapter applies to any construction site as defined under Sec. 5(f).
 - (2) This chapter does not apply to the following:
 - a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial/commercial development.
 - 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 facilities and practices.
 - d. Nonpoint discharges from silviculture activities.
 - e. Routine maintenance for project sites that have less than 10,000 SF of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility. Routine maintenance does not include subgrade alterations or installation of utilities.
 - f. Paving of a gravel surface or mill and overlay of a paved area with no alterations to the subgrade.
 - g. Disturbance under 1,000 SF.
 - (3) Notwithstanding the applicability requirements in par. (1) and the exemptions set forth in par. (2), this chapter applies to construction sites of any size that, as determined by the Administering Authority, 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, or that increases water pollution by scouring or transporting of particulates.
- (b) **Jurisdiction.** This chapter applies to land disturbing construction activity on lands within the boundaries of the City of Columbus.

Sec. 47-5. - Definitions.

- (a) “Administering Authority” means a governmental employee, or a professional consultant, that is designated by the Common Council of the City of Columbus to administer the provisions of this chapter.
- (b) “Agricultural facilities and practices” has the meaning in §281.16(1), Wis. Stats.
- (c) “Best management practice” or “BMP” means 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.
- (d) “Business day” means a day the office of the City of Columbus is routinely and customarily open for business.
 - (e) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the City of Columbus.
 - (f) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of 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 construction site includes all residential lot construction activities.
 - (g) “Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
 - (h) “Division of land” means the creation of two or more parcels or building sites from one parcel where such creation occurs at one time.
 - (i) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
 - (j) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (k) “Final stabilization” means that all 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.
 - (l) “Governing body” means the Common Council of the City of Columbus.
 - (m) “Land disturbing construction activity” means 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, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
 - (n) “Land owner” means any person holding fee title, an easement or other interest in land, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
 - (o) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (p) “Permit” means a written authorization made by the administering authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.
 - (q) “Pollutant” has the meaning given in §283.01(13), Wis. Stats.
 - (r) “Pollution” has the meaning given in §281.01(10), Wis. Stats.
 - (s) “Responsible party” means the land owner and any other entity performing services to meet the requirements of this chapter through a contract or other agreement.

- (t) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (u) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.
- (v) “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (w) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (x) “Stop work order” means an order issued by the administering authority which requires that all construction activity on the site be stopped.
- (y) “Technical standard” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device, or method.
- (z) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stats.
- (aa) “Waters of the State” includes all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public, or private, within this state or its jurisdiction.

Sec. 47-6. - Technical Standards.

All BMPs required for compliance with this chapter shall meet design criteria, standards and specifications based on any of the following:

- (a) 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.
- (b) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (c) Technical standards and methods approved by the administering authority.

Sec. 47-7. - Performance Standards for Construction Sites Under 10,000 Sq. Ft.

- (a) **Responsible Party.** The responsible party shall comply with this section.
- (b) **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- (1) The deposition of soil from being tracked onto streets by vehicles or equipment.
 - (2) The discharge of sediment from disturbed areas into public or private storm water inlets or culverts that are located on-site or off-site.
 - (3) The discharge of sediment from disturbed areas into adjacent waters of the State.
 - (4) The discharge of sediment from drainage ways that flow off the site.
 - (5) The discharge of sediment by any dewatering activities.
 - (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (7) The transport by runoff into waters of the State of chemicals, cement, and other building compounds and materials on the construction site 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 chapter.
- (c) **Location.** The BMPs shall be located so that treatment occurs before runoff leaves the construction site or enters waters of the State.
- (d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:
- (1) Erosion and sediment control practices shall be constructed and correctly installed per manufacture recommendation or approved plans before land disturbing construction activities begin.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 47-8. - Performance Standards for Construction Sites of 10,000 Sq. Ft. or More.

- (a) **Responsible Party.** The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Sec. 47-10.
- (b) **Erosion and Sediment Control Plan.** A written site-specific erosion and sediment control plan shall be developed in accordance with Sec. 47-10 of this chapter and implemented for each construction site. The site plan requirements, in addition to Sec. 47-8(c) shall include features required for reference outlined in section 78-15(d).
- (c) **Erosion and Other Pollutant Control Requirements.** The erosion and sediment control plan required under sub. (b) shall include the following:
- (1) **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles or

- equipment.
 - b. The discharge of sediment from disturbed areas into public or private storm water inlets or culverts that are located on-site or off-site.
 - 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 any dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. The transport by runoff into waters of the State of chemicals, cement, and other building compounds and materials on the construction site 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 chapter.
 - i. The transport by runoff into waters of the State of untreated wash water from vehicle and wheel washing.
- (2) **Sediment Performance Standards.** In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:
- a. BMPs that, by design, discharge no more than 5 tons per acre from the start of construction to final stabilization or for projects that exceed 12 months, shall not exceed 5 tons per acre in any 12-month period of the sediment load carried in runoff from initial grading to final stabilization.
 - b. No person shall be required to employ more BMPs than are needed to meet a performance standard. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph.
- (3) **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:
- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - d. Development of spill prevention and response procedures.
- (4) **Location.** The BMPs used to comply with this section shall be located so that treatment occurs before runoff leaves the site or enters waters of the State.
- (d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:
- (1) Erosion and sediment control practices shall be constructed and correctly installed per manufacture recommendation or approved plans before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Sec. 47-8(b).
 - (2) Erosion and sediment control practices shall be maintained until final

- stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease, and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

Sec. 47-9. - Permitting Requirements, Procedures and Fees.

- (a) **Permit Required.** No responsible party may commence a land disturbing construction activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the administering authority
- (b) **Permit Application and Fees.** The responsible party that will undertake a land disturbing construction activity subject to this chapter shall apply for a permit and shall submit an erosion and sediment control plan that meets the requirements of Sec. 47-10 and shall pay an application fee to the administering authority in the amount specified as calculated by the permit as described in Sec. 47-11. By applying, the applicant is authorizing the administering authority to enter the site to obtain information required for the review of the erosion and sediment control plan to determine approval or rejection of the permit.
- (c) **Permit Application Review and Approval.** The administering authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) Within ten business days of the receipt of a complete permit application, as required by sub. (b), the administering authority shall inform the applicant whether the application and erosion and sediment control plan are approved or rejected based on the requirements of this chapter.
 - (2) If the permit application and erosion and sediment control plan are approved, the administering authority shall issue the permit.
 - (3) If the permit application or erosion and sediment control plan is rejected, the administering authority shall state in writing the reasons for rejection.
 - (4) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have five business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or rejected.
 - (5) Failure by the administering authority to inform the permit applicant of a decision within fifteen business days of a required submittal 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 administering authority may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control

- plan and any permit conditions.
- (e) **Permit Requirements.** All permits shall require the responsible party to:
- (1) Notify the administering authority within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the administering authority of completion of any BMPs within 14 days after their installation.
 - (3) Obtain permission in writing from the administering authority prior to any modification pursuant to Sec. 47-10(c) of the erosion and sediment control plan.
 - (4) Install all BMPs correctly and at the size and locations as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, storm water 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 a site inspection log.
 - (7) Any approved and installed BMP that may impact the site or adjacent site negatively shall be reported to the administering authority for review of specific issue and consideration of plan modifications.
 - (8) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (9) Allow the administering authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
 - (10) Removal all erosion control measures within 45 days after site has been stabilized.
- (f) **Permit Conditions.** Permits issued under this section may include conditions established by administering authority in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Sec. 47-7 or Sec. 47-8.
- (g) **Permit Duration.** Construction must begin within 45 calendar days of permit issuance. Delay in starting will require a new permit application to be completed and a review period. Permits issued under this section shall be valid for a period of 180 days from date of permit issuance, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The administering authority may grant one or more extensions not to exceed 180 days cumulatively. The administering authority may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this chapter. Extension requests may result in the administering authority requiring a revised or updated plan prior to extension issuance.

- (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMPs installed correctly and at the size and locations necessary to meet the requirements of this chapter until the site has undergone final stabilization.

Sec. 47-10. - Erosion and Sediment Control Plan, Statement and Amendments.

- (a) **Erosion and Sediment Control Plan Statement.** For each construction site identified under Sec. 47-4(a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the administering authority. The erosion and sediment control plan statement shall briefly describe the site size, if partial or entire site, site topography, site drainage systems, proximity to waterways, the development schedule, and the BMPs that will be used to meet the requirements of the chapter. A site map shall also accompany the erosion and sediment control plan statement.
- (b) **Erosion and Sediment Control Plan Requirements.**
 - (1) An erosion and sediment control plan shall be prepared and submitted to the administering authority.
 - (2) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 47-7, Sec. 47-8 and other requirements of this chapter.
 - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. Name(s) and address(es) of the land owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The permit application along with the site plans shall also include start and end dates for construction.
 - 1. Start and end dates shall be used for USLE calculations for sediment loss.
 - 2. Start and end dates if changed before actual work begins or work is delayed will be required to be updated at the request of the administering authority.
 - i. Change of dates will require revisions to the USLE calculations to verify the site plan still meets requirements for soil loss.
 - b. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a county or City of Columbus tax parcel map showing current parcel boundaries, aerial image and topographic information. .
 - c. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping.

- Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, project phasing, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- d. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - e. Calculations to show the compliance with the performance standard in Sec. 47-8(c)(2)a.
 - f. Existing data describing the surface soil as well as subsoils.
 - g. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available or project geotechnical borings.
 - h. Name of the immediate named receiving waters for site runoff.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed one foot.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 - b. Existing drainage patterns shall be shown with drainage arrows.
 - c. Boundaries of the construction site.
 - d. Proposed drainage patterns and approximate slopes anticipated after major grading activities.
 - e. Areas of soil disturbance.
 - f. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 - g. Location of areas where stabilization BMPs will be employed.
 - h. Areas which will be vegetated following land disturbing construction activities.
 - i. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 - j. Areas(s) used for infiltration of post-construction storm water runoff.
- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the State. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a

- BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
- b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site.
 - c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur. Downslope protection locations are to be determined by slope and inlet capture efficiency. All downslope inlets will be required to be protected that may have bypass flow calculated at a 25-year storm.
 - g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - h. Clean up off-site sediment deposits method and schedule.
 - i. Proper disposal of building and waste material.
 - j. Stabilization of drainage ways.
 - k. Installation of permanent stabilization practices as soon as possible after final grading.
 - l. Minimization of dust. Sites subject to dust dispersion will be required to have a dust control plan that includes method of control and schedule for performing activity for control.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (c) **Erosion and Sediment Control Plan Amendments.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (a) There is a change in design, phasing, project limits, construction area, operation, or maintenance at the site which has the reasonable potential for the discharge of pollutants off site or to waters of the State and which has not otherwise been addressed in the originally approved erosion and sediment control plan.
 - (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The administering authority notifies the applicant of changes needed in the erosion and sediment control plan.

Sec. 47-11. - Fee Schedule.

The fees referred to in this chapter shall be established by the administering authority approved by motion of the City of Columbus Common Council and may from time to time be

modified by resolution of the Common Council.

Sec. 47-12. - Inspection.

If land disturbing construction activities are occurring without a permit required by this chapter, the administering authority may enter the land pursuant to the provisions of §§66.0119 (1), (2), and (3), Wis. Stats.

Sec. 47-13. - Enforcement.

- (a) The administering authority may post a stop work order if any of the following occurs:
 - (1) Land disturbing construction activity regulated under this chapter is occurring without a permit.
 - (2) Land owner refuses inspection access in Sec. 47-12.
 - (3) The erosion and sediment control plan is not being followed or implemented in good faith.
 - (4) Any of the conditions of the permit are not being met.
 - (5) Responsible party has not made corrections as directed by the administering authority in the time period specified.
- (b) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the administering authority may revoke the permit.
- (c) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the administering authority or if a responsible party violates a stop work order posted under sub. (a), the administering authority may request the city attorney to obtain a cease-and-desist order in any court of competent jurisdiction.
- (d) The administering authority may retract the stop work order issued under sub. (a) or the permit revocation under sub. (b).
- (e) After posting a stop work order under sub. (a), the administering authority may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The administering authority may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the administering authority, plus interest at the rate authorized by administrative authority shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to subch. §66-0627, Wis. Stats.
- (f) Any person violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 plus the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this chapter 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 injunctive proceedings.

Sec. 47-14. - Appeals.

- (a) **Board of Appeals.** The board of appeals created pursuant to section 114-34 of the City Code pursuant to §62.2 (7)(e), Wis. Stats.:
 - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the administering authority in administering this chapter except for cease-and-desist orders obtained under Sec. 47-13(c).
 - (2) May authorize, upon appeal, variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Columbus affected by any decision of the administering authority.