

ORD. AMDT. 39, 08-09

**AMENDING CHAPTERS 2, 11, 12 AND 14 OF THE DANE COUNTY  
CODE OF ORDINANCES, REGARDING EROSION CONTROL PROVISIONS**

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 2.06(2) is amended to read as follows:

2.06 SCHEDULE OF DEPOSITS.

Sub. No.	Ordinance No.	Offense	Deposit
(2)	Ch. 11	Various violations of shoreland and flood plain regulations	400.00

ARTICLE 3. Subsection 11.05(2) is amended to read as follows:

11.05 SHORELAND EROSION CONTROL.

(2) *Exemptions and waivers:*

(a) Shoreland erosion control permits are not required for:

1. soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when construction is overseen by and implemented according to plans and designs approved by the Natural Resources Conservation Service or U.S. Fish & Wildlife Service of the U.S. Department of the Interior, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department, provided that any such project involving land disturbing activity equal to or greater than one acre shall also comply with the performance standards in s. 14.50(3); and

2. tillage directly related to planting, growing and harvesting of agricultural or horticultural crops, including crop fields and gardens.

(b) The director may waive requirements for an engineer's stamp and allow for the use of a simplified erosion control checklist if the project meets all of the following criteria:

1. There are no adverse stormwater or erosion impacts to adjacent properties.
2. Soil will be disturbed for less than 30 days.
3. Soil on slopes steeper than 6% will be disturbed for less than 15 days.
4. There is no soil disturbance within 15 feet of the ordinary high water mark.
5. Total area of soil disturbance will not exceed 1,000 square feet.
6. New impervious surfaces will not exceed 500 square feet.
7. There is minimal risk for erosion and stormwater impact to receiving waters.

(c) The director may waive requirements for an engineer's stamp if the following criteria are met:

1. Soil disturbance will not exceed 60 days.
2. Soil disturbance on slopes steeper than 12% will not exceed 30 days.
3. Soil disturbance within 15 feet of the ordinary high water mark will not exceed 200 square feet.
4. Soil disturbance will not exceed 2,000 square feet.
5. New impervious surfaces will not exceed 1,000 square feet.

(d) The director may waive requirements for an engineer's stamp and allow for the use of a simplified erosion control checklist for agricultural waterway, ditch, and tile maintenance projects if soil disturbance lasts less than 30 days.

ARTICLE 4. Subsection 11.05(4)(b)3. is amended to read as follows:

11.05 SHORELAND EROSION CONTROL. (4) *Shoreland Erosion control permits and administration.*

(b) *Application materials.* The applicant must provide the following materials when applying for a permit:

3. An erosion control plan, stamped by a qualified professional engineer registered in the State of Wisconsin, that meets all of the requirements of s. 14.50, or if waived by the director under sub. (2)(b), a

simplified checklist on a standard form approved by the department. All erosion control plans and simplified checklists shall include provisions for a stable outlet as described in s. 14.51(2)(d);

a. The requirement for a professional engineer's stamp shall not apply to permits for areas that are more than 300 feet from the ordinary high water mark of any lake or pond.

ARTICLE 5. Section 11.50 is created to read as follows:

11.50 PERMIT FEES. (1) For applications submitted under s. 11.05(2)(b) the fee shall be \$100.

(2) For applications submitted under s. 11.05(2)(c) the fee shall be \$200, plus \$.005 per square foot of disturbed area.

(3) The fee for all other applications under this chapter shall be \$400, plus \$.005 per square foot of disturbed area.

(4) Late filing fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(5) Municipal street and road projects are exempt from fees required in this section.

ARTICLE 6. Section 11.99 is amended to read as follows:

11.99 ENFORCEMENT AND PENALTIES. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the corporation counsel for prosecution. A violator shall, upon conviction, forfeit a penalty of not less than \$200 and not more than \$1,000, together with the costs of such action. Each day of violation shall constitute a separate offense. Any violation of this ordinance may be enforced by injunctive order at the suit of the county.

ARTICLE 7. Subsection 12.05(10) is rescinded.

12.05 OTHER PERMIT AND REVIEW FEES.

ARTICLE 8. Subsection 14.41(5a) is created to read as follows:

14.41 DEFINITIONS. As used in subchapter II:

(5a) *Development* means any of the following activities:

(a) Structural development, including construction of a new building or other structure;

(b) Expansion or alteration of an existing structure that results in an increase in the ground surface dimensions of the building or structure;

(c) Land disturbing activities; or

(d) Creation or expansion of impervious surfaces.

ARTICLE 9. Subsection 14.41(22) is amended to read as follows:

14.41 DEFINITIONS. As used in subchapter II:

(22) *New development* means any of the following activities:

(a) Structural development, including construction of a new building or other structure;

(b) Land-disturbing activities; or

(c) Creation or expansion of impervious surface.

ARTICLE 10. Subsection 14.47(2) is amended to read as follows:

14.47 EXEMPTIONS AND CLARIFICATIONS.

(2) The following activities are exempt from the construction site erosion control provisions of sec. 14.45:

(a) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code. Land disturbing activities in excess of one (1) acre, or not associated with the construction of a dwelling, are not exempt from this chapter.

(b) Projects specifically exempted from local erosion control ordinances under state or federal statute. It is the responsibility of the landowner to demonstrate such exemption with documentation acceptable to the local approval authority.

(c) Projects subject to an approved shoreland erosion control permit under chapter 11.

(d) Agricultural development with less than one acre of land disturbing activity, and not subject to s. 14.46(1m).

(e) Municipal road or county highway projects not exempted under s. 14.47(2)(b) are exempt from s. 14.51(2)(c) where all of the following conditions are met:

1. The purpose of the project is only to meet current state or federal design or safety guidelines;

2. All activity takes place within existing public right-of-way;
  3. All other requirements of s. 14.51 are met; and
  4. The project does not include the addition of new driving lanes.
- (f) Soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when implemented according to plans and designs approved by the Natural Resources Conservation Service or U.S. Fish & Wildlife Service of the U.S. Department of the Interior, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department, provided that any such project involving land disturbing activity equal to or greater than one (1) acre shall also comply with the performance standards in s. 14.50(3).

ARTICLE 11. Subsections 14.49(5)(e) and (f) are amended to read as follows:

14.49 EROSION AND STORMWATER CONTROL PERMITS AND ADMINISTRATION. (5) *Inspections.*

(e) Within 10 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the local approval authority and submit drawings documenting construction. A professional engineer shall submit as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the specifications included in the approved plans. At minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the local approval authority.

(f) The local approval authority shall inspect the property to verify compliance within 30 days of notification.

ARTICLE 12. Subsection 14.50(1)(r) is amended to read as follows:

14.50 EROSION CONTROL PLAN REQUIREMENTS. (1) *Plan materials.* Erosion control plans required under section 14.45 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment and except as specifically exempted below, shall include at a minimum, the following information:

(r) existing and proposed elevations (referenced to the North American Vertical Datum of 1988, where available) and existing and proposed contours in the area, where deemed necessary;

ARTICLE 13. Subsection 14.50(2) is amended to read as follows:

14.50 EROSION CONTROL PLAN REQUIREMENTS.

(2) *Simplified plan checklist.* Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices, on a standard form approved by the local approval authority, wherever all of the following conditions exist:

- (a) The site does not exceed 20,000 square feet in area;
- (b) Soil on slopes steeper than 6% will be disturbed for less than 15 days; and
- (c) Soil on slopes less than 6% will be exposed for less than 6 months.

ARTICLE 14. Subsection 14.51(2)(c) is amended to read as follows:

14.51 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (2) *Storm-water management performance standards.* Proposed design, suggested location and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

(c) *Runoff rate control - hydrologic calculations.* All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by the Dane County Conservationist. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for HSG A, 68 for hydrologic soil group B, 79 for HSG C, and 83 for HSG D. The TR-55-specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to pre-developed conditions, no permeability class modification is required.

ARTICLE 15. Subsection 14.51(2)(e)3. is amended to read as follows:

14.51 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (2) *Storm-water management performance standards.* Proposed design, suggested location and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

(e) *Infiltration.*

3. *Pre-treatment.* Before infiltrating runoff, pre-treatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pre-treatment shall conform to the design standards in s. 14.53 and be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality.

ARTICLE 16. Subsection 14.55(2)(a) is amended to read as follows:

14.55 PERMIT FEES.

(2) (a) For areas under Dane County jurisdiction according to s. 14.44(2) and s. 14.44(3)(c) and (d), the erosion control and stormwater management permit fee shall be a \$100 base fee for projects eligible for a simplified checklist under s. 14.50(2). The base fee for other projects subject to the erosion control requirements of s. 14.45 shall be \$200, and the base fee for projects subject to the stormwater management requirements of s. 14.46 shall be \$400.