

ORDINANCE NUMBER 18-02

AN ORDINANCE TO AMEND CHAPTER TWENTY THREE OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "CONSTRUCTION SITE EROSION CONTROL ORDINANCE.

THE COMMON COUNCIL OF THE CITY OF WAUPUN, DO ORDAIN:

SECTION 1: Section 23 of the Waupun Municipal Code entitled "CONSTRUCTION SITE EROSION CONTROL ORDINANCE" is repealed and recreated to read as follows:

CHAPTER 23 - CONSTRUCTION SITE EROSION CONTROL ORDINANCE (Cr. #05-03)

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23.01 - AUTHORITY .

- (1) This ordinance is adopted under the authority granted by §62.234, Wis. Stats., for cities. This ordinance supersedes all provisions of an 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 ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the Public Works Department to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code

23.02 - FINDINGS OF FACT .

The Common Council finds that runoff from land-disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in City of Waupun. More specifically, uncontrolled, construction runoff can negatively impact the municipal storm sewer system, the Rock River, and Horicon Marsh, which is recognized as a unique resource of national significance.

23.03 - 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 the City of Waupun.

23.04 - APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

- (a) This ordinance applies to the all land-disturbing construction activities, unless the site is otherwise exempt under paragraph (b).
- (b) This ordinance does not apply to the following:
 1. Land-disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services in chs. SPS 320 to 325 or 361 to 366, Wis. ,Adm. Code.
 2. 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.

3. Nonpoint discharges from agricultural facilities and practices.
 4. Nonpoint discharges from silviculture activities.
 5. Routine maintenance for project sites under one acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in paragraph (a), the requirements of this ordinance may be waived for non-one-family or 2-family residential land disturbing construction activity, of less than 1.0 acre, by the Public Works Department, if the Public Works Department determines that erosion or sediment transport off the site will not result from the proposed land disturbing activity.
- (2) JURISDICTION. This ordinance applies to land-disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Waupun.
 - (3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a State agency, as defined under §227.01 (1), Wis. Stats.

23.05 - DEFINITIONS .

- (1) ADMINISTERING AUTHORITY means a governmental employee, empowered under §62.234 Wis. Stats., that is designated by the Common Council to administer this ordinance.
- (2) AGRICULTURAL FACILITIES AND PRACTICES has the meaning in §281.16(1), Wis. Stats.
- (3) BEST MANAGEMENT PRACTICE or BMP means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.
- (4) CEASE AND DESIST ORDER means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.
- (5) 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 long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (6) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (7) DIVISION OF LAND means the creation from one parcel of [2] or more parcels or building sites of [2] or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (8) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (9) 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.
- (10) 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% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

- (11) GOVERNING BODY means the City Council.
- (12) LAND-DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative 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.
- (13) LANDOWNER means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, and land disturbing construction activity or maintenance of storm water BMPs on the property.
- (14) MEP or MAXIMUM EXTENT PRACTICABLE means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with 23.07(3) of this ordinance.
- (15) PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (16) PERMIT means a written authorization made by the Public Works Department to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the State.
- (17) POLLUTANT has the meaning given in §283.01(13), Wis. Stats.
- (18) POLLUTION has the meaning given in §281.01(10), Wis. Stats.
- (19) RESPONSIBLE PARTY means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- (20) RUNOFF means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (21) SEDIMENT means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (22) 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.
- (23) 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.
- (24) STOP WORK ORDER means an order issued by the Public Works Department Public Works Department which requires that all construction activity on the site be stopped.
- (25) 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 s. 85.095 (1)(b), Wis. Stats., but 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 s. 281.33, Wis. Stats.

- (26) WATERS OF THE STATE includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and 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.

23.06 - TECHNICAL STANDARDS .

- (1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on the following. Application of any specific design guidance within technical standards is subject to the approval of the Director of Public Works
- (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subch. V of Ch. 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.
- (2) OTHER STANDARDS. Other technical standards or methods not identified or developed in sub. (1), may be used provided that the technical standards or methods have been approved by the Public Works Department.

23.07 - PERFORMANCE STANDARDS .

- (1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with §23.09, that incorporates the requirements of this section.
- (2) EROSION AND SEDIMENT CONTROL PLAN. A written plan shall be developed in accordance with §23.09 and implemented for each construction site.
- (3) APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE (MEP). Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Director of Public Works' satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.
- (4) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under subsection (b) shall include the following:
- (a) 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.
 - 2. The discharge of sediment from disturbed areas into on-site storm water inlets.

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 dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. 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 subdivision.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (b) Sediment control performance standards. In addition to the erosion and sediment control practices in paragraph (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this subsection. Credit may be given toward meeting the sediment performance standard of this subsection for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.
 3. Notwithstanding paragraph 1, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load shall be reduced to the maximum extent practicable.
- (c) Preventative Measures. The erosion and sediment control plan shall incorporate all of the following:
1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 2. Minimization of soil compaction and preservation of topsoil.
 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 4. Development of spill prevention and response procedures.
- (d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs prior to runoff entering waters of the State. While regional treatment

facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

(5) **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in subsection 23.07(2).
- (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.

23.08 - PERMITTING REQUIREMENTS, PROCEDURES AND FEES .

- (1) **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 Public Works Department.
- (2) **PERMIT APPLICATION AND FEES.** The responsible party that will 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 §23.09 and shall pay an application fee as authorized under §23.10. By submitting an application, the applicant is authorizing the Public Works Department to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Public Works Department 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:
 - (a) Within 10 business days of the receipt of a complete permit application, as required by sub. (2), the Public Works Department shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Public Works Department shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Public Works Department shall state in writing the reasons for disapproval.
 - (d) The Public Works Department may request additional information from the applicant. If additional information is submitted, the Public Works Department shall have 10 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Public Works Department 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.

- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
- (a) Notify the Public Works Department within 48 hours before beginning any land-disturbing construction activity.
 - (b) Notify the Public Works Department of completion of any BMPs within two days after their installation.
 - (c) Obtain permission in writing from the Public Works Department prior to any modification pursuant to §23.09(2) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land-disturbing construction activities and document repairs in a site erosion control log.
 - (g) 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 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.
 - (h) Allow the Public Works Department 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.
- (6) **PERMIT CONDITIONS.** Permits issued under this section may include conditions established by Public Works Department in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in §23.07.
- (7) **PERMIT DURATION.** Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Public Works Department may extend the period one or more times for up to an additional 180 days. The Public Works Department may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) **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.

23.09 - EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS .

- (1) **EROSION AND SEDIMENT CONTROL PLAN.** The erosion and sediment control plan requirements of this subsection will meet the erosion control plan requirements of s. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria, standards and specifications published by the Wisconsin Department of Natural Resources under subchapter V of Chapter NR 151, Wis. Adm. Code.
- (a) An erosion and sediment control plan shall be prepared and submitted to the Public Works Department.

- (b) The erosion and sediment control plan shall be designed to meet the performance standards in §23.07 and other requirements of this ordinance.
- (c) 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:
 - 1. The name(s) and address(es) of the 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 application shall also include start and end dates for construction.
 - 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5-minute series topographic map, or other map acceptable to the Director of Public Works.
 - 3. A 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, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - 4. Estimates of the total area of the site and the total area of the site expected to be disturbed by land disturbing activities.
 - 5. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - 6. Calculations to show the compliance with the performance standard in subpar. 23.07(4).
 - 7. Existing data describing the surface soil as well as subsoils.
 - 8. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - 9. Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.
- (d) 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 five feet:
 - 1. 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 floodplains, flood fringes and floodways shall also be shown.

2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of major structural and non-structural controls identified in the plan.
 6. Location of areas where stabilization BMPs will be employed.
 7. Areas which will be vegetated following land disturbing activities.
 8. Area(s) and location(s) of wetland on the construction site and locations where storm water is discharged to a surface water or wetland.
 9. Area(s) used for infiltration of post-construction storm water runoff.
 10. An alphanumeric or equivalent grid overlying the entire construction site map.
 11. Location and dimensions of other significant structures or features, such as utilities, structures, roads and paved surfaces.
- (e) Each erosion and sediment control plan shall include a description of appropriate BMPs that will be installed and maintained at the site to prevent pollutants from reaching waters of the state. The 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:
1. 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.
 2. Description of the structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Director of Public Works, structural measures shall be installed on upland soils.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.

5. Staging grading and other land disturbing activities to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Clean-up of off-site sediment deposits.
 9. Proper disposal of building and waste materials.
 10. Stabilization of drainage ways.
 11. Control of soil erosion from earthen material stockpiles.
 12. Installation of permanent stabilization practices as soon as possible after final grading.
 13. Minimization of dust to the maximum extent practicable.
- (f) 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.
- (2) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under subsection 23.04(1), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- (3) **AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (a) 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 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 Public Works Department notifies the applicant of changes needed in the erosion and sediment control plan.

23.10 - FEE SCHEDULE .

The fees referred to in other sections of this ordinance shall be established by the Public Works Department and may from time to time be modified by resolution. A schedule of the fees

established by the Public Works Department shall be available for review in the City Clerk's office, City of Waupun, City Hall.

23.11 - INSPECTION .

If land-disturbing construction activities are being carried out without a permit required by this ordinance, the Public Works Department may enter the land pursuant to the provisions of §66.0119(1), (2), and (3), Wis. Stats.

23.12 - ENFORCEMENT .

- (1) The Public Works Department may post a stop work order if any of the following occurs:
 - (a) Any land-disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.

Note to Users: The Public Works Department should inspect any construction site that holds a permit under this chapter at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.

- (2) 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 Public Works Department may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Public Works Department, or if a responsible party violates a stop work order posted under sub. (1), the Public Works Department may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Public Works Department or Board of Appeals may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop work order under sub. (1), the Public Works Department may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Public Works Department 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 Public Works Department, plus interest at the rate authorized by Public Works Department 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 assessment against the property pursuant to subch. VII of Ch. 66, Wis. Stats.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) 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 injunctive proceedings.

Note to Users: Injunctive orders are authorized pursuant to §59.69(11), 61.35, or 62.23(8), Wis. Stats., for counties, villages and towns with village powers, and cities respectively

23.13 - APPEALS .

- (1) BOARD OF APPEALS. The Board of Appeals created pursuant to §16.16 of the Waupun Municipal Code pursuant to §62.23(7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Public Works Department in administering this ordinance except for cease and desist orders obtained under §23.12(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) WHO MAY APPEAL. Appeals to the Board of Appeals may be taken [made] by any aggrieved person or by any office, department, board, or bureau of the City of Waupun affected by any decision of the Public Works Department.

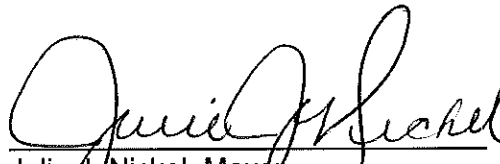
23.14 - SEVERABILITY .

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

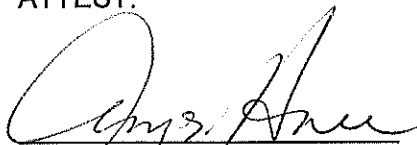
23.15 - EFFECTIVE DATE .

This ordinance shall be in force and effect from and after its adoption and publication.

Enacted this 8th day of May, 2018.


Julie J. Nickel, Mayor

ATTEST:


Angela J. Hull, City Clerk