

CHAPTER XIV

OZAUKEE COUNTY CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE

14.01 AUTHORITY

This ordinance is adopted pursuant to the authority granted by Section 59.693 of the Wisconsin Statutes.

14.02 TITLE

This ordinance shall be known as, referred to, and cited as the "OZAUKEE COUNTY CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE" and hereinafter referred to as the "Ordinance."

14.03 ADMINISTRATION

This ordinance shall be administered by the Land and Water Management Department.

14.04 AREA TO BE REGULATED

In accordance with Chapter NR 151 of the Wisconsin Administrative Code, this ordinance applies to unincorporated areas of Ozaukee County that are located in an "Urbanized Area" identified by the U. S. Bureau of the Census, adjacent developing areas, and areas whose runoff will connect to a municipal separate storm sewer system that is regulated under subch. I of NR 216 Wis. Adm. Code and where a town board has not adopted a similar ordinance (refer to Appendix A, Map of Regulated Area).

14.05 ILLICIT DISCHARGES

No person shall discharge, spill or dump non-stormwater substances or materials into waters of the state or the municipal separate storm sewer system.

14.06 CONSTRUCTION SITE EROSION CONTROL PLAN

The responsible party shall develop and implement a written plan for any construction site that has at least one acre of land disturbing activity, except for those sites where Section NR 151.11 (2) (a) or NR 151.11 (3) of the Wis. Adm. Code applies. The plan shall comply with the requirements of Section NR 151.11. "Responsible party" has the meaning given in Section NR 151.11 (4).

14.07 POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN

The responsible party shall develop and implement a written post-construction storm water management plan for any site subject to regulation under Section NR 151.12 (2) of the Wis. Adm. Code. The plan shall comply with the requirements of Section NR 151.12. "Responsible party" has the meaning given in Section NR 151.12 (3).

14.08 PERMITTING REQUIRMENTS, PROCEDURES AND FEES

- (1) PERMIT. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval and a permit from the Land and Water Management Department.

- (2) FEE. The responsible party shall pay the permit fee set forth in the Ozaukee County Fee Schedule as established by the Environment and Land Use Committee.
- (3) SURETY BOND. As a condition of approval and issuance of the permit, the Land and Water Management 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 control plan and/or stormwater management plan.

14.09 ENFORCEMENT & INSPECTION AUTHORITY

- (1) NOTICE OF VIOLATION. Whenever the Land and Water Management Department is made aware of a violation of this ordinance, they may order compliance by written notice of violation to the responsible party.
- (2) VIOLATIONS. The Land and Water Management Department shall refer violations to the Corporation Counsel, who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any provisions of this ordinance shall be subject to a forfeiture set forth in the Ozaukee County Fee Schedule. Each day that the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69 (11) of the Wisconsin Statutes.
- (3) INSPECTION AUTHORITY. The Land and Water Management Department shall have the authority to conduct on-site inspections and investigate complaints in a timely manner to ensure compliance with this ordinance.

14.10 APPEALS

Any aggrieved person may appeal to the Board of Adjustment any alleged error the Land and Water Management Department made, except for cease-and-desist orders.

14.11 EFFECTIVE DATE

This ordinance shall take effect upon passage by a majority vote of the Ozaukee County Board of Supervisors and publication as required by law.

Appendix A – Map of Regulated Area

