

## **CHAPTER 21**

### **EROSION CONTROL/LAND DISTURBANCE**

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21.01        **AUTHORITY.**    This Code is adopted under the authority granted pursuant to s. 59.693, Wis. Stats.

21.02        **FINDINGS AND PURPOSE.**

- (1) Findings. La Crosse County finds that runoff from land disturbance activities carry a significant amount of sediment and other pollutants to the waters and right-of-way of the County, state, and private properties.
- (2) Purpose. It is the purpose of this Code to protect La Crosse County's unique natural resources by minimizing the amount of sediment carried by runoff or discharged from land disturbance activities to perennial waters, wetlands, private properties, and public right-of-ways.

21.03        **APPLICABILITY.**

- (1) This Code applies to land disturbance activities on lands within the boundaries and jurisdiction of La Crosse County in the unincorporated areas. Permits granted under this Code do not release the permittee, landowner or land user from other applicable federal, state or local regulations. The recipient of a permit agrees to indemnify and hold harmless the County of La Crosse, its employees or designated agents from any cost, suit, liability or award which might be assessed due to the acceptance of a control plan or issuance of permits, or because of any adverse effect upon any person or property attributed to a project of the permittee.
- (2) Any land disturbance occurring on a 1 and 2 family dwelling site, prior to issuance of a building permit under the UDC (Wisconsin Uniform Dwelling Code), shall be subject to the requirements of this Code. Once a UDC building permit has been issued, the construction site shall be regulated according to SPS 321.125 and relevant provisions of the Wisconsin Uniform Dwelling Code. If there is an agreement executed between a town and the Department for construction sites once a building permit has been issued, the Department shall regulate land disturbances upon the site in accordance with the UDC. This Code shall apply to all 1 and 2 family dwellings after occupancy of the dwelling, or after the building inspector has performed the final inspection.
- (3) The following sites shall comply with all of the requirements of this Chapter but shall be exempted from obtaining a permit, providing a bond or paying a fee under this Chapter:
  - (a) Any project that is designed and/or approved by the Department as part of a soil conservation or water pollution control project.
  - (b) Land disturbance activity by the County or any township within the County. Other federal, state, and local permits may be required.
  - (c) Nonmetallic mining sites that have been issued a permit and have paid fees under Chapter 27 of the La Crosse County Code of Ordinances.

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- (d) Animal waste management sites that have been issued a permit and have fees paid under Chapter 23, La Crosse County Code of Ordinances.

21.04 **DEFINITIONS.**

- (1) "Access road " means the construction of logging roads, driveways and recreational\_trails where access is needed for public or private use.
- (2) "Agricultural land use" means use of land for planting, growing, cultivating, and harvesting of crops for human or livestock consumption and pasturing, but does not include the construction of agricultural buildings, or facilities.
- (3) "Anchored mulch" means soft mulch that has been either punched in place or sprayed with a tackifier to prevent loss of surface protection due to wind or raindrop impact erosion.
- (4) "Annuals" means a mixture of grasses, legumes, and other forbs adapted to the soil and climate that live for only one growing season, during which they produce seeds, then die.
- (5) "Best management practices or BMP" means structural or non-structural measures, practices, techniques, or devices determined by the Department to be effective measures in preventing or reducing runoff pollutants from leaving the site.
- (6) "Channelized flow" means where surface drainage is confined in an area of concentrated flow, including but not limited to ditches and grass waterways.
- (7) "Control measure" means a practice or combination of practices to control erosion and prevent offsite sediment delivery.
- (8) "Control plan" means a written description and/or plan map of the number, locations, sizes, and other pertinent information of soil and water erosion control measures designed to meet the requirements of this Code submitted by the applicant for review and acceptance by the Planning, Resources and Development Committee or Land Conservation Department staff.
- (9) "Department" means the La Crosse County Department of Land Conservation as authorized pursuant to s. 92.09, Wis. Stats.
- (10) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- (11) "Final stabilization" means the establishment of perennial vegetation with a minimum coverage rate of 70% of the soil surface – this may be a combination of herbaceous or woody species and durable mulch; covering the soil with a hard surface such as a structure, concrete, bituminous material or riprap.

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- (12) "Inactive" means no land disturbance or construction related activity is occurring.
- (13) "Land disturbance activity" means any man-made change of the land surface, including removing protective cover to expose the soil, excavating, filling, grading, construction of all agricultural and non-agricultural buildings, roads, parking lots and similar facilities, but not including agricultural land uses as defined in s. 21.04(2) of this Code.
- (14) "Landowner" means any person having fee title ownership of the land.
- (15) "Land user" means any person who uses the land as owners, operators, lessors, renters or occupiers who are providing a service that requires access or alterations of the land in order to perform the service, including any person or persons, firm, company or corporation performing work at a site.
- (16) "LiDAR" (Light Detection Ranging) means an optical remote-sensing technique that uses laser light to densely sample the surface of the earth, producing highly accurate x.y.z measurements.
- (17) "Logging road" means any new or existing road that is mechanically shaped where the road will be specifically used to facilitate the management or harvesting of timber.
- (18) "MEP" or "Maximum Extent Practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other factors such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performing standards and may vary based on the performance standard and site condition.
- (19) "Mulch" means a cover used in erosion control to protect the soil surface, a minimum of 80% surface coverage required if being used as surface protection in an unseeded area. (See DNR Technical Standard 1058)
- (20) "Non-erosive velocities" means a rate of flow of storm water runoff, usually measured in feet per second, that does not erode soils. Non-erosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.
- (21) "Percent slope" means the grade of the land determined by the vertical rise or fall in feet, per horizontal length in feet, measured perpendicular to the land contour and expressed as a percentage. When determining the restricted development area in s. 21.04(27) of this Code, the slope of the existing land control shall be established using the most recent LiDAR derived data and/or field measurements that accurately represent existing contours.

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- (22) "Perennial waters" means the springs, rivers, lakes, ponds, or wetlands of the County lasting or continuing throughout the year and includes the navigable waters as defined in the La Crosse County Shoreland Zoning Code.
- (23) "Permit" means the authority granted by the Department to conduct activities regulated by this Code.
- (24) "Perennial" means a mixture of grasses, legumes and other forbs adapted to the soil and climate that live for more than two years.
- (25) "Planning, Resources and Development Committee" means the committee created pursuant to s. 92.06, Wis. Stats.
- (26) "Recreational trails" means any trail constructed for the purpose of but not limited to the following: walking, hiking, bicycling, horseback riding or the use of motorized vehicles.
- (27) "Restricted development area" means all land in the unincorporated areas of La Crosse County which exists at or steeper than 30% slope.
- (28) "Retaining wall plan" means a design plan detailing the foundation, number and size of courses, backfill material and method of support.
- (29) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (30) "Sheet flow runoff" means the movement of water, usually storm runoff, flowing in a thin layer over the ground surface; also called overland flow that occurs when excess stormwater, melt water, or other sources of water flow over the ground surface.
- (31) "Shoreland Zone" means all lands in the unincorporated areas of La Crosse County which are within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, flowages; or within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.
- (32) "Site" means the entire area on which the land disturbance activity is proposed in the permit application.
- (33) "Temporary best management practices" means any BMP that is intended to reduce runoff pollutants until final stabilization.
- (34) "Tracking" means the detachment and movement of soil, sediment, or rock fragments by vehicle or equipment tires or tracks.
- (35) "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions and indicated on NRCS or County wetland inventory maps.

**21.05 TECHNICAL STANDARDS.**

- (1) Design, standards and specifications. All control measures required to comply with this Code shall meet the design criteria, standards and specifications based on any of the following:
  - (a) Applicable design guidance and technical standards developed by the DNR under subchapter III of Chapter NR 151, Wisconsin Administrative Code.
  - (b) Standards and specifications contained in the NRCS Field Official Technical Guide for La Crosse County, WI.
- (2) Other technical standards. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Department.

**21.06 PERFORMANCE STANDARDS.** All erosion control plans shall by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis as compared with no sediment or erosion controls, until the site is stabilized.

- (1) Erosion and sediment control BMP's may be used alone or in combination to meet the 80% sediment reduction goal. Plans that comply with 21.08(2), (3) and 21.09 shall be determined by the Department as meeting the 80% sediment control reduction.
- (2) The Department may recognize other methods for determining compliance with the 80% sediment reduction goals as they are standardized.

**21.07 MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES.** All control measures necessary to meet the requirements of this Code shall be maintained by the landowner or land user to ensure adequate performance and to prevent nuisance conditions.

**21.08 CONTROL OF EROSION AND SEDIMENT DURING LAND DISTURBANCE ACTIVITIES.**

- (1) Applicability. This section applies to any of the following sites:
  - (a) Those involving land disturbance activities affecting surface area of 4,000 square feet or more on slopes less than 20%;
  - (b) Those involving land disturbance activities affecting a surface area of 2,000 square feet or more on slopes 20% and greater, or within the Shoreland Zone as defined in s. 21.04(31) of this Code;
  - (c) Those involving excavation or filling of 400 cubic yards or more of soil;

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- (d) Those required by the Planning, Resources and Development Committee to obtain an Erosion Control Permit; or
  - (e) Other sites as determined by the Department where severe actual or potential erosion problems warrant corrective action.
- (2) Erosion and Sediment Control Requirements. The following requirements shall be met on all sites described in sub.(1).
- (a) Site dewatering. Water pumped from a site shall be treated by control measures in s. 21.05 of this Code. Water may not be discharged in a manner that causes off site erosion or sedimentation. (See DNR Technical Standard 1061)
  - (b) Tracking. Each site egress shall be constructed of clean rock of adequate size to remove sediment from tires and tracks or other methods such as tire washing shall be utilized to minimize sediment tracked onto public or private roadways. All traffic entering or leaving the site shall do so by way of the designated access drive, which is to be properly maintained throughout construction. (See DNR Technical Standard 1057)
  - (c) Drain inlet protection. All on-site storm drain inlets shall be protected until all contributing drainage areas have been stabilized. (See DNR Technical Standard 1060).
  - (d) Site erosion and sediment control. Site erosion and sediment control shall be attained by the following:
    - 1. All site developments shall be planned and implemented to best fit the terrain, minimize exposed area, and retain as much existing vegetation as possible.
    - 2. Runoff from areas adjacent to the site shall be diverted around disturbed areas where possible.
    - 3. All land disturbance activities on the site shall be conducted in accordance with the approved erosion and sediment control plan.
    - 4. Cuts and fills shall be planned and constructed to minimize the length and steepness of slopes.
    - 5. Channels and other concentrated flow areas shall be properly designed and constructed to control runoff within and from the site in a manner that will not erode the conveyance and receiving channels. Design storms used shall be determined by size of watershed, downstream conditions, and design requirements contained in other applicable County ordinances; but, in no case shall the design be based on less than a 10 year storm event as described by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14.

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6. Sediment shall be contained on-site through the use of approved BMPs.
  7. Earthen stockpiles shall be protected with perimeter controls such as silt fence, a vegetated buffer, straw bale barrier, or temporary stabilization. (See DNR Technical Standards 1056, 1054, 1055, 1050, 1058 and 1059)
- (e) Final Grading. Final grade of the site shall be such that runoff from the site is discharged at non-erosive velocities. Discharges shall be directed to locations that do not adversely impact adjoining properties or natural waterways.
- (3) Sediment Cleanup. Sediment removal times on sites described in s. 21.08(1) shall meet the following:
- (a) Off-site sediment deposition occurring as a result of a storm event shall be cleaned up within 24 hours of the end of the storm event.
  - (b) All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up by the end of the same workday.
- (4) Removal of Practices. Temporary structural BMPs shall be removed when disturbed areas have reached final stabilization or according to the time approved by the Department in the erosion and sediment control plan.

### 21.09 **STABILIZATION**

- (1) Temporary Stabilization. This section shall apply to sites, where prior to final stabilization, there exists the possibility of considerable off-site impact.
- (a) Temporary seeding
    1. When temporary seeding takes place between March 1 and October 15, seed mixes shall be mainly comprised of annuals. Seed shall be protected with mulch. Mixes shall contain seeds which are compatible with the soils, drainage, and aspect of the site.
    2. When temporary seeding takes place between October 16 and March 1, a winter wheat or winter rye shall be added to the mix. Mixes shall contain seeds which are compatible with the soils, drainage, and aspect of the site.
  - (b) Temporary mulch (Straw, woodchips, etc.)
    1. A temporary mulch may be required for disturbed sites. Mulch should consist of materials approved by the Department



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(2) Final Stabilization.

(a) Seeding.

1. When final seeding takes place between March 1st and October 15th, mixes shall be mainly comprised of perennials.
2. When final seeding takes place between October 16th and March 1st, limited amounts of winter wheat or winter rye may be added to the perennial mix.
3. Seed shall be protected with hydro mulch, straw mulch or erosion control matting. Mixes shall contain seeds which are compatible with the soils, drainage, and aspect of the site.

(b) Sod.

1. When sod is being used as final stabilization, it may be used any time of the year the ground is not frozen.

(c) Channelized Flow.

1. Vegetation may not be used as the sole means of final stabilization in areas of channelized flow if the 10 year 24 hour storm (NOAA Atlas 14) event will produce flow velocities greater than 4.0 feet per second;
2. In vegetated channels, vegetation shall be established prior to using the channel to convey concentrated flow unless check dams or other planned erosion control measures, such as approved erosion mat, are installed to reduce water velocities and prevent channel erosion;
3. If sod is used to stabilize a channel, it shall be staked.

(d) Step Slopes

1. Cut or fill slopes longer than 10 feet with a slope of 3 to 1 or steeper shall incorporate 1 or more of the following practices:
  - (i) Approved erosion mat used in accordance with the manufacturer's recommendation.
  - (ii) Approved soil stabilizers applied according to manufacturer's directions, used in conjunction with seed and mulch.
  - (iii) Staked sod.

(e) Retaining Walls.

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1. If a retaining wall or series of retaining walls has a planned height of greater than 4 feet, a retaining wall plan shall be submitted for review prior to permit approval.
2. Retaining walls cannot be constructed within the 10' setback line as defined in s. 21.11(1). Land disturbance within the 10' setback may occur for the purpose of installing retaining wall stabilization (e.g. grid, anchors).
3. After installation of the wall the area within the 10' setback shall be restored to original grade.
4. No disturbance of 30% slopes is to occur for the purpose of installing or stabilizing a retaining wall.

**21.10 APPROVED MATERIALS.** Erosion mats, tackifiers and soil stabilizers shall be listed in and used in accordance with the Wisconsin Department of Transportation Erosion Control Product Acceptability List (PAL).

**21.11 RESTRICTED DEVELOPMENT AREAS.** The County has determined that land disturbance activities on slopes of 30% or steeper create an erosion hazard and that the potential for off-site damage to public and private property warrants protection of these environmentally sensitive areas.

- (1) No land disturbance shall occur within 10 feet of these areas. A 10 foot setback line shall be established by the applicant or their designee from where the slope becomes 30% or steeper to indicate the restricted areas. No permits shall be issued until 10 foot slope setback stake locations are inspected by the Department. Slope stakes shall remain in place until final stabilization of the site.
- (2) Land disturbance activities regulated by this Code on slopes of 30% or steeper are limited to the following:
  - (a) Logging roads where no less disruptive alternate access to the site is available, and where a Category D control plan has been submitted and a permit has been granted.
  - (b) Access roads constructed for residential purposes where no less disruptive alternate access to the building site is available, and where a Category C permit has been granted.
  - (c) Nonmetallic mining sites that have been issued a permit and have paid fees under chapter 27 of this Code.
  - (d) Utility installations where a Category C permit has been granted.
  - (e) Areas where 30% slopes are less than 4,000 noncontiguous square feet.
  - (f) Areas where the Department has identified existing erosion that can be stabilized with approved BMP's.

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- (g) Areas where the Department has determined that slopes have been artificially created through a prior land disturbance activity.

21.12 **PERMITS, EROSION AND SEDIMENT CONTROL PLANS.** A land disturbance activity subject to this Code shall not occur without an approved erosion and sediment control plan. An application for a permit, or submission of a control plan, authorizes representatives of the Department to enter the site to obtain information required for the review of the control plan.

- (1) Permit Categories.
  - (a) Category A. In order to qualify as a Category A Permit, all of the following must be true:
    - 1. 20,000 square feet of land or less will be disturbed;
    - 2. More than 400 but less than 1,000 cubic yards of excavation and/or filling will occur;
    - 3. Land disturbances will not occur within Shoreland Zones; and
    - 4. The land disturbance is in areas with slopes less than 12%.
  - (b) Category B. In order to qualify as a Category B Permit, all of the following must be true:
    - 1. The land disturbance is in areas with slopes less than 20%; and
    - 2. Land disturbance will not occur within Shoreland Zones.
  - (c) Category C. In order to qualify as a Category C Permit, the land disturbance must be in areas with slopes less than 30%.
  - (d) Category D. Category D Permits must be used for the construction of new access roads.
  - (e) Category Changes. Department staff may reduce the category of the plan if the land disturbance activity is determined to have minimal off-site erosion potential.
- (2) Erosion and Sediment Control Plan Contents. Required contents of control plans will depend on the slope of the land proposed for the land disturbance, amount of land to be disturbed, and proximity of the proposed land disturbance activity to streams, rivers, lakes, private and public properties, and wetlands.
  - (a) Existing site sketch showing:
    - 1. Property and adjacent land boundaries
    - 2. Channels, ditches, watercourses, and wetlands.
    - 3. The amounts and types of existing ground cover.
    - 4. Drainage patterns on and adjacent to the site.
    - 5. Locations and dimensions of utilities, roads, and highways.

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6. Locations of all 30% and steeper slopes on the site.
- (b) Site development plans showing:
1. Locations and dimensions of land disturbances including driveways, buildings, and utilities.
  2. Locations and dimensions of earth stockpiles.
  3. Locations and dimensions of erosion control measures.
- (c) A development schedule indicating:
1. Sequence of development including length of time involved through each phase of site development.
  2. Timing for installation of erosion control measures.
  3. Anticipated starting date.
  4. Provisions for maintenance of control measures.
  5. Seed mixtures and seeding and mulching or erosion control mat requirements.
- (d) All Category C plans shall submit a topographic map showing existing and proposed contours.
- (3) Review of Erosion and Sediment Control Plan. Control plans are to be submitted to the Department. The Department shall determine if the requirements of the Code have been met. If conditions are not met, the Department shall inform the applicant and may either require additional information, require resubmittal, or disapprove the plan. Within 30 working days of receipt of the additional information, the Department shall issue or deny the permit. If the Department requires resubmittal, the review period for the resubmittal will follow the schedule provided in this section. If the plan is disapproved, the Department shall inform the applicant in writing of the reasons for disapproval. Time frames will begin upon receipt of the control plan by the Department. Special conditions may warrant extended review periods. Accepted control plans will be submitted to the Department according to the following schedule:
- (a) 7 working days for Category A and D sites.
  - (b) 10 working days for Category B sites.
  - (c) 20 working days for Category C sites.
  - (d) Erosion and sediment control plans requiring Planning, Resources and Development Committee approval shall not be reviewed by the Committee unless submitted to the Department 35 working days prior to the regularly scheduled Committee meeting. Planning, Resources and Development Committee approved plans shall be reviewed on site by the plan developer, excavator and Department staff prior to any land disturbance.
- (4) Plans Requiring Planning, Resources and Development Committee

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Approval. The following types of plans require approval by the Planning Resources and Development Committee:

- (a) Any plans meeting the definition of subdivision as defined in Chapter 18 of the La Crosse County General Code.
  - (b) Any plan involving a land disturbance of 5 or more acres.
  - (c) Any private development of a road that will become a public road.
- (5) Permits. Permits shall be applied for at the Department office. Permits shall be issued by the Department upon acceptance of the erosion and sediment control plan and payment of any applicable fees.
- (a) Duration. Category A, B, and C permits shall be valid for 1 year. Category D permits shall be valid for 2 years. The Department may extend any permit 1 or more times for up to an additional 1 year. The Department may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Code.
  - (b) Permit Conditions. All permits shall require the landowner or land user to:
    - 1. Notify the Department at least 24 hours prior to commencing any land disturbance activity;
    - 2. Obtain permission from the Department prior to modifying the erosion and sediment control plan;
    - 3. Install and maintain all control measures as identified in the erosion and sediment control plan;
    - 4. Repair any siltation or erosion damage to private or public properties, such as perennial waters, wetlands, and drainage ways resulting from land disturbance activities;
    - 5. Keep a copy of the erosion and sediment control plan on the site;
    - 6. Notify the Department within 48 hours of completion of the land disturbance activity; and
    - 7. Keep permit plaque posted so as to be visible from a public roadway at entrance to the site.
  - (c) Additional Permit Conditions may be required:
    - 1. Meet with the Department staff for a final inspection to determine if all of the conditions of the permit approval have been met.

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2. Provide the Department with as-built plans of engineered practices to ensure proper installation of erosion control and storm water management measures.
- (6) Escrow Account or Surety Bond. As a condition of approval and issuance of the permit, the Planning, Resources and Development Committee may require the applicant to deposit performance surety such as a letter of credit, posted bond or cash escrow in the amount of not less than the cost of execution of the approved erosion and sediment control plan and permit conditions on projects within the Shoreland Zone or with 5 acres or more of land disturbance activities. Surety must be provided for the length of the project plus one growing season. The required surety will be a part of a maintenance agreement which will give the Department the authority to use the funds to complete the project if the developer defaults or does not properly implement the approved plan. This agreement shall be recorded in the County Register of Deeds Office prior to the issuance of any permit and shall be effective for a sufficient time period to perform the activities required, make the appropriate inspections and approve the final installation.

**21.13 INSPECTION.** Pursuant to the provisions of ss. 66.122, 66.123, and 92.07(14), Wis. Stats the Department is authorized to enter any land in the following circumstances:

- (1) To inspect the site at any time prior to or after the issuance of a permit.
- (2) Where land disturbance is being carried out without a permit.
- (3) Where land disturbance is not in substantial compliance with a Department approved erosion and sediment control plan

### **21.14 ENFORCEMENT AND PENALTIES.**

- (1) The Department may issue a Notice of Non-compliance if:
  - (a) The erosion and sediment\_control plan is not being implemented as approved; or
  - (b) The conditions of the permit are not being met.
- (2) The Department may post a stop-work order in any of the following situations:
  - (a) Any land disturbance regulated under this Code is being undertaken without a permit and a Department approved erosion and sediment control plan;
  - (b) Sediment has left the site;
  - (c) A Notice of Non-compliance has been issued and the necessary action has not been taken within the time frame indicated on the Notice to comply with the permit's conditions; or

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- (d) Land disturbance activities are being carried out improperly within restricted development areas.
- (3) If the applicant does not cease the land disturbance activity and comply with the erosion and sediment control plan or permit conditions within 48 hours after the posting of the stop-work order, the Department may revoke the permit.
- (4) Where no permit has been issued or a stop-work order has been posted, Department may refer the case to the District Attorney to obtain a cease and desist order, or any other form of injunctive relief.
- (5) Upon review of the actions taken, the Department may decide to retract the stop-work order or the permit revocation.
- (6) After posting a stop-work order, the Department may issue a notice of intent to the landowner and land user, if applicable, of the County's intent to perform work necessary to comply with this Code. The County may go on the site and commence the work no sooner than 5 days after issuing the notice of intent. Exceptions may be granted in emergency situations where the potential for severe off-site damage warrants immediate attention. The cost of the work performed by the County, plus interest, at the rate authorized by the County Board, shall be billed to the landowner. In the event a landowner fails to pay the amount due, the County Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to s. 66.60(16), Wis. Stats.
- (7) Any person, including the land user, violating any of the provisions of this Code may be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense until they comply with the provisions of this Code and may also be enforced by injunction.
- (8) If the violation occurs within the restricted development area or within the Shoreland Zone, the Department may require the land to be restored to its original topographic grade and stabilized according to the Department's requirements.

### 21.15 APPEALS.

- (1) Any person or entity aggrieved by a decision of the Department shall have the right to appeal pursuant to Chapter 68 of the Wisconsin Statutes. The impartial decision maker under s. 68.11, Wis. Stats., shall be the Planning, Resource and Development Committee. The Committee shall either affirm, reverse or modify the decision. The Committee may authorize variances from the provisions of this Code, which are not contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship.

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- (2) Who May Appeal. Any applicant, landowner, land user or aggrieved party may appeal any order, decision or determination made by the Department relative to sites in which 1 person has interest.

21.16 **CONFLICTING ORDINANCES.** The provisions of this Code shall prevail over any previous Codes of La Crosse County that are or may be in conflict therewith.

21.17 **AMENDMENTS.** Amendments to this Code may be made upon petition of any interested party by using the same procedure as is provided in s. 59.69, Wis. Stats., except that any amendment does not require approval and is not subject to disapproval by any town board.

21.18 **FEES.** Erosion and Sediment Control Plan Review and Resubmittal Fees.

- (1) Ordinary Fees. Erosion and sediment control plan review fees shall be determined by the County Board. Only 1 fee per each erosion and sediment control plan submitted may be charged except where resubmittal is required.
- (2) Re-submittal fees will be assessed at a maximum of 25% of the original permit fee or actual cost, whichever is less.
- (3) After-the-Fact Fees.
  - (a) When a permit is acquired after-the-fact, the fee shall be a minimum of two times the ordinary fee for the project.
  - (b) When a project involves the removal of material from the property and a permit has not been granted, the permit fee shall be assessed at five times the ordinary fee.

21.19 **EFFECTIVE DATE.** This amended Code shall take effect after passage and publication. The original Code took effect on January 1, 1992. All lots in subdivision plats and certified surveys that have been duly recorded in the Office of Register of Deeds prior to the effective date of this Code are exempt from the maximum slope requirements contained herein. No land disturbance is permitted on these lots unless a permit is issued pursuant to s. 21.12, of this Code.