

CHAPTER 8 FILLING OF PROPERTY

Whereas, the Town of Wilson is concerned about the filling of property and the effects of diverting the natural flow of surface water onto neighboring properties. Now, therefore, the Town Board of the Town of Wilson does hereby ordain Chapter 8 of the Code of General Ordinances of the Town of Wilson as follows:

8.01 OBSTRUCTION TO DRAINAGE PROHIBITED. The damming, filling, relocating or otherwise interfering with the natural flow of surface water in a natural drainage course, the intended flow of surface water in an approved subdivision or the existing flow between other properties, shall not be permitted, except with the approval of those Town, County and State agencies having jurisdiction.

1. **FILLING OF LANDS.** The term "FILL" as used in this section shall mean the normal and usual soil resulting from excavating or grading of lands, but shall not include building/construction materials, refuse or any other manufactured articles of any kind whose use as fill is prohibited such as asphalt, tires, batteries, asbestos, etc.

8.03 PERMIT REQUIRED. Whenever any party desires to deposit fill in any amount, except any fill used for topsoil dressing on any lands in the Town, such party shall first obtain a fill permit from the Town. A permit shall not be required for fill deposited at a licensed landfill site or for any lands for which a valid building permit has been issued. Filling required as part of the process of construction are allowed so long as appropriate building permits have been obtained and the site plan is approved and adhered to. Topsoil dressing is defined as an application of topsoil to existing turf. Permits are required in all zoning classifications in the Town of Wilson.

8.04 PARCEL SIZE. Parcels in a platted subdivision in which there is an established master site grading plan with elevations established, shall be allowed to bring in soil/fill without a permit provided the elevations on the master site grading plan are adhered to. Parcels of any size in unplatted areas where there is no master site grading plat must first obtain a fill permit.

8.05 SOIL EROSION CONTROL. Soil erosion control devices must be installed immediately upon the exposure of any raw soil/fill on any property. Soil erosion control devices must be maintained on a regular basis until such time as landscaping is established.

8.06 APPLICATION. The Clerk shall provide application forms for fill permits, which shall show the following information:

1. Name and address of applicant;
2. Place where fill is to be deposited and the owner thereof;
3. Existing and proposed elevation of area to be filled at a distance of not more than 25' intervals;
4. Existing elevation of adjacent lands within 50' of land to be filled at distance of not more than 25' intervals;
5. A sketch showing the above information and the route to be traveled to the fill site;
6. Approximate quantity of fill;
7. Time required for filling;
8. Party responsible for leveling/seeding/sodding of area;
9. Method of erosion control during filling.

10. Neighboring property owners to the north, south, east and west of the subject property will be notified of the fill permit.

8.07 NO EXCESS GRADING. Large scale grading for the purpose of creating lots on excessive slopes shall not be permitted.

8.08 GRADING AT PROPERTY LINE. In order to protect adjacent property owners from possible damage due to changes in existing grades, there shall be a 5' grassy buffer surrounding the fill area including the front, rear and side yards. No change in the existing topography within twenty (25) feet of the property line shall result in the slope to a ratio greater than five (5) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of slippage of the soil involved and no fill shall be placed in the 5' grassy buffer area. The total elevation change shall not exceed the total elevation of the maximum slope ratio. The exception to this shall be where retaining walls are built with the written consent of the abutting property owner and with the approval of the Plan Commission and Town Board.

8.09 ISSUANCE OR DENIAL. If the Town Engineer is satisfied that the issuance of a fill permit is not in the best interest of the owners of adjacent lands, or of the Town, no permit shall be issued. The Town Engineer will review the project prior to the issuance of the permit and upon completion of all fill work will review the project and issue a letter of compliance.

8.10 FEE. The Clerk shall collect the fee set by the Town Board prior to the issuance of the fill permit.

8.11 LEVELING OF FILL. All fill deposited pursuant to a fill permit shall be leveled within 30 days of the last deposit.

8.12 ENFORCEMENT. The Building Inspector, Town Board, Town Constables, shall enforce the regulations of this chapter and all other laws relating to the filling of property. All permits must be renewed on an annual basis for a fee of \$10.

8.13 VIOLATIONS AND PENALTIES. No person shall deposit any fill in the Town of Wilson without a valid fill permit. Any person who violates, disobeys, neglects, omits, or refuses to comply with shall forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Sheboygan County Jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation.

Effective Date. The herein Ordinance shall take effect upon enactment and publication.

Enacted this 18th day of October, 2004.
Town of Wilson by Kenneth F. Sonntag, Chairman

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 18th day of October 2004. Catherine Conrad, Clerk.

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