

AN ORDINANCE OF THE TOWN OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN

ORDINANCE NO. 2004-2

AN ORDINANCE DEFINING BERMS AND OUTLINING GENERAL PERMIT REQUIREMENTS FOR BERM CONSTRUCTION

THE TOWN BOARD OF THE TOWN OF SAUKVILLE, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 4.0104 of the Zoning Code of the Town of Saukville is hereby annexed hereto and incorporated herein, having been placed on file and open to public inspection in the office of the Town Clerk at the Town Hall, 3762 Lakeland Road, Saukville WI since March 9, 2004, in accordance with the procedures provided in Chapters 60.80 and 66.035, Wis. Stats., and hereby adopted as the Zoning Code of Ordinances in and for the Town of Saukville, Ozaukee County, WI.

Hereafter, the Zoning Code of Ordinances will remain on file and available for public examination at the Town Hall during all Town business hours.

SECTION I: Berm Requirements.

A. Berm definition.

1. As used in this ordinance, the term *berm* shall include any mound or wall of soil or rock which may include clean concrete if suitably covered with topsoil extending more than 50 lineal feet or vertically higher than two feet above the center line of the road. A berm is determined as starting at the base where the natural grade changes.
2. Any mound or wall of soil or rock which may include clean concrete if suitably covered with topsoil located anywhere on the property that exceeds a height of four feet above the natural contour lines of the land on which it is placed.
3. This ordinance would not apply to the following:
 - a. Temporary topsoil piles on construction sites
 - b. Mound septic systems
 - c. Landscaping areas not meeting requirements under a(1).
 - d. Berms under two feet above the center line of the road, less than 50 feet in length or with a slope of one foot vertical to six feet horizontal or greater in all zoning districts.
 - e. Planting berms of 25 feet or less in length and not exceeding a height of four feet above the center line of the road with a slope of one foot vertical to three feet horizontal.

B. Permit Required.

1. General Permit Requirements. No berm may be located, erected, moved, reconstructed, extended, enlarged, reduced converted or altered without obtaining permits required by this ordinance and without being in conformity with the provisions of this ordinance.
2. Conditional Use Permit Required. Berms exceeding two feet in vertical height from the centerline elevation of the adjacent roadway in all zoning districts shall require a conditional use permit. Berms

exceeding this requirement can be issued a conditional use permit by the Town Board upon compliance with the requirements of this ordinance, and following approval by the Plan Commission and Town Board.

3. Approval Process.

- a. The Plan Commission shall have the authority to recommend the height, location, slope and landscaping of the berm to the Town Board.
- b. The Plan Commission shall also notify neighbors within 1,000 feet of the property containing the proposed berm of a public hearing on the conditional use application.
- c. The Plan Commission, in determining whether to recommend the conditional use permit, shall apply the same standards as applied under the *Conditional Use Ordinance, Division 3.0600 Conditional Use Standards and Regulations, Town of Saukville Zoning Ordinance.*
- d. The Town Board has the authority to revise recommendations of the Plan Commission.

C. Permit Application. Applications for a berm permit shall be made on forms provided by the Town and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant; location of building(s), structure(s) or lot to which or upon which the berm is to be erected.
2. Name of person, firm, corporation or business locating, erecting, moving, reconstructing, extending, enlarging, reducing, converting or altering the berm.
3. Written consent of the owner or lessee of the land upon which the berm is located or proposed to be located.
4. Plans and attachments. The following plans must be submitted for Town staff and Plan Commission reviews, and must, at a minimum, include the following:
 - a. Berm plan depicting location, setbacks, property lines, proposed and existing grade contours.
 - b. Proposed type of fill material.
 - c. Planting plan including grasses, shrubbery and tree types with spacing. It is recommended that the landscape plantings be spaced randomly to help visually break up the continuous line of the berm and that the berm be constructed in such a way as to be undulating and serpentine in appearance. It is also required that at least six inches of topsoil be placed on all berms in addition to suitable plantings.
 - d. Proposed schedule for all phases of work.
5. Additional information as may be required by the Town Engineer or the Town Zoning Administrator or the Town Plan Commission.

D. General Regulations applicable to all berms.

1. Location.

- a. The berm shall be located at least ten feet from a road right-of-way.
- b. An earthen berm shall not be constructed to obstruct the view of vehicular traffic for ingress and egress for any Town or public road, private driveway, walkway or bike trail.
- c. Berms shall not be placed in drainage ways, floodplains, wetlands or conservancy zoned areas.

2. Slope. All berms shall be constructed such that the slope shall not exceed a slope of one foot vertical to six feet horizontal. The berm must be of no greater grade that would be allowable to be mowed with a riding lawn mower or some similar device.

3. Drainage. All berm construction shall not impede surface water drainage or disturb existing drain tile systems.
4. Erosion Control. All berm construction shall adhere to the Town's construction and erosion control ordinance where applicable.
5. Deadline. All berms shall be completed, including all landscaping, in accordance with the timeframe established with in the conditional use permit.
6. Permit Conditions. All berm permits shall require the holder of the permit to:
 - a. Notify the Town Engineer or the Town Zoning Administrator at the completion of the berm but prior to planting the berm to allow inspection of the berm,
 - b. Obtain permission in writing from the Plan Commission and Town Board prior to modifying the berm plan,
 - c. Maintain all road drainage systems, storm water drainage systems, best management practices and other facilities identified in the berm plan; and
 - d. Allow town personnel or other agents authorized by the Town to enter the site for the purpose of inspecting compliance with the berm plan or for performing any work necessary to bring the site into compliance with the berm plan.
- E. Inspection. If the berm development or berm activities are being carried out without a permit, Town personnel shall enter the land pursuant to the provision of 66.122 and 66.123, Wis. Stats.
- F. Fees. Fees referred to in this ordinance shall be the fee for a conditional use permit application as established by the Town Board and may from time to time be modified by Town Board resolution.
- G. Severability. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

SECTION II: All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION III: This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Approved: _____

Terry Hoffman, Town Board Chairman

Date Approved: May 18, 2004

This is to certify that the foregoing ordinance was adopted by the Town Board of the Town of Saukville, Wisconsin, at a meeting held on the 18th day of May, 2004.

Walter H. Clarke, Town Clerk

Published: _____