

**Chapter 32**  
**Stormwater Management and Erosion Control**  
**(Rep. & recr. #34-05)**

**32.14 Enforcement**

**(a) Prohibited Practices.** Noncompliance with any requirement of this ordinance shall be deemed a violation, and shall subject the responsible party to enforcement action under this section.

**(b) Violations.** The Authority shall notify the permit holder of any violation in writing, and copy any other known responsible party involved in the violation. The written notice shall be hand delivered to the permit holder or sent to the last known address, with a reasonable attempt to verify that the permit holder received it. The notice shall describe the violation; required remedial action and a schedule for all remedial action to be completed. Any enforcement measures shall continue until compliance is achieved or as ordered by the court. The Authority is authorized to use the following methods of enforcement in any combination thereof against any applicant or responsible party that is found to be in violation of any provision of this ordinance:

1. **Forfeiture.** Any violator shall be subject to a forfeiture of not less than \$100 or more than \$500 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.

2. **Stop Work Order.** Any violator is subject to an order to stop all work except that which is determined by the Authority as necessary as a corrective action to bring the site into compliance.

3. **Permit Revocation.** The Authority may revoke a permit issued under this ordinance. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the City to be charged against the financial assurance.

4. **Injunction.** The City may enforce the provisions of this ordinance by a temporary restraining order, injunction and other such relief as a court may order.

5. **Declared nuisances.** Any land disturbing or land development activity carried out in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*, and the City may apply to any court of competent jurisdiction to restrain or abate such nuisance.

6. **Emergency Action.** The Authority may enter upon the property and take any necessary emergency action if the Authority determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or downstream property. Any cost incurred by the Authority as a result of this action shall be billed to the permit holder or other responsible party or subtracted from the financial

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assurance. The Authority shall provide reasonable notice to the permit holder and other responsible party after exercising this authority. The Authority may also enter upon the property and take any necessary emergency action if the permit holder or other violator refuses to take corrective action pursuant to written order of the Authority and fails to file an appeal of the reasonableness of the order with the City of Waukesha Board of Zoning Appeals pursuant to sub. (c) of this section within the time limits set forth in the order.

7. Citation. The City elects to also use the citation method of enforcement under section 800.02(2), Wis. Stats. as incorporated by Chapter 25 of this Code, for violations of this ordinance, including those for which a statutory counterpart exists.

**(c) Appeals.**

1. Authority. The City of Waukesha Board of Zoning Appeals shall act as the review and appeal authority for any order, requirement, decision or determination by the Authority under this ordinance.

2. Procedure. (Am. #14-18) The rules, procedures, duties and powers of the Board of Zoning Appeals shall be as provided in the Municipal Code of Ordinances and the provisions of §62.23(7)(e)1.—(7)(e)15., Wis. Stats. shall apply to any review or appeal under this ordinance.

3. Variations. Upon appeal, the Board of Zoning Appeals may authorize variations from the provisions of this ordinance which are not contrary to the public interest or the purposes of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.

4. Who May Appeal. Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by an officer, Department, board, or bureau of the City affected by any decision of the Authority.