

## ORDINANCE NO. 2023-07

### AN ORDINANCE AMENDING SECTIONS 96-5, AND 96-8 (d) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE, RELATED TO CONSTRUCTION SITE EROSION DEFINITIONS, AND FINANCIAL GUARANTY REQUIREMENTS, RESPECTIVELY.

The Village Board of the Village of Union Grove ordains as follows:

1. That Section 96-5 of the Municipal Code of the Village of Union Grove related to the definitions of the construction site erosion ordinance be, and hereby is, amended to add the following definitions to the alphabetical list:

*Rough finish grade* means all rough materials have been placed or otherwise installed on the property, safe driveway and sidewalks have been rough-graded, and a rough spreading of topsoil has been finished and is in compliance with the approved erosion and sediment control plan.

*Landscape final grade* means all grass seeding or sod has been placed, all landscape plants have been planted, and finished driveways and sidewalks have been installed.

2. That Section 96-8 (d) of the Municipal Code of the Village of Union Grove related to the financial guaranty of the construction site erosion ordinance be, and hereby is, amended to read as follows:

(d) **Financial guaranty.** As a condition of approval and issuance of the permit, the village board may require the applicant and/or landowner to deposit a cash bond or to provide an irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan, any permit conditions and any damage occurring to the public road, roads, or other public property or facility, upon which hauling will occur or cross over related to the land disturbing construction activity. Such bond or letter of credit shall be in an amount and form acceptable to the village. The village may consult with the village engineer to review the proposed land disturbing construction activity and plans required under this section and to make a recommendation to the village board on the amount of the bond or letter of credit necessary. Any costs incurred by the village for a review under this subsection shall be paid for by the applicant and/or landowner prior to permit issuance. Any bond or letter of credit required under this subsection shall be a condition of the permit and shall be deposited or provided to the village prior to permit issuance. If the applicant and/or landowner fails to execute the approved erosion control plan and comply with the permit conditions or damages the road or other public property, the village may cause such work to be completed in accord with the approved plan and/or repair the road and shall charge the bond or draw on the letter of credit for any costs incurred. After completion and acceptance by the village of any work authorized under the issued permit once landscape final grade is achieved, any balance of a posted bond shall be refunded to the applicant or the letter of credit shall be released. If the bond or letter of credit is inadequate to pay for such costs, the applicant and/or landowner shall pay such amounts to the village on demand. If the applicant and/or landowner fails to pay such amounts, the village may impose a special charge for the unpaid amounts against

the property pursuant to Wis. Stats. § 66.0703 and/or proceed under the enforcement provisions set forth below.

3. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 14th day of August, 2023.

**VILLAGE OF UNION GROVE**

By: \_\_\_\_\_  
Steve Wicklund, Village President

Attest: \_\_\_\_\_  
Sara Spencer, Village Clerk