

SUBCHAPTER 3 - EXCAVATIONS

Comm 21.12 Grade.

The finished grade of the soil shall slope away from the dwelling at a rate of at least 1/2-inch per foot for a minimum distance of 10 feet, or to the lot line, whichever is less.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; CR 02-077: am. Register May 2003 No. 569, eff. 8-1-03.

Comm 21.125 Erosion control procedures.

(1) PERFORMANCE STANDARDS.

(a) *General.* Perimeter erosion control measures shall be placed within 24 hours after beginning the excavating. Erosion control measures shall be placed along downslope areas and along sideslope areas as required to prevent or reduce erosion where erosion during construction will result in a loss of soil to waters of the state, public sewer inlets or off-site. The best management practices as defined in s. Comm 20.07 (8m) or alternative measures that provide equivalent protection to these practices may be utilized to satisfy the requirements of this section. When the disturbed area is stabilized, the erosion control measures may be removed.

(b) *Stabilization by seeding and mulching.* Slopes greater than or equal to 12%, with a downslope length of 10 feet or more, are not considered stabilized with seeding and mulching unless used in conjunction with a tackifier, netting, or matting. Asphalt emulsion may not be used as a tackifier.

(c) *Tracking.* Sediment tracked by construction equipment from a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plot plan, prior to framing above the first floor decking. The sediment cleanup provisions of par. (d) are unaffected by the presence or absence of an access roadway.

NOTE: It is not the intent of par. (c) to require a gravel access roadway where natural conditions, such as sandy soils or solidly frozen soil, already provide non-tracking access.

(d) *Sediment cleanup.* Off-site sediment deposition occurring as a result of a storm event shall be cleaned up by the end of the next workday following the occurrence. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.

(e) *Public sewer inlet protection.* Downslope, on-site public sewer inlets shall be protected with erosion control procedures.

(f) *Building material waste disposal.* All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off the site by runoff.

NOTE: For proper disposal of flammable, combustible and hazardous liquids, contact the local fire department.

(2) BEST MANAGEMENT PRACTICES.

(a) *General.* Appropriate best management practices, as defined in s. Comm 20.07 (8m) or specified in chapter 3, Wisconsin Construction Site Best Management Practices Handbook, published by the department of natural resources, may be selected, installed, maintained and remain in place until the site is stabilized to meet the performance standards specified in sub. (1).

NOTE: The best management practices for slopes is covered under section B. 1, chapter 3, Wisconsin Construction Site Best Management Practices Handbook. For a reprint, see appendix.

(b) *Exceptions and clarification.* All references to a model ordinance and planning considerations within chapter 3, Wisconsin Construction Site Best Management Practices Handbook, are not adopted by the department.

(3) MAINTENANCE OF EROSION CONTROL PROCEDURES.

(a) *General.* During the period of construction at a site, all erosion control procedures necessary to meet the performance standards of this section shall be properly implemented, installed and maintained by the building permit applicant or subsequent landowner. If erosion occurs after building construction activities have ceased, some or all of the erosion control procedures shall be maintained until the site has been stabilized.

(b) *Exceptions and clarification.* The maintenance procedures and inspection sequences within chapter 3, Wisconsin Construction Site Best Management Practices Handbook, are not adopted as a part of this code.

NOTE: The handbook is available from Document Sales, 202 South Thornton Avenue, P.O. Box 7840, Madison, Wisconsin 53707-8480; phone (608) 266-3358.

NOTE: For examples of acceptable erosion control maintenance procedures, see appendix.

(4) DISMANTLING OF EROSION CONTROL PROCEDURES. Except for permanent erosion control systems, the owner shall be responsible for dismantling and removing erosion control procedures once the soil on the site is stabilized.

History: Cr. Register, September, 1992, No. 441, eff. 12-1-92; am. (1) (b), Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (a), renum. (1) (b) to (e) to be (1) (c) to (f) and am. (c), cr. (1) (b), Register, February, 1997, No. 494, eff. 3-1-97; CR 02-077: cr. (4) Register May 2003 No. 569, eff. 8-1-03.

Comm 21.13 Excavations adjacent to adjoining property.

(1) NOTICE. Any person making or causing an excavation which may affect the lateral soil support of adjoining property or buildings shall provide at least 30 days written notice to all owners of adjoining buildings of the intention to excavate. The notice shall state that adjoining buildings may require permanent protection.

(a) *Exception.* The 30-day time limit for written notification may be waived if such waiver is signed by the owner(s) of the adjoining properties.

(2) RESPONSIBILITY FOR UNDERPINNING AND FOUNDATION EXTENSIONS.

(a) *Excavations less than 12 feet in depth.* If the excavation is made to a depth of 12 feet or less below grade, the person making or causing the excavation shall not be responsible for any necessary underpinning or extension of the foundations of any adjoining buildings.

(b) *Excavations greater than 12 feet in depth.* If the excavation is made to a depth in excess of 12 feet below grade, the owner(s) of adjoining buildings shall be responsible for any necessary underpinning or extension of the foundations of their buildings to a depth of 12 feet below grade. The person making or causing the excavation shall be responsible for any underpinning or extension of foundations below the depth of 12 feet below grade.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

Comm 21.14 Excavations for footings and foundations.

(1) EXCAVATIONS BELOW FOOTINGS AND FOUNDATIONS. No excavation shall be made below the footing and foundation unless provisions are taken to prevent the collapse of the footing or foundation.

(2) EXCAVATIONS FOR FOOTINGS. All footings shall be located on undisturbed or compacted soil, free of organic material, unless the footings are reinforced to bridge poor soil conditions.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.