

## **CHAPTER 13**

### PLUMBING AND DRAINAGE CODE

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**13.01 PURPOSE:**

The purpose of this code is to provide a set of minimum standards for plumbing and sewerage installations.

**13.02 GENERAL MANAGEMENT AND CONTROL:**

Except where otherwise provided in this code, the Plumbing Inspector shall have the general management and control of all matters pertaining to plumbing and sewerage inspection and shall enforce all state laws, village ordinances and lawful orders relating thereto.

**13.03 DUTIES OF PLUMBING INSPECTOR:**

It shall be the duty of the Plumbing Inspector to see that the construction, reconstruction and alteration of all plumbing drainage and plumbing ventilation hereafter installed in any building of the village shall conform with the laws and ordinances and the rules and regulations laid down by the State Board of Health of the State of Wisconsin, the Village of Whitefish Bay (ord. 1052) and to make all inspection required hereby and in a manner as set forth herein.

**13.04 POWER AND AUTHORITY TO ENTER UPON PREMISES FOR INSPECTION OF PLUMBING, SEWERS, WATER, AND STORMWATER FACILITIES:** (Ord. 1779)

The Plumbing Inspector or his authorized agent shall have the power and authority at all reasonable hours, for any proper purpose to enter upon any public or private premises and make inspection thereof and to require the production of the permit for the plumbing or drain laying work being done. Notwithstanding any provisions in the Municipal Code to the contrary, the Plumbing Inspector or designee shall be presumed to have been granted consent to access all public and private property in the Village both above and below ground. Such presumption requires a reasonable attempt to notify the property owner(s) or occupant(s), and access primarily for purposes of inspection, enforcement, remedial work, and administration of this Chapter or any other provision of the Municipal Code regarding plumbing, sewers, water, and stormwater. Said access shall be in consideration of the Village provision of sewer, water, and stormwater services. In the event of withdrawal of consent, the Village may terminate sewer, water, or stormwater service to said property until such access is granted.

**13.05 RECORDS:**

There shall be kept in the department of plumbing and sewerage inspection, a record of all applications for plumbing permits in a book for such purpose and each

permit shall be regularly numbered in the order of its issue. There shall be kept in the department of plumbing and sewerage inspection, a record showing the number, street, subdivision, lot and block of all buildings in which said plumbing or sewerage was installed or remodeled. There shall be kept in the department of plumbing and sewerage inspection, a record of all inspections made and a record of fees collected, showing the date of their receipt and delivery to the Village Clerk-Treasurer. The Village Manager shall make a written monthly and annual report to the Village Board of these matters.

**13.06 STATE CODE ADOPTED:**

The provisions and regulations of Wisconsin State Statutes, Chapter 145 and Chapters H 61, H 62 and H 63 of the Wisconsin Administrative Code adopted by the State Board of Health of Wisconsin are hereby made a part of this chapter by reference, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village of Whitefish Bay, Wisconsin.

**13.07 PLUMBING INSPECTOR:**

The Village Board of the Village of Whitefish Bay shall appoint a licensed Journeyman or Master Plumber or competent (licensed by the State of Wisconsin) person familiar with plumbing who, under the direction of the Village Manager, shall act as the Plumbing Inspector. Said Inspector shall inspect and have supervision over all plumbing and plumbing installations within the Village of Whitefish Bay. (Ord. 1740)

**13.08 PLUMBING DEFINED:**

Plumbing for the purpose of this code means and includes:

1. As defined in Section 145.01 (1), (a), (b), (c), (d), and (e) of the Wisconsin Statutes.
2. The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewerage, storm water or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil in waste pipes.

**13.09 DEFINITIONS:** (Personnel)

1. Master Plumber:

A master plumber is any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

2. Journeyman Plumber:

A journeyman plumber is any person other than a master plumber, who, as his principal occupation, is engaged in the practical installation of plumbing.

3. Apprentice:

A plumber's apprentice is any person other than a journeyman or master plumber, who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing and drainage.

**13.11 CONNECTION WITH SEWERS AND WATER MAINS WITHOUT PERMITS: PENALTY,**

Any person who shall make any connection with any water main or opening into any brick or pipe sewer laid in the village without first having obtained a written permit in each case from the Plumbing Inspector, shall be subject to the penalty provided in 13.60 for each offense, which penalty shall be recoverable against the owner of the property in which said drain is made, or against the person or persons making the same, or causing the same to be made, or their employers.

**13.12 PERMITS FOR PLUMBERS: BONDS AND CONDITIONS:**

The Plumbing Inspector of said village shall grant written permits to all persons licensed under chapter 145, Wisconsin Statutes, to construct or cause to be constructed or made, drains or sewers leading into the common sewer of said village, and to make connections with openings into such common sewers, and to construct or cause to be constructed water service pipes leading into water mains of said village and to make connections with or openings into such water mains, only to persons duly licensed so to do as hereinbefore provided. The Plumbing Inspector shall grant permits to lay, alter or repair or cause to be constructed or made any such drain or any connection with any brick or pipe sewer belonging to said village only to duly licensed plumbers upon such duly licensed plumbers furnishing a bond as hereinbefore described.

**13.13 PLUMBING PERMITS:**

No plumbing shall be done in the village except the removal of stoppages and repair of faucets as provided elsewhere in this code without the permit first being issued therefor by the Plumbing Inspector and the payment of the proper fees as hereinafter required. The applicant for a plumbing permit shall make application for same on forms submitted by the village, and when necessary, shall furnish a plan showing in detail the work to be done. No person in the village shall install or permit to be installed, any plumbing or drainage of any kind or character, except as provided in section 13.08 unless a permit therefor has been granted by the Plumbing Inspector, and no person shall interfere in any way with the work of inspection or permit any plumbing or drainage to be used until it has been inspected and approved by said inspector. Permits shall be issued only to recognized and licensed master plumbers. The requirement that permittees be recognized and licensed master plumbers shall not apply to permits for:

1. The installation of ASSE1011 Devices in commercial properties, where the work is conducted pursuant to the issuance of a cross-connection repair order from the Plumbing Inspector; and

2. The replacement or repair, in the same location, of a sink, tub, trap, faucet, or water closet (toilet), or component parts thereof, by an occupant homeowner of the premises. (Ord. 1770)(Ord. 1790)

3. The disconnection and capping off of downspouts connected to the sanitary sewer system (Ord. 1805)

**13.14 EXCAVATING AND TUNNELLING** (Ord. 1562)

No person, firm or corporation shall do any work or excavate or tunnel in any street, alley, parkway or public area in the Village without first being duly licensed and only after procuring a permit. Permit fees shall be charged as follows for the designated item:

- a. Excavating or tunneling in seal coat surfaced street or alley. Per 5 foot length or part - 110.00 deposit.
- b. Excavating or tunnelling in an asphaltic concrete street or alley. Per 5 foot length or part - 220.00 deposit.
- c. Excavating or tunneling in a concrete or asphalt resurfaced street or alley. Per 5 foot length or part - 220.00 deposit.
- d. Excavating or tunneling in a public sidewalk or paved parkway area. Per 5 foot length or part - 110.00 deposit.
- e. Excavating or tunneling in a public parkway sodded or planted area. Per 5 foot length or part - 55.00 deposit.
- f. Any balance of said deposit in subsections a, b, c, d or e remaining after deducting any expenses which the Village has incurred for maintaining or restoring the street, ally, sidewalk or public area to the same condition in which it was before said work was undertaken, shall be returned to the party paying same.
- g. Non-refundable street excavation permit - \$60.00

**13.145 TESTING AND SETTING WATER METERS** (Ord. 1562)

Permit fees shall be charged for testing and setting water meters as follows:

- a. 5/8" to 1 1/4" 11.00
- b. 1 1/2" to 2" 22.00
- c. 2 1/2" or larger 35.00

**13.15 LICENSE AND REGISTRATION:**

All persons engaged in the business of plumbing or drain laying in said Village of Whitefish Bay shall be licensed as provided for in chapter 145 of the Wisconsin Statutes and shall register his or their name and address with the Plumbing Inspector. At the end of each calendar year said registration shall be null and void and shall be renewed for the ensuing year.

#### Section 13.16

#### **13.16 INSANITARY INSTALLATIONS:**

Whenever it shall be reported to the Health Officer by the Plumbing Inspector that the plumbing in any building is liable to breed disease or sickness, or is a menace to health, or when upon complaint made to the Health Officer by any person that the plumbing in any building is defective as aforesaid, then the said Health Officer shall direct the Plumbing Inspector to examine all the plumbing in said building and report his findings in writing to said Health Officer, suggesting such changes as are necessary to put the same in proper sanitary condition. The said Health Officer shall thereupon direct such changes as he deems necessary to be made and fix a time for doing the same, and any person refusing to comply therewith shall be guilty of a violation of this chapter, and each day's continuance thereof shall constitute a separate offense.

#### **13.17 NOTICE FOR INSPECTION:**

Whenever any work is ready for inspection, the Plumbing Inspector shall be notified by the plumber in charge or the person receiving the permit unless otherwise especially permitted by the Inspector. All work, either plumbing or drain laying, shall be left uncovered for examination and approval by the Inspector.

#### **13.18 REQUIREMENTS:**

All plumbers doing business in the Village of Whitefish Bay are hereby required to faithfully carry out all directions of the Plumbing Inspector for said village, and are required to install all work in accordance with this code and subject to such additional ordinances and regulations as are now in force or may from time to time be adopted by the Village of Whitefish Bay.

#### **13.19 REPLACING STREET SURFACE:**

When opening any street surface or other public way, all material for paving and ballasting shall be removed with the least possible loss of surfacing material and such material, together with the excavated material from the trenches, or otherwise, shall be placed where it will cause the least inconvenience to the public, and all such materials shall be so placed that they will admit free passage of water along the gutters. As little as possible of the trench must be dug until the slant or junction piece of the sewer is found. The back filling must be well puddled and tramped to prevent any settling which might result in injury to persons or damage to vehicles in transit. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. When caving occurs, all the street surface thus disturbed shall be restored in the same careful manner as though it were an excavation or a trench. All ground, dirt

and refuse accumulated during construction of the sewer shall be removed by the contractor upon completion of the installation in the street. In no case shall a permit be granted to open a paved street or public way until applicant shall, in addition to the foregoing requirements, deposit with the Plumbing Inspector any sum that he may designate to cover the cost of replacement of same.

Section 13.20

### **13.20 PROTECTION OF THE PUBLIC:**

Every master plumber must enclose each opening which he may make in the street or public ways with sufficient barriers. Red lights must be kept burning from sunset to sunrise, one red light to be placed at each end of opening in street and other lights to be placed at intervals of ten feet. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property from the beginning to the end of the work. Plumbers will be held liable for all damages, including cost incurred by the Village of Whitefish Bay in defending any action brought against it for damages, as well as costs of an appeal that may result from the neglect of his employees or himself of any necessary precaution against injury to damages to persons, horses, vehicles or property of any kind.

### **13.21 SEWER IMPROVEMENT TAX:**

Except with the express permission of the Village board, no person shall be allowed to connect with the sewerage system of the village in any manner unless a special assessment has been duly levied for the construction of the sanitary sewer, opposite the lot in question, to which the sewer connection is to be made, or unless the reasonable cost of installing such sewer has been paid into the village treasury.

### **13.22 RECORD OF DRAIN JUNCTIONS:**

The Plumbing Inspector shall keep a record of all sewer connections and positions of all house drains, connections, junctions and other data necessary for the efficient services of his department.

### **13.23 LOCATION OF DRAIN JUNCTIONS:**

(1) No person except licensed plumbers shall be permitted to tap or make connections with the general sewerage system or any part thereof. Any information which the Plumbing Inspector of the Village of Whitefish Bay or the Village Manager may have with regard to the location of sewer junction or slants shall be furnished to plumbers, the Village of Whitefish Bay assuming no risks as to the accuracy of the same. When, in accordance with the measurements furnished by the Village Manager or the Plumbing Inspector, the junction is not found within three feet of the flow side, a slant connection and one-eighth bend shall be used and such connection shall be made under the direction of the Plumbing Inspector.

(2) In breaking a connection into a brick or concrete sewer, a hole must be made by means of a sharp point chisel the exact outside diameter of the pipe to be

connected. A sleeve must be set into the opening, the ball or hub of the sleeve to rest on the outside of the sewer, and not to protrude more than to the inside surface of the main sewer. A substantial joint of cement mortar must then be made to strengthen the cut sewer. All junctions or connections are to enter the main sewer at a forty-five degree angle above the flow line.

Section 13.24

### **13.24 DRAIN FOR EACH BUILDING:**

The sewerage and drainage system of every house or building in the Village of Whitefish Bay, intended for human habitation or occupancy, abutting on a street in which there is a public sewer shall have an individual (lateral) connection with the public sewer. (Ord. 1052)

The cost of providing and maintaining sewer laterals from the main line sewer to the building served shall be the obligation and responsibility of the property owner. That portion of the lateral located under Village right of way is the property of the Village. The Village may replace, repair, or line that portion of the building lateral located under the public right of way (and assess the property served) at its option. In addition, the Village may require modifications of sewer laterals expressly required by the Village as a result of illegality or noncompliance. (Ord. 1669)

### **13.25 SIZES AND GRADE OF DRAINS:**

All drains outside of building from sewer to lot line and designated to receive solid substances must be at least four inches in diameter and must have a grade of one-fourth inch or more per foot if possible, and in no case shall the grade be less than one-eighth inch per foot.

### **13.26 ADDITIONAL GRADE PERMITTED:**

In cases where the main sewer in the street has sufficient depth or where a lot is three feet or more above the grade line, the drain between the curb line and lot line may receive such greater inclination as in the judgement of the Village Manager or the Plumbing Inspector may be deemed advisable.

### **13.27 DEFECTIVE OR INFERIOR PIPE PROHIBITED:**

No plumber or other authorized person shall lay or connect with any public sewer a pipe that is cracked, damaged or of inferior make or quality, under penalty as herein provided. Should any property owner or agent thereof furnish pipe of an inferior make or quality for laying the same to connect with a public sewer, the plumber shall refuse to lay and connect with the same and immediately shall notify the Plumbing Inspector or the Village Manager of all circumstances connected therewith in writing.

**13.28 DRAIN ENDS AND CONNECTIONS GUARDED:**

The ends of all sewer and drain pipes not immediately connected shall be securely closed so as to prevent the introduction of sand, earth or other refuse; and where the end of the sewer or drain pipe is connected with a temporary catch basin for draining foundations during the erection of any buildings, or for other purposes, the plumber shall guard the same against the introduction therein of sand, earth or other refuse.

**13.29 CONNECTION OF JOINTS:**

All joints of sewer and drain pipes must be pointed carefully on the outside and the pipe left clean and smooth on the inside by drawing through it a swab or scraper. Along the entire length of the drain or sewer, the joints must be securely and completely bedded and covered in good quick setting cement so as to prevent the escape of water, sewage or air. The mortar shall consist of one part of cement and two parts clean, sharp sand, which are to be mixed dry and wetted only in small quantities as used. The use of tempered cement in any case is prohibited.

**13.30 CHANGE OF DIRECTION AND ALIGNMENT:**

All sewer and drain pipes are to be carefully laid in a trench with bottom trimmed to a perfect grade and having depressions for joints of pipes so that each length shall be evenly supported throughout the entire length of drain. Any deviation or change of direction from a straight run must be made by the use of proper curves and y's. No sewer or drain pipes shall be clipped where proper fittings can be used for change of directions.

**13.31 CATCH BASINS AND RECEPTACLES:**

All sewer and drain pipes that must be left open to drain cellars, areas, yards, gardens, or other places, must be connected with suitable catch basins of brick, vitrified clay pipe, concrete or other suitable substances, the bottom of which must not be less than 2 1/2 feet below the bottom of the outlet pipe. Every such catch basin or receptacle must be placed inside the lot line of the lot or lots to be drained and be properly trapped.

**13.32 OLD PIPE OR DRAIN:**

Whenever necessary to disturb a drain or sewer in actual use, the same shall not be obstructed or disconnected without special permission of the Plumbing Inspector, and it shall be unlawful to make any new connections with, or extension to, any old drain without permission of the Plumbing Inspector.

**13.33 DRAIN WHEN COURSE IS OBSTRUCTED:**

In all cases where the course of any sewer or drain is obstructed by water, gas, steam or other pipes or conduits, the question of passing over or under the obstruction or of the raising or lowering thereof, so as to permit the construction and installation of the sewer or drain, shall be determined by the Village Manager or the Plumbing Inspector.

**13.34 PERMIT TO CONNECT DURING FREEZING WEATHER:**

No opening in the street for making connection with a main sewer will be permitted when the ground is frozen except when in the judgement of the Plumbing Inspector such connection is absolutely necessary, and if such permission is granted, the work shall be done as directed by the granting of the permit.

**13.35 PROTECT PIPE AGAINST FROST, INJURY OR SETTLING:**

All water, sewer, drain or other piping must be protected from injury, frost or settling to the satisfaction of the Plumbing Inspector.

**13.36 PROTECT SEWERS AND DRAINS:**

No person shall cast or throw, or cause to be cast or thrown into any of the drains or sewers within the Village of Whitefish Bay, any filthy substance calculated to cause any obstruction, nuisance or injury in or to the same during the progress of any work in laying drains or sewers, making alterations, extensions or replacing or repairs to the same, or in connecting such drains or sewers with the main sewers of the village.

**13.37 DRAINS CONVEYING INDUSTRIAL WASTE:**

No person shall connect any factory, brewery, distillery, stockyard, slaughter house, tannery or other building or establishment of any kind whatsoever by any drain or sewer with the main sewer, through which it is intended or designed to discharge any offal, garbage, filth or other solid refuse, or through which substances may be discharged into the main sewer, unless such installations are provided with an adequate intercepting appliance.

**13.38 DRAINS DISCHARGING OBNOXIOUS LIQUIDS:**

No person shall connect any premises with any drain or sewer entering into any main sewer through which any obnoxious, explosive, odorous or unhealthful liquids or substances may be discharged into the main public sewer.

**13.39 EXCLUSION OF RAIN WATER:**

No person shall permit any rain or surface water to enter into any sanitary sewer of the Village of Whitefish Bay or of the Metropolitan Sewerage District of Milwaukee County.

**13.40 ADEQUATE FLUSH FOR DRAINS:**

No person shall connect any water closet with any drain or sewer unless means are provided and employed for the abundant and adequate flushing of same with clear water every time it is used. Every such closet or similar appliance shall be properly connected with the village or adequate private water supply system.

**13.41 STEAM OR HOT WATER "BLOW OFFS":**

No exhausts or "blow offs" from steam boilers or engines shall be connected with any drain or sewer, but must be discharged only into catch basins in the manner provided in the Wisconsin State Plumbing Code H62.14 (9).\*

**13.42 HOUSE DRAIN:**

All sizing, grading, change of direction and clean outs of the house drain to be the same as provided in the Wisconsin State Plumbing Code.

**13.43 SOIL AND WASTE PIPES:**

(1) All sizing, grading, change of direction, supporting and hanging of soil and waste pipes are to be as provided in the Wisconsin State Plumbing Code.

- (a) All soil or waste stacks in the Village of whitefish Bay shall conform to Section H62.15 of Wisconsin State Plumbing Code. (Ord 1052)
- (b) The minimum size of basin waste shall be one and one-half (1 1/2) inches.
- (c) The minimum size of sink wastes shall be one and one-half (1 1/2) inches.
- (d) All solid and waste stacks shall conform to Wisconsin State Plumbing Code H62.06 (1). (Ord. 1052)
- (e) The size of the stacks shall be determined by the number of fixtures connected thereto. If pitch or grade of soil or waste branch is forty-five degrees or more, same unit capacities as for vertical stacks will be permissible. The minimum size of soil stacks shall be three (3) inches, provided that not more than two water closets shall be connected to a three (3) inch stack with a 3" by 3" double "y" and 1/8 bends. Connection with a sanitary cross will not be permitted. The closets shall be connected by 3" by 4" bends.

**13.44 VENTING:**

(1) The sizing, grading, supporting and installation of vent pipes to be the same as permitted in the Wisconsin State Plumbing Code.

(a) Except bathroom groups consisting of a water closet, wash basin and bath; or water closet, wash basin and shower; or water closet and wash basin; or a water closet, wash basin and urinal; or a water closet, wash basin or other fixture not having grease suspended in its waste discharge, or two fixtures without the water closet, may be ventilated by means of a wet vent through the basin waste, provided the vent and waste is increased to two inches or the size of pipe required to ventilate the largest fixture. (Ord. No. 1052)

Arm pieces on wet vent fixture connections are not permitted.

- (b)
1. Horizontal waste arms should be avoided wherever possible.
  2. Plumbing installations in new buildings or where it is possible in alterations or additions of plumbing in old buildings should have a future 2" vent. (Ord. 1052)
  3. Any pipe extending from a soil or waste pipe shall be carried full size required to serve the fixture connections and shall be vented or re-vented to conform with the provisions of Section H62.03 (1) and (3) Wisconsin State Plumbing Code.

(c) Local Vents:

All toilet rooms and bathrooms shall have at least one outside window or be provided with local vent pipes or air shafts so as to insure at least one air change per five minutes.\* Local vents or air shafts for toilet rooms shall not be connected with the plumbing system, and must be so installed as to provide adequate ventilation.

(d) Future Connections:

(1) All openings in soil or waste pipes provided for future fixture connections shall be properly connected, vented and sealed. (Ord. 1052)

(2) Fixtures installed in a battery may be vented by means of the circuit or loop vent method.

(3) The maximum developed distance between the point of vent and the overflow of the trap is to be as follows:

- 20".....on 1 1/4 inch pipe
- 24".....on 1 1/2 inch pipe
- 32".....on 2 inch pipe
- 40".....on 2 1/2 inch pipe
- 48".....on 3 inch pipe
- 64".....on 4 inch pipe

(4) Floor drains, tile receivers and similar fixtures need not be separately vented when branched into the house drain more than five feet in the direction of flow from the base of the stack. (Ord 1052)

**13.45 RAIN OR SURFACE WATER DRAINAGE:**

Subsections (1) through (5) repealed. (Ord. 1612)

(6) No building shall be erected, nor shall existing buildings be maintained, altered, or replaced, unless provision is made to convey roof drainage to a storm sewer or to a point not less than six (6) feet from the foundation walls of said building or any adjacent building and discharged in such manner that such water will not directly or indirectly flow against said foundation walls, if reasonably possible. If it is not possible to discharge such water at least six (6) feet from a foundation wall, it shall be discharged as far from each wall as reasonably possible. No storm sewer surface drain or foundation drain shall hereafter be connected with any local sanitary sewer. (Ord 1636)

(7) The Building Inspector, or designee, shall be responsible for all determinations of reasonableness and compliance under this section. Any such determinations may be appealed to the Board of Appeals, provided a proper appeal is filed, in writing with the Village Clerk, within 30 days of said determination. (Ord 1636)

**13.46 WATER SERVICE:**

(1) That portion of the piping of the water distribution system between the main in the street to the house meter shall be not less than on (1)\* inch inside diameter. (Ord 1052)

(2) All water services up to and including one (1) inch inside diameter shall be constructed of extra strong quality lead or copper pipe.

(3) All water services larger than one (1) inch, up to and including two (2) inch inside diameter shall be constructed of extra strong quality copper pipe.

(4) All water services larger than two (2) inch inside diameter shall be constructed of cast iron pipe of the American Water Works Association Specifications.

(5) Copper pipe shall be in accordance with Type K (soft) for underground work and with Type L for general plumbing service, all as per Federal specifications WWT799. For underground connections only, fittings of the flared compression type may be installed. For service connections above ground, fittings of either compression type or solder joint type may be used.

(6) Where lead service is used at the curb, copper is to be joined by means of a wiped joint.

(7) All lead services shall be joined by means of a wiped joint.

(8) All cast iron water services shall be joined by means of a molten lead and hemp joint.

(9) The water service shall be equipped with a corporation stop, a curb stop and stop box set flush with the grade and a meter stop. Gate valve shall be installed on house side of meter. (Ord 1052)

(10) The service piping shall be well supported and protected from any soil of an acid nature that would have a deteriorating effect on it. Adequate means of protection is to be determined by the Plumbing Inspector in each case.

**13.47 WATER DISTRIBUTION:**

(1) The water distribution system within the walls of a building may be constructed of galvanized steel or wrought iron pipe, lead, brass or copper. It shall be adequately supported to prevent sagging and be so constructed to drain to one point or location.

(2) The water distribution piping shall be of such size to furnish each fixture with a flow of water sufficient to prevent fouling. On ordinary buildings of not more than two families, a three-quarter inch cold water line shall be run to the range boiler for hot water feed. A three-quarter inch line shall be extended to all bathrooms at which point it may be reduced to one-half inch for fixture service. All sink runs or risers shall be at least one-half inch for one fixture and three-quarter inch or more for more than one fixture. All sill cocks shall be served by a three-quarter inch pipe. When copper pipe is used, these sizes are to be the same as galvanized pipe. Not more than five (5) feet of one-half inch pipe will be permitted for any one fixture service, except one each, toilet and basin risers can be one-half inch pipe. Hot water pipes from electric water heaters are to be three-quarter inch to last branch. Branch connections serving not more than three fixtures can be run with one-half inch copper pipe, providing no sink connection is on branch riser. In case, three-quarter inch pipe is to be run to sink branch.

(3) A three-quarter inch pipe shall be run from the hot water tank to all bathroom risers and extend full size to the bathroom at which point it may be reduced to one-half inch. All runs of piping to sinks shall be at least one-half inch diameter for one fixture and three-quarter inch or more for more than one fixture. If copper pipe is used, the same as provided for cold water will be permitted. (Ord. 1052)

(4) Valves:

- (a) There shall be a check and waste valve installed on the house side of every meter.
- (b) A valve shall be installed on the cold water feed pipe into the storage tank.
- (c) On all sill cock feed line a check and waste valve shall be installed; on an underground lawn sprinkler feed line an approved type siphon breaker shall be installed.
- (d) All risers on two family houses shall be equipped with a valve and waste as close to their base as possible.
- (e) All basins and closet tanks shall be equipped with stops at the fixtures.

(5) The water system shall be provided with a drip at its lowest point or where it may be trapped.

(6) All buildings of design larger than ordinary two-family residences shall be equipped with a water distribution system that will adequately furnish a supply of water at each fixture. This to be based on an assumption of fifty per cent of the maximum working load.

(7) Relief Values:

(a) Every hot water storage tank, manual or automatic water heater, or other equipment used for the heating or storage of domestic hot water hereinafter installed, replaced, repaired and relocated, shall be provided with an approved automatic temperature and pressure relief valve, except that automatic hot water heaters equipped with an energy shut-off device which has been tested and approved by, or meet the specification requirements of the American Gas Association, the Underwriters Laboratories, Inc., or other recognized approval authorities, need only be provided with an approved pressure relief valve of the diaphragm type, installed as close to the heater as possible on the cold water supply line.

(b) For hot water tanks or hot water heaters having a storage capacity in excess of 120 gallons, or an input in excess of 200,000 B.T.U. per hour, or a water temperature in excess of two hundred degrees Fahrenheit, pressure relief valves constructed, rated and installed in accordance with the 1956 Edition of the Boiler and Pressure Vessel Code issued by the American Society of Mechanical Engineers shall be used.

Section 13.47 (7) (c)

(c) The relief valve inlet shall not be less than three-quarters (3/4) inch iron pipe size. Orifice size shall not be less than seven-sixteenths (7/16) inches. Relief valves having small, multiple inlet ports and narrow annular water flow ways are prohibited. Relief valves shall be provided with test levers for manually lifting the disc from its seat at least 1/16 inch when there is no pressure on the valve.

(d) The rated capacity of the relief valve or valves shall be equal to or in excess of the input to the hot water storage tank or the output from the hot water heater. The pressure setting of the relief valve shall not exceed the maximum allowable working pressure of the tank or heater. The maximum pressure setting shall be one hundred twenty-five (125) pounds per square inch. The temperature setting of the automatic temperature relief valve shall not exceed two hundred ten degrees Fahrenheit.

(e) Relief valves shall be installed either directly on the top of the tank or heater, or not more than six (6) inches down from the top of the tank or heater, or in the hot water service line leading from the top of the tank or heater to the plumbing fixtures as close as possible to the tank or heater but in no case further than six (6) inches from the tapping in the tank or heater. No valve shall be installed in the hot water line between the tank or heater and the relief valve.

(f) Every relief valve shall be provided with a discharge pipe or drain terminating not more than ten (10) inches above the floor as close as possible (Ord 1052) to a drain connected to the sewer. The discharge pipe shall be the same size as the outlet on the relief valve. The base of such discharge pipe shall not be threaded. No discharge pipe shall terminate into an open fixture as a sink, laundry tub, bath tub, or supply tank, etc.

(g) All relief valves shall have the following data marked thereon by suitable means, manufacturer's name, type identifying number, pressure setting relieving temperature, code symbol when required, and capacity rating or ratings in B.T.U. per hour.

(8) All storage tanks installed on a domestic hot water system shall be of quality and weight known as extra heavy. Such tanks shall be tested at one hundred and fifty (150) pounds working pressure.

(9) Plumbers shall turn off water at the curb on completion of their work. Water is not to be turned on until meter is properly installed.

**13.48 AIR CHAMBERS:**

Each water supply riser and fixture branch shall terminate with an air chamber, the diameter of which shall not be less than the riser branch it serves, and where possible it shall have a length not less than fifteen times the diameter of such riser or

branch. In lieu of the above method of providing individual air chambers, a large air chamber not less than one and one-quarter inches in diameter and not less than twenty-four inches long shall be placed close to and on the house side of valve at water meter.

**13.49 CROSS CONNECTIONS:**

(1) A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, chemicals, bacteria or other hazardous substances, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of or the Village may enter the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Whitefish Bay Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.

(3) It shall be the duty of the Village Building Inspector to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Whitefish Bay Water Utility and as approved by the Wisconsin Department of Natural Resources.

(4) Upon presentation of credentials, the Building Inspector shall have the right to request entry at any reasonable time to examine any property served by a connection to the Village's public water system. If entry is refused, such representative shall obtain a special inspection warrant under § 66.122, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) The Whitefish Bay Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Subsection (6), below, water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

Section 13.49(6)

(6) If it is determined by the Whitefish Bay Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes within 10 days of such emergency discontinuance.

(7) The State Plumbing Code of Wisconsin, Chapter ILHR 82, Wisconsin Administrative Code, is hereby adopted in its entirety and incorporated by reference as amended from time to time.

(8) That this ordinance does not supersede the State Plumbing Code or Village ordinances, but is supplementary to them.

**13.50 INTENTIONALLY, WILLFULLY OR MALICIOUSLY INJURING PLUMBING OR DRAINAGE:**

No person shall intentionally, willfully or maliciously injure or obstruct any sewer, house drain, cesspool, catch basin or any plumbing fixture or apparatus, pipes or other parts of any plumbing in actual use, or any sewer or water pipes or any parts or apparatus connected therewith, laid or constructed in the streets, alleys, or other public places or under any sidewalks of the village.

**13.51 STORM SEWERS:**

(1) Storm Sewer Districts:

It is hereby determined that public health and general welfare require the construction of surface or storm water sewers and for that purpose the village is divided into nine surface or storm water sewer districts, the area and extent of which are shown on a map entitled, "STORM SEWER DISTRICT MAP" on file in the office of the Village Manager.

(2) Construction of Storm Sewers:

In addition to other methods provided by law, the village board may, by resolution, direct that permanent or temporary storm sewers may be constructed in any part of this village and that an outlet for any such storm sewers, when necessary, may be constructed outside the limits of this village.

(3) Special Assessments:

Before ordering any such work to be done, there shall be filed with the Village Clerk-Treasurer plans and specifications for same, and the village board may thereupon cause said work to be done. At any time after the filing of said plans and specifications, the committee on public works, utilities and streets shall thereupon view the premises and determine the entire cost of said work within the limits of this village, the benefits

that will accrue to the several parcels of real estate in this village by reason of the construction of said work within this village the amount that should be assessed against any such parcels of real estate as benefits accruing thereto by such contemplated work, and file with the Village Clerk-Treasurer a report of their determination. Thereupon the village board may levy the whole or any part of such cost of constructing said sewers within the village against any property in said village, give notice thereof, review said assessment, cause the same to be collected and returned, and may provide for the issue of special assessment certificates or special improvement bonds in accordance with sections 66.54 and 66.60 of the Wisconsin Statutes.

**13.52 GARBAGE DISPOSERS: (Ord. 752)**

(1) Definitions:

(a) "Garbage" means every waste or refuse, animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruit or vegetables.

(b) "Mechanical Garbage Disposer" means a motorized device suitable for installation under and in direct connection with a kitchen sink, that comminutes garbage to such a size as to be readily waterborne, and causes the discharge of such comminuted garbage directly into a sanitary sewerage system.

(c) "Garbage incinerator" means a structure or apparatus within which garbage can be consumed by burning.

(d) "Dwelling unit" means a single family residence, or a flat or apartment in a multiple residence building.

(2) Requirements:

Each dwelling unit, the construction of which is commenced on or after the effective date of this ordinance, and each kitchen which is altered or remodeled involving an expense in excess of \$300.00, shall, prior to occupation or continued use thereof for residence purposes, be equipped with a properly installed mechanical garbage disposer or garbage incinerator which conforms to the specifications provided in subsections (3) and (4) hereof, except that in the case of an existing dwelling where, in the opinion of the plumbing inspector, the cost of relocating or altering existing plumbing or heating fixtures or piping represents an undue hardship, then said plumbing inspector may waive compliance with this ordinance.

(3) Specifications for Mechanical Garbage Disposer:

The specifications for a mechanical garbage disposer shall be:

Section 13.52 (3) (a)

- (a) That it shall permit the grinding device to operate only in the presence of cold water flowing into said grinding mechanism, and through a sink drain line, at a prescribed flow rate of from 1.5 to 2.5 gallons per minute, and in such a manner as to congeal and aerate the solid and liquid greases within the shredding unit.
- (b) That it shall shred garbage to substantially uniform size and discharge same at a reasonably uniform rate, in a waterborne or fluid form, which will flow readily through standard sink drains, approved traps, drain lines or soil lines in a manner and consistency which will not cause clogging or stoppage of the drain line or sewerage lines.
- (c) That it shall be self scouring with no surfaces or pockets to harbor food wastes.
- (d) That it be of substantial construction, of adequate capacity for the intended use, free from electrical or mechanical hazards. If activated electrically, it shall bear evidence of Underwriters' Laboratory approval.
- (e) That it shall be permanently connected to a drain to the sewerage system, and shall be free from any cross connection to a water supply.

(4) Specifications for a Garbage Incinerator:

The specifications for a garbage incinerator shall be:

- (a) That it shall operate so as to completely consume wet or dry garbage by burning it to ash without causing noisome, offensive or noxious odors, vapors, or gases, and without the discharge or emission into the atmosphere of sparks, ash, or the powdered residue of the substance which has been burned.

(5) Building or Remodeling Permit:

The building inspector shall not issue a permit for the construction of any new dwelling unit or for the alteration or remodeling of any kitchen of a dwelling unit involving an expense in excess of \$300.00, unless the plans and specifications and work to be performed include the installation of a mechanical garbage disposer or garbage incinerator, except as provided for in subsection (2).

(6) Penalty:

Any person firm or corporation who shall violate the provisions of this ordinance shall, upon conviction thereof, be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars and the cost of prosecution for each and every offense and in default of such fine and the cost of prosecution, shall be imprisoned in

the County Jail or House of Correction of Milwaukee County for a term not to exceed thirty (30) days.

**13.55 CONNECTION TO THE SANITARY SEWER PROHIBITED:** (Ord. 1612)

(1) Purpose

The sanitary sewers in the Village were not designed to and do not have the capacity to carry off all clear water entering said sewers in periods of heavy surface water run-off. In time of heavy rains or melting snow some sanitary sewers may surcharge causing buildings to flood with sewage. The purpose of this section is to minimize such flooding and sanitary sewer overflows.

(2) Connections Prohibited:

The connection of footing tiles to the sanitary sewer or sanitary sewer lateral is prohibited, except in instances where the connection was made pursuant to a building permit issued prior to February 16, 1953, and where no modifications or alterations were made affecting the footing tile after February 16, 1953.

Any connection of downspouts, yard drains or sump pumps to the sanitary sewer or sanitary sewer lateral is prohibited regardless of the date of construction or installation, and any such connection shall be disconnected.

(3) Inspections:

An inspection to determine compliance with subsection (2) shall be conducted in the following instances:

- (a) Prior to the issuance of a Certificate of Compliance pursuant to Section 13.56;
- (b) Whenever an interior building inspection is being made in connection with a building, plumbing or electrical permit;
- (c) Whenever the Village Engineer or Building Inspector has evidence of a downspout, yard drain or sump pump connected to the sanitary sewer;
- (d) Whenever the Village Engineer or the Building Inspector determine that abnormally high sewerage flows have been detected in the sanitary sewer main serving the property, and the Village Engineer or Building Inspector have reasonable grounds to believe that the flow may have been caused, in whole or in part, by a prohibited connection in the property;
- (e) Upon receipt of a complaint to the Village Engineer or Building Inspector of an alleged violation of this section.

(4) Noncompliance:

If an inspection discloses noncompliance with this code, a noncompliance notice shall be issued by the Building Inspector setting forth the areas of noncompliance and stating that the building shall be brought into compliance. Connections from footing tiles and yard drains shall be brought into compliance within 60 days of said notice. Connections from downspouts and sump pumps shall be brought into compliance within 10 days of such notice. Failure to bring the property into compliance within the appropriate time period shall be a violation of this section.

(5) Special Inspection Warrant:

In the event an inspection of any building is to be made pursuant to the provisions of this section, and permission is not voluntarily given to the Building Inspector to make such inspection, he may apply for and obtain a special inspection warrant to make such inspection, as provided by Wisconsin Statutes 66.122 and 66.123.

(6) Appeal:

Any owner or occupant or proposed new occupant of premises feeling aggrieved by the issuance of a noncompliance notice may appeal to the Board of Appeals.

(7) Penalties:

Any person found to be in violation of this section of the Municipal Code shall be subject to penalties of \$100.00 per day for each day the violation continues to exist beginning at the end of the required time period following the notice issued pursuant to Section 13.55(4).

**13.56 CERTIFICATE OF COMPLIANCE:** (Ord. 1612)

(1) Certificate of Compliance Required:

Whenever there is a proposed change in the person, firm or corporation owning any building or part thereof, such change of ownership shall not be made unless a Certificate of Compliance has been issued by the Building Inspector dated not earlier than one year prior to the change of ownership. Change of ownership of any such building shall not occur until after a Certificate of Compliance has been issued.

Changing ownership or accepting change of ownership without such Certificate of Compliance is a violation of this section subjecting the person, firm or corporation so changing ownership or accepting change of ownership, to the penalties set forth in this code.

(2) Exceptions:

A Certificate of Compliance shall not be required under this section where the change in ownership is a change to the surviving spouse upon the death of a husband or wife, and the transfer represents a transfer to a surviving joint tenant spouse or a surviving spouse under survivorship marital property;

(3) Certificate of Compliance:

A Certificate of Compliance shall be issued by the Building Inspector after an inspection of the building discloses that the building does not have any connection prohibited by Section 13.55(2).

A Certificate of Compliance shall be issued after an inspection for a building in which the footing tile is connected to the sanitary sewer or sanitary sewer lateral in those instances where the building was construction pursuant to a building permit issued prior to February 16, 1953, and which had no modification or alteration which affected the footing tile after February 16, 1953, but only if the building has no connections of downspouts, yard drains or sump pumps to the sanitary sewer or sanitary sewer lateral.

(4) Noncompliance:

In the event of noncompliance after the notice issued pursuant to Section 13.55(4), no new occupancy shall be allowed and any entry shall be a violation of this section.

(5) No Warranty:

A Certificate of Compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and review of Village records, the building meets the requirements of Sections 13.55 and 13.56. Neither the Village of

Whitefish Bay, the Building or Plumbing Inspectors or the Village Engineer assume any liability in the inspection or issuance of a Certificate of Compliance, and by the issuance of a Certificate of Compliance, does not guarantee or warrant as to the condition of the premises inspected.

(6) Fee:

A fee of \$50.00 shall be paid to the Village of Whitefish Bay for the inspection of premises required upon a change of ownership and required for a Certificate of Compliance pursuant to Sections 13.55(3)(a) and 13.56(1).

**13.57 STORMWATER MANAGEMENT REGULATIONS:** [Ord. 1642]

13.57 Stormwater Management Regulations

(1) Purpose and Intent of Section.

- (a) **PURPOSE.** The general purpose of this Section is to set forth stormwater requirements and criteria that will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development activity. Specific purposes are to:
1. Further the maintenance of safe and healthful conditions;
  2. Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish, and aquatic life;
  3. Assure the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property; and
  4. Control building sites, placement of structures, and land uses, and promote sound economic growth.
- (b) **INTENT.** The intent of this Section is to manage the long-term, post-construction stormwater discharges from land development activities. Where such system plans have been developed and approved by the Village, it is the intent that all land development activities will include stormwater management measures that meet performance standards set forth in those approved plans. Where such stormwater management system plans have not been developed or approved, it is the intent of the Village that the generic stormwater management standards set forth be applied unless otherwise excepted by the Department of Public Works.

(2) Definitions.

- (a) AGRICULTURAL means the planting, growing, cultivating, and harvesting of crops; growing and tending of gardens, and trees; harvesting of trees.
- (b) CEASE AND DESIST ORDER means a court issued order to halt land developing activity that is being conducted without the required permit.
- (c) COMMON PLAN OF DEVELOPMENT OR SALE means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activity may take place at different times and on different schedules.
- (d) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rainfall depth.
- (e) DISCHARGE VOLUME means the quantity of runoff discharged from the land surface as the result of a rainfall event.
- (f) FEE IN LIEU means a payment of money to the Village in place of meeting all or part of the stormwater performance standards required by this Section.
- (g) FINANCIAL GUARANTEE means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village by the permit holder to assure that requirements of this Section are carried out in compliance with the stormwater management plan.
- (h) GROSS AGGREGATE AREA means the total area, in acres, of all land located within the property boundary containing the land development activity.
- (i) GROUNDWATER ENFORCEMENT STANDARD means a numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.07 Wis. Stats. and Sec. NR 140.10 or Sec. 160.09 Wis. Stats., and Sec. NR 140.12.
- (j) GROUNDWATER PREVENTIVE ACTION LIMIT means a numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.15 Wis. Stats., and Sec. NR 140.10, 140.12, or 140.20.
- (k) IMPERVIOUS SURFACE means a surface that releases the rainfall as surface runoff during a large portion of the design rainfall event. Rooftops, sidewalks, parking lots, and street surfaces are examples of

impervious surfaces.

Section 13.57(2)(l)

- (l) INFILTRATION means the process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- (m) LAND DEVELOPMENT ACTIVITY means any construction or re-development of buildings, roads, parking lots, paved and unpaved storage areas, and similar facilities, but not including agricultural activity.
- (n) MAINTENANCE AGREEMENT means a legal document that is filed with the Milwaukee County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (o) NON-STORM DISCHARGE means a discharge to the storm sewer system created by process other than stormwater runoff.
- (p) NON-STRUCTURAL MEASURE means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.
- (q) OFF-SITE means located outside the property boundary described in the permit application for land development activity.
- (r) OTHER THAN RESIDENTIAL DEVELOPMENT means development of the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication, and utilities.
- (s) ON-SITE means located within the property boundary described in the permit for the land development activity.
- (t) PEAK FLOW DISCHARGE RATE means the maximum rate at which a unit volume of stormwater is discharged.
- (u) PERVIOUS SURFACE means a surface that infiltrates rainfall during a large portion of the design rainfall event. Well-managed lawns, fields and woodlands are examples of pervious surfaces.
- (v) POST-CONSTRUCTION STORMWATER DISCHARGE means any stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.
- (w) POST-DEVELOPMENT CONDITION means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence stormwater runoff and infiltration.
- (x) PRE-DEVELOPMENT CONDITION means the extent and distribution of land cover types present before the initiation of land development

activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

- (y) PRE-TREATMENT means the treatment of stormwater prior to its discharge to the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
- (z) RESIDENTIAL DEVELOPMENT means that which is created to house people, including the residential dwellings as well as all attendant portions of the development including lawns, driveways, sidewalks, garages, and access streets. Residential development includes single family, multi-family, apartments, and trailer parks.
- (aa) SITE RESTRICTION means any physical characteristic which limits the use of a stormwater best management practice as prescribed in the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices.
- (bb) STOP WORK ORDER means an order issued by the Building Inspector that all construction activity on the site be stopped.
- (cc) STORMWATER MANAGEMENT PLAN means a document that identifies what actions will be taken to reduce stormwater quantity and pollutant loads from land development activity to levels meeting the purpose and intent of this Section.
- (dd) STORMWATER MANAGEMENT SYSTEM PLAN is a comprehensive plan developed to address stormwater drainage and non-point source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Section.
- (ee) STORMWATER RUNOFF means that portion of the precipitation falling during a rainfall event, or that portion of snowmelt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.
- (ff) STRUCTURAL MEASURE means source area practices, conveyance measures, and end-of-pipe treatment that are designed to control stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.
- (gg) SURFACE WATER means a “navigable” body of water as that term is defined in Section 281.31(2)(d) Wis. Stats. as amended from time to time.
- (hh) VILLAGE PERSONNEL or AUTHORIZED PERSONNEL means employees of the Village of Whitefish Bay or those agents authorized by the Village Board to implement these stormwater management

regulations.

Section 13.57(2)(ii)

- (ii) WATERS OF THE STATE means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the State or its jurisdiction.

(3) Stormwater Management Plan and Facilities Required.

- (a) PLAN AND FACILITIES REQUIRED. No person shall proceed with any residential, commercial, industrial, or institutional land development or redevelopment, or with the land division of property without providing appropriate stormwater management facilities that adequately control stormwater runoff from such development or subdivided property. A site-specific stormwater management plan must be submitted and approved by the Village before any required new stormwater management facilities are constructed, unless exempted or waived pursuant to the provisions of this Section. An approved site-specific stormwater management plan is also required before an existing drainage system is relocated, deepened, widened, enlarged, filled, obstructed, or otherwise altered in preparation for land use development or land division of property. The plan must be submitted and approved before any land development is commenced or a land subdivision plat or by the Village certified survey map approved and recorded.

(4) Applicability.

- (a) APPLICABILITY. This Section applies as set forth below to land development activities that meet applicability criteria specified in this Section. This Section also applies as set forth below to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets any of the following applicability criteria, even through multiple separate and distinct land development activities may take place at different times on different schedules:

1. Land development activity that involves an increase of one-half acre (21,780 square feet) or more of impervious surface but less than 1.5 acres (32,670 square feet) shall be subject to Subsection (5) paragraphs (a), (b), and (c) below;

**a. For phased developments, the cumulative effect of all phases shall be considered. This section will apply if the cumulative amount of new impervious surface is 0.5 acres (21,780 square feet) or more, even if the individual components of a development each create less than 0.5 acre of impervious surface;**

Section 13.57(4)(A)(2)

2. Subsection (5) paragraphs (a), (b), (c) and (d) shall apply to any land development activity which:
    - a. Is a residential development with a gross aggregate area of 5 acres (217,800 square feet) or more;
    - b. Is a residential development with a gross aggregate area of 3 acres (130,680 square feet) or more with at least 1.5 acres (32,670 square feet) of impervious surfaces; or
    - c. Is a development other than a residential development with a gross aggregate area of 3 acres (130,680 square feet) or more; and
  3. Land development activity of any size that, as determined by majority vote of the Village Board after consulting with the Village Engineer and the Department of Public Works, is likely to result in stormwater runoff which exceeds the safe capacity of existing Village owned drainage facilities or receiving surface waters, which causes undue channel erosion, unreasonably increases surface water pollution by scouring or the transportation of particulate matter, or endangers downstream property on a surface water shall be subject to Subsection 5 paragraphs (a), (b), (c) and (d), below.
- (b) JURISDICTION. This Section applies to all lands and waters, and all land development activities within boundaries of the Village of Whitefish Bay.
- (c) EXEMPTIONS. The following activities are exempt from stormwater management plan requirements:
1. Agricultural activities not associated with development or redevelopment;
  2. **Development or redevelopment activity where the area of impervious surface after development will be 5% or less of the total area of the site;**
  3. **Development activity located in sites riparian to Lake Michigan where (a) site runoff is directly discharged into Lake Michigan and (b) where the Public Works Department has determined that bluff erosion protection has been appropriately provided;**
  4. **Construction of recreational trails if the trail width is 10 feet or less, and the trail has a continuous buffer at least 5 feet wide on each side, disregarding interruption by streets, driveways, or other impervious surfaces crossing the trail;**

5. **Development approved by the Village before the effective date of this Ordinance provided that the approval had sufficient finality to create a vested right to proceed with the development;**
6. Maintenance, alteration, use or improvement to an existing structure or construction activity which does not significantly change or affect the water quality, hydrologic and hydraulic characteristics of the surface water discharge;
7. Maintenance activities undertaken by any municipal, state or federal governmental agency;
8. Stormwater management facilities to be constructed or measures to be undertaken by the Village when the Village has determined that a stormwater management plan is not required;
9. Facilities, or portions thereof, for which a Special Exception is granted pursuant to Section 16.20 of the Zoning Code.

(5) Stormwater Management Standards.

(a) STORMWATER MANAGEMENT CRITERIA.

1. The site-specific stormwater management system plan required under the provisions of this Section shall be designed in accordance with good engineering practice. The specific methods to be used in the calculation of peak rates of discharge, volumes, and water quality conditions and of the hydraulic capacities of storage and conveyance facilities shall be left to the judgment of the professional engineer preparing the plan subject, however, to the approval of the Village.
2. The site-specific stormwater management system plan shall be designed such that natural topography and land cover features such as swales, **natural streams, channels, drainage ways**, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used to the extent practicable.

(b) STORMWATER DISCHARGE QUANTITY STANDARDS.

1. The conveyance and storage facilities incorporated into the site-specific stormwater management system plan required under this Section shall be designed as an integral part of complementary minor and major subsystem.

Section 13.57(5)(b)(2)

2. The minor subsystem shall be designed to avoid nuisance flooding of streets and yards and shall accommodate the peak rate of runoff from rainfall events up to and including the 10-year recurrence interval event. The rainfall intensity shall be determined based on appropriate times of concentration from relationships established and published by the Southeastern Wisconsin Regional Planning Commission.
3. The complementary major subsystem shall consist of the public streets and interconnected flow paths to the streets and from the streets to receiving streams and watercourses. The major system shall be designed to accommodate peak rates of discharge from rainfall events up to and including the 100-year recurrence interval event without inundation of exposed basements, building basement window wells, basement entryways, or the first floors of buildings, utilizing a one-foot freeboard.
4. Unless otherwise provided for, all land development activities subject to this Section shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum performance standards:

(c) PEAK FLOW DISCHARGE

1. The peak flow discharge rates of stormwater runoff under the post-development conditions shall be controlled and reduced as follows:
  - a. 100-year post-development peak runoff discharge shall not exceed the lesser of the following:
    - i. 2-year pre-development peak runoff discharge,

or

  - ii. 0.5 cubic feet per second per acre (cfs),

or

  - iii. maximum hydraulic capacity of existing downstream conveyance facilities as determined by the Village.
- b. 2 -year post-development peak runoff discharge shall not exceed 0.15 cfs per acre;
- c. The design rainfall used for stormwater management pond design shall be the 2 and 100-year recurrence interval, 24-

Section 13.57(5)(C)(1)(c)

hour duration events with a SCS TYPE II distribution; and

- d. The area included in discharge limit calculations in the form of cfs/acre shall consist of the entire portion of the site draining to the discharge location under consideration.
2. If the land development site or the proposed stormwater management facility currently receives or is proposed to receive surface runoff originating from off-site tributary watershed areas, the stormwater management criteria shall only apply to the portion of the total runoff that originates from the land being developed.
3. Any stormwater management pond shall fully contain the runoff from the tributary watershed area during the 100-year, 24-hour rainfall with a SCS TYPE II distribution under the post-development conditions. The tributary watershed area consists of all on-site and off-site areas draining to the pond.
4. Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
5. If surface runoff leaves the site at more than one location, discharge at each location must individually meet the standards set forth in this Section. The discharge comparisons shall be made at stormwater conveyance facilities (i.e., ditches, culverts, storm sewers, stormwater detention ponds, channels, streams, etc.) that are located immediately downstream of each discharge location of the land development site.
6. Impacts to the hydraulic performance of downstream conveyance or storage facilities shall be avoided. Where such changes are proposed, the impact of the proposal on existing stormwater detention ponds shall be assessed using a methodology acceptable to the Village.
7. All stormwater runoff conveyance facilities within the boundaries of the property that is being developed shall be sized to adequately carry the runoff from a 10-year recurrence interval rainfall of 0.5, 1, 6, or 12-hour duration, depending on the duration that results in the most critical peak runoff rate from the area under consideration. In some cases, less sophisticated computation methods such as the Rational Method may be used with prior written Village approval.

The following table provides the guidelines for the selection of the most critical design rainfall. In general, the smaller the watershed area, the shorter the critical design storm will be for a given ground cover condition. Once determined, the critical design rainfall with a 10% probability shall be clearly stated in the stormwater

management plan.

Rainfall Duration	Rainfall Depth in Inches
	10-year recurrence interval
1 hour	1.90
6 hours	2.90
12 hours	3.40
24 hours	3.90

8. For storms exceeding the design capacity of the conveyance system, overland drainage routes shall direct the excess runoff to any stormwater management pond proposed for the site.
9. When the Soil Conservation Service TR-55 Method is used to calculate peak flow discharge rates and runoff volumes for the pre-development condition, NRCS curve numbers in the following table shall be used. When other methods for computing runoff are used, they shall assume comparable runoff conditions.

Land Cover	Curve Number
Lawns and residential and commercial landscaped areas	72
Wooded areas	65
All impervious surfaces including roofs, driveways, parking lots, streets, and sidewalks, etc.	95
All streams, channels, ditches, ponds, etc.	99

- (d) **STORMWATER DISCHARGE QUALITY STANDARDS.** Unless otherwise provided, all land development activities subject to this Section shall establish on-site management practices to control the quality of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standards:
1. Stormwater discharges shall be treated to remove, on an average annual basis, a minimum of 80% of the total suspended solids load. To achieve this level of control, stormwater practices shall be designed in accordance with the methods set forth in the latest edition of the “Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices” as published and amended from time-to-time by the State of Wisconsin Department of Natural Resources.

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2. Stormwater Quality ponds shall be designed and constructed such that:
  - a. Permanent wet detention volume of the facility shall be equal to or greater than the runoff volume resulting from a 1.5-inch, 4-hour rainfall with a Huff Distribution over the area under post-development conditions.
  - b. Permanent pond surface area shall be:
    - 1.0% of the drainage area for residential development;
    - 2.0% of the drainage area for business and institutional development;
    - 2.5% of the drainage area for commercial and manufacturing development.
  - c. Water quality ponds shall have a sediment forebay area at the pond inlet location. The surface area of the forebay shall be a minimum of 12% of the total pond surface area.
2. Stormwater discharges shall be pre-treated prior to infiltration where necessary to prolong maintenance of the infiltration practice and to prevent discharge of stormwater pollutants at concentrations that will result in exceedances of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in NR 140 Wisconsin Administrative Code as amended from time to time. Stormwater shall not be injected underground through excavations or openings that would violate NR 812.05 Wis. Admin. Code as amended from time to time.
- (e) EXCEPTIONS. The Village Board may establish stormwater management requirements either more or less stringent than those set forth in this subsection, provided that at least one of the following conditions apply:
  1. The Department of Public Works determines that a higher level of protection is needed to protect sensitive resources.
  2. The Department of Public Works determines that a higher level of protection from flooding is required to protect the public health and safety.
  3. The Department of Public Works determines that more restrictive discharge controls are needed because existing downstream conveyance or storage facilities are or will be rendered inadequate as a result of development activity.

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4. The Department of Public Works determines that the land development activity is covered by an approved stormwater management system plan that contains management requirements consistent with the purpose and intent of this Section.
  5. Provisions are made to manage stormwater by an off-site facility, provided that all of the following conditions for the off-site facility are met:
    - a. The facility is in place,
    - b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than would be provided by on-site practices meeting the requirements of this Section.
    - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
    - d. The Department of Public Works finds that meeting the minimum on-site management requirements of this Section is not feasible due to space or site restrictions.
- (f) **FEE IN LIEU OF ON-SITE STORMWATER MANAGEMENT PRACTICES.** Where the Village Board waives all or part of the minimum on-site stormwater management requirements under this Section, the applicant may be required to pay a fee in an amount determined by the Village Board. To assist the Village Board in setting the fee, the Department of Public Works shall recommend an equitable distribution of the cost for land, engineering design, construction, and maintenance of stormwater management practices needed to serve the land development.

(6) Permitting Requirements, Procedures and Fees.

- (a) **PERMIT REQUIRED.** No landowner or land operator may undertake a land development activity subject to this Section without receiving a permit from the Department of Public Works prior to commencing the proposed activity.
- (b) **PERMIT APPLICATION, FEES, AND COSTS.** Unless specifically excluded by this Section, any landowner or operator desiring a permit shall submit to the Village a permit application made on a form provided.
  1. Unless otherwise excepted by this Section, a permit application must be accompanied by the following in order that the permit application be considered by the Department of Public Works: a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee.

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2. The stormwater management plan, maintenance agreement financial guarantee and fees shall meet the requirements of this Section.
3. The Applicant shall reimburse the Village for all of the Village's costs and expenses incurred (including professional and attorneys' fees) in reviewing the application.

(c) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Department of Public Works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fees and make a recommendation to the Village Board for approval, approval with modifications, or denial. The following procedure shall be used:

1. Within 30 business days of the receipt of a complete permit application, including all items as required by this subsection, the Department of Public Works shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
2. If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Department of Public Works shall issue the permit.
3. If the stormwater permit application, plan or maintenance agreements are disapproved, the Department of Public Works shall detail in writing of the reasons for disapproval.
4. If additional information is submitted, the Department of Public Works shall have 15 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
5. All permits require Village Board approval.

(d) PERMIT CONDITIONS. All permits issued under this Section shall be subject to the following conditions, and holders of permits issued under this Section shall be deemed to have accepted these conditions. The Department of Public Works may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action to suspend or revoke this permit may be appealed in accordance with this Section.

1. Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.

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2. The permit holder shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
3. The permit holder shall notify the Village at least 3 working days before commencing any work in conjunction with the stormwater management plan, and within the next working day upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Village so that practice installations can be inspected during construction.
4. Practice installation required as part of this Section shall be certified "as-built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and this Section. The Village shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
5. The permit holder shall notify the Village of any significant modifications it intends to make to an approved stormwater management plan. The Village may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.
6. The permit holder shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices are transferred to subsequent private owners as specified in the approved maintenance agreement.
7. The permit holder authorizes the Village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Sec. 66.0627 Wis. Stats. as amended from time to time, or to charging such costs against the financial guarantee posted under this Section.
8. If so directed by the Village, the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
9. The permit holder shall permit property access to the Village personnel for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

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10. Where a stormwater management plan involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village may require the permittee to make appropriate legal arrangement with adjacent property owners concerning the prevention of endangerment to property or public safety.
  11. The permit holder is subject to the enforceable actions detailed in this Section if the permit holder fails to comply with the terms of this permit.
- (e) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Village notifies the permit holder that all stormwater management practices have passed the final inspection required under the Permit.

(7) Stormwater Management Plan Contents.

- (a) PLAN REQUIREMENTS. The stormwater management plan required under this Section shall contain any information the Village may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this Section.

The plan shall include computations of peak flow rates and discharge volumes at each point of discharge into and out of the site concerned under existing and planned development and redevelopment conditions. The data shall include times of concentration to key junctions in flow paths and to points of discharge into and out of the site.

The plan shall consist of narrative descriptions and explanations; maps, charts, and graphs; tables; photographs; supporting calculations; and references to recognized engineering text and manuals as may be necessary to provide a clear and concise description of the plan. The sources of maps and data presented in the plan shall be identified.

**For phased developments, the site development stormwater management plan shall consider the cumulative effect of all phases.**

Unless specified otherwise by this Section, stormwater management plans shall contain at a minimum the following information:

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1. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party; and
  1. A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers with a recorded land subdivision plat.
- (b) PRE-DEVELOPMENT SITE CONDITIONS. The plan shall include a map and description of the existing conditions of the site concerned including:
1. A map of the site at a scale of 1 inch equals 100 feet or larger showing the property boundaries referenced to the U. S. Public Land Survey system or to a lot and block of a recorded subdivision plat; the topography of the site including contours shown at an interval of 2 feet or less, together with such spot elevations as may be necessary; the contours and spot elevations shall be referenced to the National Geodetic Vertical Datum of 1929, or to Village Datum with prior written approval from the Village;
  2. The hydrologic and hydraulic characteristics of the site including drainage flow paths and directions of flow onto, through, and out of the site; related drainage basin boundaries, including off-site tributary areas; times of concentration;
  3. The location of areas where stormwater may collect or percolate into the ground;
  4. Locations where runoff enters the site from adjacent tributary areas together with the size of those areas expressed in acres;
  5. Locations where runoff leaves the site and the contributing watersheds to each of these locations expressed in acres;
  6. 2-year, 24-hour, SCS TYPE II peak runoff rate at each location where runoff leaves the site, expressed in cubic feet per second;
  7. Ground water elevations referred to the National Geodetic Vertical Datum of 1929 or to Village Datum with prior written approval from the Village;
  8. Soils by hydrologic group;

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9. Cover type and condition;
  10. Location and extent of impervious surfaces, including type and condition of the surfaces;
  11. Locations and outlines of all buildings or other structures;
  12. Location of all receiving bodies of surface water on or within 100 feet of the site into which stormwater flows
  13. Locations and size of wetlands on or within 100 feet of the site;
  14. Location and extent of the 100 year recurrence interval flood hazard area associated with any perennial stream or watercourse on or within 100 feet of the site;
  15. Information regarding current water quality objectives and current water quality conditions in any perennial watercourses located on or within 100 feet to the site;
  16. Locations, sizes, and elevations of all existing storm sewers, channels, ditches, detention or retention ponds, or other engineered drainage facilities on or within 100 feet of the site; the elevations being referred to the National Geodetic Datum of 1929 or to Village Datum with prior written approval from the Village.
- (c) PROPOSED POST-DEVELOPMENT SITE CONDITIONS. The plan shall describe the alterations proposed at to the site and the resulting proposed post-development conditions. The description shall include:
1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters;
  2. Proposed changes in the planimetry of the site, and in the topography of the site by contours having the same contour interval and referred to the same datum as used to present the topography of the existing site conditions;
  3. The location and outline of all proposed buildings or other structures;
  4. Changes in the location, extent and type of impervious surfaces;
  5. The location and extent of areas where vegetation is to be disturbed or planted;
  6. Impacts on existing natural storage or infiltration areas;

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7. Changes in the drainage flow paths into, through, and out of the site, and related changes in drainage basin boundaries;
  8. The location, elevations, and sizes of all proposed minor and major stormwater management facilities; the former including all storm sewers and inlets, and the latter including curbed roadways, roadway ditches, culverts, storage facilities, and interconnected flow paths; all elevations being referred to the National Geodetic Vertical Datum of 1929 or to Village Datum with prior written approval from the Village;
  9. Any changes to lakes, streams, watercourses, or wetlands on or within 100 feet of the site concerned; and
  10. The location and widths of required public rights-of-way or easements needed to accommodate the recommended stormwater management facilities.
- (d) ANTICIPATED IMPACTS. The plan shall contain a description of the following anticipated impacts of stormwater runoff from the proposed development, redevelopment, or land division as managed by the facilities and measures recommended in the plan:
1. Computed 100-year, 24-hour, SCS TYPE II peak runoff rate at each location where runoff leaves the site, expressed in cubic feet per second;
  2. Computed 2-year, 24-hour, SCS TYPE II peak runoff rate at each location where runoff leaves the site, expressed in cubic feet per second;
  3. Computed peak runoff rate corresponding to 0.15 cfs/acre;
  4. Computed peak runoff rate corresponding to 0.5 cfs/acre;
  5. Computed runoff volume for the 1.5-inch, 4-hour rainfall with a Huff Distribution;
  6. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in to and out of the site, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s), including off-site tributary watershed areas;
  7. Changes in the locations and conveyance capacities of stormwater discharge points from and to the site concerned;

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8. Adequacy of receiving storm sewer, engineered stormwater management facility or watercourse to convey or store the anticipated peak rate of stormwater discharge from the site concerned, giving due consideration to existing and off-site flows;
  9. Changes in the location and extent of the 100-year recurrence interval flood hazard area of any perennial watercourse location within, through, or within 100 feet of, the site concerned;
  10. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures; and
  11. Changes in ground water elevations referred to National Geodetic Vertical Datum of 1929 or to Village Datum with prior written approval from the Village.
- (e) PROPOSED STORMWATER MANAGEMENT FACILITIES AND MEASURES. The plan shall include a definitive description of the proposed stormwater management facilities and measures for the control of the quantity and quality of the anticipated stormwater runoff from the proposed development, redevelopment, or land division. All site investigations, plans, designs, computations, and drawings shall be certified as prepared in accordance with accepted current engineering practice and in accordance with “Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices,” “Wisconsin Construction Site Best Management Practices Handbook,” and “Standard Specifications for Sewer and Water Construction in Wisconsin.”

The description of the proposed management facilities shall include:

1. For detention and retention facilities: locations, areas, depths, volumes, inlet and outlet configurations, and elevation of the bottoms, and of key inlet and outlet control structures; all elevations being referred to National Geodetic Vertical Datum of 1929 or to Village Datum with prior written approval from the Village;
2. For conveyance facilities: locations of inlets and manholes and associated rim and invert elevations, and pipe sizes, slope and materials; locations, elevations, and cross sections of ditches, swales and channels; and culvert sizes, inlet and outlet configurations and elevations; all elevations being referred to National Geodetic Vertical Datum of 1929 or to Village Datum with prior written approval from the Village;
3. Design computations and all applicable assumptions for the stormwater conveyance (open channel, closed pipe, etc.) system;

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4. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices;
  5. Design computations and all applicable assumptions for stormwater quality practices (sedimentation type, filtration type, infiltration type) as needed to show that practices are appropriately sized to accommodate runoff from the 1.5-inch rainfall;
  6. For practice designs that depart from those specified in the “Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices”, the results of continuous simulation modeling, conducted according to the guidelines established in that manual, shall be presented in such a way as to show the reduction in average annual total suspended solids loading from the developed site;
  7. Erosion Control Plan in accordance with the “Wisconsin Construction Site Best Management Practices Handbook,” published and periodically updated by the Wisconsin Department of Natural Resources;
  8. Measures to abate any potential pollution of surface and ground waters;
  9. A schedule for the construction of the recommended stormwater management facilities and estimates of attendant capital and operation and maintenance costs;
  10. A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule;
  11. A Landscaping Plan in accordance with “Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices;” and
  12. Other information as needed by the Village to determine compliance of the proposed stormwater management measures with the provisions of this Section.
- (g) EXCEPTIONS. The Village may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under this Section.

(8) Maintenance Agreement.

- (a) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required for stormwater management practices under this Section shall

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be an agreement between the Village and the permittee to provide for maintenance of stormwater practices beyond the duration period of this permit. The agreement or recordable document shall be recorded with the Milwaukee County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.

- (b) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions:
1. Identification of the stormwater facilities and designation of the drainage area served by the facilities;
  2. A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan;
  3. Identification of the landowner(s), organization or municipality responsible for long-term maintenance of the stormwater management practices;
  4. The landowner(s), organization, or municipality shall maintain stormwater management practices in accordance with the schedule included in the agreement;
  5. The Village is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement;
  6. The Village shall maintain public records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition;
  7. That if the Building Inspector notifies the party designated under the maintenance agreement of maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time frame determined by the Village; and
  8. The Village is authorized to perform the corrective actions identified in the inspection report if the landowner does not make the required corrections in the specified time period. The Village shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Sec. 66.0627 Wis. Stats., as amended from time to time.

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(9) Financial Guarantee.

- (a) ESTABLISHMENT OF THE GUARANTEE. The Village Board may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village. The financial guarantee shall be in an amount determined by the Village to be the estimated cost of construction and the estimated cost of maintenance during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village the authorization to use the funds to complete the project if the landowner defaults or does not properly implement the approved stormwater management plan.
- (b) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:
  - 1. The Village shall release the portion of the financial guarantee established to assure installation of stormwater practices, minus any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Village may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages; and
  - 2. The Village shall release the portion of the financial security established to assure maintenance of stormwater practices, minus any costs incurred by the Village, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(10) Fee Schedule.

- (a) BASIS. Fees as described in this Section shall be determined by the Village Board from time to time. Fees shall be related to the costs involved in handling permit applications, reviewing plans, conducting site inspections, and administering the stormwater management program.

(11) Illicit Discharges and Unauthorized Connections.

- (a) DISCHARGES PROHIBITED. No person may discharge, spill or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water, storm sewers or drainage facilities, or onto driveways, sidewalks, parking lots or other wares that discharge into the Village drainage system.
- (b) CONNECTIONS PROHIBITED. It shall be a violation of this chapter to connect a sanitary sewer pipe or drain, connect a pipe or drain that contributes pollutants associated with industrial activity; or connect any

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other hydraulic conveyance facility that introduces non-stormwater discharges to the Village stormwater drainage system and facilities. All such non-stormwater discharges into the Village stormwater system and facilities shall be defined as illicit discharges.

1. Illicit discharges shall cease, desist, and be abated by the person or persons responsible within 24 hours of notice from the Building Inspector. If the person or persons responsible fail to cease, desist, and abate the illicit discharge, the Village may take such action itself and seek reimbursement in Municipal or Circuit Court or via special assessment under 66.0627 Wis. Stats.
- (c) EXEMPTIONS. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:
1. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources;
  2. Discharges resulting from fire fighting activities;
  3. Discharges in compliance with construction site erosion controls or stormwater management regulations contained in this Section;
  4. Facility maintenance activities undertaken by any federal, state, county, or municipal agency, such activities, however, being subject to construction erosion control measures; and
  5. Discharges from uncontaminated pumped ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering or irrigation, individual residential car washing, and swimming pools if the water has been dechlorinated;
- (d) PENALTY. Violations shall be subject to enforcement procedures and penalties set forth in this Section.

(12) Inspection, Enforcement and Penalties.

- (a) INSPECTION. Village personnel shall carry out inspections, investigations, and monitoring to assess and confirm compliance with the requirements of this Section.
1. Village Personnel will inspect, conduct surveillance, and monitor the municipal drainage system and discharge outfalls on an annual basis to assess system performance and water quality. Findings of non-compliance with this Section during regular inspection, surveillance, or monitoring of the Village drainage

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system shall initiate further investigation to identify the source of the pollution discharge to the drainage system.

2. Village Personnel will inspect land development activity for compliance with permit conditions as defined in this Section.

(b) PUBLIC NUISANCE. The following shall be deemed to constitute public nuisances and may be prosecuted as such by the Village or by aggrieved property owners:

1. Any development, redevelopment, or property land division that is commenced without an approved stormwater management plan as required by this Section;
2. Any land development activity initiated after the effective date of this Section by any person, firm, association, or corporation subject to the Section provisions shall be deemed a violation unless conducted in accordance with said provisions;
3. Any drainage facility not maintained in accordance with this Section;
4. Any illicit discharge as defined in this Section to the Village stormwater drainage system and facilities; and
5. Any activity that adversely impacts on surface or ground water quality or endangers the health and safety of the public.

(c) COMPLIANCE ORDER. The Building Inspector shall notify the responsible owner or operator by certified mail of any non-complying activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

1. Upon receipt of written notification from the Building Inspector, the responsible owner or operator of the non-complying activity or property shall make corrections as necessary to meet the requirements set forth in this ordinance.
2. If the permit holder or the person(s) in violation of this Section continue non-compliant practices, Village Personnel may enter upon the land and perform the work or other operations necessary to bring the said activity into conformance with requirements of this Section. The Village shall keep a detailed accounting of the costs and expenses of performing this work. If applicable, these costs and expenses shall be deducted from any financial security posted pursuant to this Section. Where such a security has not been established, or where such a security is sufficient to cover these costs, the costs and expenses shall be

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entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

3. The Building Inspector is authorized to post a stop order on all activity in violation of this Section, or to request the Village attorney to obtain a cease and desist order.
4. If the violations to this Section are likely to result in damage to private properties, public facilities, or waters of the state, Village Personnel may take emergency actions necessary to prevent such damage. The costs incurred by the Village plus interest and legal costs shall be billed to the owner of title of the property.
5. The Department of Public Works may revoke a permit issued under this Section for non-compliance with this Section.
6. Any person, firm, association, or corporation who does not comply with the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$1,000.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
7. Compliance with this Section may be enforced by injunction, citation, and abatement of nuisance or other appropriate and available remedy. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(13) Appeals.

- (a) BOARD OF APPEALS. The Board of Appeals created pursuant to Section 16.20 of the Municipal Code as authorized by Sections 62.23(7)(e) and 68. 11, Wis. Stats. as amended from time to time:
  1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village in administering this Section;
  2. Upon appeal, may authorize variances from the provisions of this Section which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Section will result in unnecessary hardship;
  3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances; and
  4. Shall be authorized to grant full or partial Special Exceptions pursuant to Section 16.20 of the Municipal Code.

- (b) WHO MAY APPEAL. Appeals to the Board of Appeals may be taken by any aggrieved party.

**13.60 PENALTIES AND REMEDIAL WORK BY THE VILLAGE:** (Ord. 1779)

- (a) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 17.04 of this code, in addition to the specific penalties provided in this chapter. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.
- (b) As a further remedy for violation, any provision of this Chapter, the Village Board hereby authorizes the Plumbing Inspector or designee to take such remedial action on the property as is necessary to remedy any such violation, and authorizes the Village Treasurer to place the cost of such work, including all remedial and direct and indirect costs on the property tax bills for the property in question as a special charge for current services pursuant to Section 66.06.0627 Wis. Stats.