

Chapter 86

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ARTICLE I. IN GENERAL

Section 86.1.000. Penalty.

Any person violating any of the provisions of this chapter for which no specific penalty is provided shall upon conviction, be subject to Section 1.111.

(Code 1982, § 15.17) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.1.010. Protection of wells, septic tanks, similar structures.

- (a) All wells, septic tanks and similar structures being used within the village shall be protected by an adequate sound covering of sufficient strength to prevent injury to any human being or animal. All wells, septic tanks and similar structures in the village that are abandoned and have not been used for six months or more shall be filled to grade by the owner of the land upon which situated with properly tamped backfilling with adequate provision for settling so as to remove such abandoned well as a hazard to human and animal life and limb.
- (b) The building inspector may at any time order any well in the village to be adequately covered or filled to grade as the facts warrant. Such order shall be in writing and be served upon the owner or any lienholder on the land, if any, in the same manner as provided for excavations in Section 14.306(b).
- (c) Should the owner fail within 15 days after service of such order to properly cover or fill such well, the building inspector shall cause the same to be done; and the cost shall be a lien on the real estate on which such well is situated and entered upon the next succeeding tax roll as a special tax and shall bear interest at the rate of six percent per annum from the date of the building inspector's report of the cost.

(Code 1982, § 4.156(2)) [Amended via Ord. No 15-027, 11/18/2015; Ord. No 17-021, 6/21/2017; Renumbered via Ord. No 17-021, 6/21/2017]

ARTICLE II WATER UTILITY*

DIVISION 1. GENERALLY

Section 86.2.102. Adoption of state plumbing code.

The village adopts by reference the state plumbing code, being Wisconsin Administrative Code SPS [Chapters 380 through 387](#).

(Ord. of 6-19-1984, § 15.18) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.103. Supplementary nature of article.

This article does not supersede the state plumbing code or any other provision of the village but is supplementary to them.

(Ord. of 6-19-1984, § 15.18) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.104. Discontinuance of service for violation of article.

The water utility is authorized and directed to discontinue water service to any property wherein any connection in violation of this article 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 Wis. Stats. [Chapter 68](#), except as provided in Section 86.2.118. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(Ord. of 6-19-1984, § 15.18) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.105. Name.

The water utility shall be known as the Weston Water Utility.

(Code 1982, § 15.01(2)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

* **Editors Note**--The village, on May 21, 1968, filed an application with the state public service commission for authority under Wis. Stat. § [196.49](#) and Wis. Admin. Code [PSC Chapter 184](#), to operate as a water public utility and construct facilities in the village and under Wis. Stat. § [196.19](#) to establish rates. Pursuant to due notice, hearing was held on June 24, 1968, on the application and by order dated August 6, 1968, the commission, pursuant to the aforementioned statutes, ordered the establishment of the Weston Water Utility.

Section 86.2.106. Management.

The water utility shall be owned by the village and shall be operated under the direction of the board.

(Code 1982, § 15.01(3)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.107. Failure to repair leaky or broken pipes.

If a consumer fails to repair a leaky or broken pipe from the curb to the house within such time as may appear reasonable to the board after notification has been served on the consumer by the board, the water will be shut off and will not be turned on again until the repairs have been completed.

(Code 1982, § 15.04(10)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.108. Thawing frozen services.

Frozen services shall be thawed out by and at the expense of the utility, except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building or on a consumer's property, or failure to comply with the utility's specifications and requirements as to depth of service, lack of sufficient or proper backfill, etc.

(Code 1982, § 15.04(11)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.109. Refreezing and rethawing.

Following the freezing of a service, the utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge shall be made for rethawings if the instructions are followed. If it is necessary to allow the water to flow to prevent refreezing, the consumer must make provisions for proper disposal of the wastewater.

(Code 1982, § 15.04(12)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.110. Charges for water used to prevent refreezing.

For the period in which the water is allowed to run, the consumer will be billed according to such owner's meter readings, but in no event, to exceed the average amount paid in the corresponding

billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

(Code 1982, § 15.04(13)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.111. Stop boxes.

The consumer shall protect the stop box in his terrace and shall keep it free from dirt and other obstructions. The utility shall not be liable for failure to locate a stop box and shut off the water in case of a leak on the consumer's premises. Any curb stops 1 1/4 inch diameter or larger shall be Teflon coated and have the impregnated ball type of valve.

(Code 1982, § 15.04(14)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.112. Outside hydrants.

Outside hydrants after the effective date of the ordinance from which this section is derived shall not be installed by consumers unless they are connected to the pipe system of the building used as the residence or business place of the consumer. If the use of such hydrant produces a serious water hammer, the owner shall correct this condition at such owner's expense by effective means such as the connection of an air chamber to form an air cushion or by changing the type of hydrant.

(Code 1982, § 15.04(15)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.113. Turning on water.

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent the plumber from testing the work.

(Code 1982, § 15.04(16)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.114. Service piping.

In installing new service piping if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Proper connections shall include the use of gate valves before and after the meter. No piping other than copper ductile iron, or high-density

polyethylene meeting the utility's specifications, shall be used on services from the curb stop to the meter. Where it is possible to set meters in the basement, a short nipple shall be inserted at the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the utility, which may later be removed for the insertion of the meter into the supply line. No permit will be given to change from metered to flat rate service.

(Code 1982, § 15.04(17), Ord. Of 8-24-2006) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.115. Electrical grounding.

Any electrical grounding to the municipal water system shall be made on the curb side of the water meter and shall be exposed and visible. If the customer's service lateral is of non-metallic material, the electrical system shall be grounded in accordance with [Wisconsin Electrical Code, SPS 316](#), and the [National Electrical Code Article 250](#).

(Code 1982, § 15.04(18), Code Of 8-24-2006) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.116. Water emergency.

- (a) **Board authority.** The board shall declare a water emergency within the areas of the village serviced by the utility when in its opinion, a water shortage exists. A water shortage shall be deemed to exist when the water level in the village's elevated water storage tank cannot be maintained at a constant level due to a low groundwater table, mechanical failures or for any other reason.
- (b) **Notice of water emergency; termination.** A water emergency shall not be deemed to be in effect until the board shall pass a resolution declaring the existence of such emergency at a regular or special meeting of the board and upon publication of a notice of such resolution as a class 1 notice as provided by law. Such an emergency shall remain in effect until publication of notice by the board that the emergency no longer exists.
- (c) **Restrictions on use of water during water emergency.** Except as otherwise provided, no person shall, during the existence of a water emergency, use any water except water from private sources, for sprinkling of lawns, gardens and other vegetation; nor shall any such person use any such water for the private washing of vehicles. Such uses shall be permitted only on even-numbered days of the month for those premises bearing an even-numbered house number and on the odd-numbered days of the month for those premises bearing an odd-numbered house number.

(Code 1982, § 15.151) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.117. Cross connections.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cross connection, means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the water utility water system and the other water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, 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.

- (b) **Authority.** Wisconsin Administrative Code NR [Chapter 811](#) and other applicable regulations require protection of the public water system from contaminants due to backflow of contaminants through the water service connection; and because the state departments of natural resources and health and social services require the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination of all potable water systems.
- (c) **Control and maintenance of connections.** No person 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 the water utility 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 water utility and by the department of natural resources in accordance with Wisconsin Administrative Code [§ NR 811.09\(2\)](#).
- (d) **Inspections.** It shall be the duty of the water utility 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 water utility and as approved by the department of natural resources.
- (e) **Inspection of private property served by a connection.** Upon presentation of credentials, the representative of the water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the water utility for cross connections and at least annually for unmetered taps for waste or unnecessary use of water. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stat. [§ 66.0119](#). 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.

(Code 1982, § 15.18(1), (3)--(5)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.118. Immediate discontinuance of service.

If it is determined by the water utility that a cross connection or any emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the village clerk/treasurer and delivered to the customer's premises, service may immediately be discontinued. The customer shall have an opportunity for hearing under Wis. Stats. [Chapter 68](#) within ten days of such emergency discontinuance.

(Code 1982, § 15.03(2), (7)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.119. Curb stops.

- (a) **Charges.** There shall be assessed and levied against the property and premises to be served thereby the cost per lateral at the rate on file with the clerk of the water utility, for installation of curb stops tapped to water mains of the water utility. Deferred curb stops shall be charged at the current rate in effect at the time they are placed in service.
- (b) **Application for service.** Applications shall be made in writing for the installation of curb stops on such form as shall be prescribed by the water utility and must be signed by the plumber making the connection. The connection must be inspected at the point of connection prior to backfilling by a representative of the water utility.
- (c) **Utility installation.** The water utility may, as it deems desirable, install such curb stops at such place as may appear to be necessary to serve the present use or future possible or probable use of any premises situated in the village and abutting upon water mains in or upon streets in which such mains are installed.
- (d) **Charges to be special assessments.** Such utility charges shall constitute special assessments against the premises so served or to be served or which may be served by such curb stops. It shall be the duty of the water utility to certify a list of such installations to the property owner, and such special assessments shall be entered in the tax roll against the premises so served and may be collected as general taxes are collected. If the owner of the premises makes written application within 60 days after the completion of installation of curb stops, the assessment may be paid in not more than five annual installments, each of which shall be so entered on the tax roll if such application is made; and deferred installments in such case shall bear interest at the rate of six percent per annum. However, in any event, the curb stop charge must be paid within 60 days from the billing date.

(Code 1982, § 15.02) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.120. Deposit and guarantee rules.

- (a) ***For renters.*** A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.
- (b) ***Guarantee.*** The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice to the utility of discontinuance of service at the location covered by the guarantee agreement or six months after discontinuance of service, or at the guarantor's request upon 30 days' written notice to the utility.
- (c) ***Termination of guarantee.*** Upon termination of a guarantee contract or whenever the utility deems the guarantee insufficient as to the amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the consumer. The water service of any consumer who fails to comply with these requirements may be discontinued upon five days' written notice.
- (d) ***Due or unpaid bills for water service.*** The guarantor shall receive copies of all final discount notices sent to the consumer whose account the guarantor has guaranteed. Any due and unpaid bill for water service may be put upon the tax roll as provided in Wis. Stat. § [66.069](#) and shall be a lien upon the real estate to which such water was furnished as provided in such statute.

(Code 1982, § 15.08) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 2. OPERATING RULES

Section 86.2.221. Applicability of state rules.

The “Standard Rules” published by the state public service commission shall be applicable to the operation of the water utility.

(Code 1982, § 15.15) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.222. Tampering with system prohibited.

Any person who shall, without authority of the board, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the valve or hydrant, shall be in violation of this division and shall upon conviction be subject to Section 1.111. Permits for the use of hydrants for filling sprinkler carts apply only to such hydrants as are designated for such use.

(Code 1982, § 15.03(1)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.223. Water for construction use.

Water used for construction work must be covered by a written permit, which can be obtained only from the water utility. In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the water utility, together with a statement of the actual amount of construction work performed.

(Code 1982, § 15.03(2)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.224. Taking water from a consumer's premises.

Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the water utility. Any consumer failing to comply with this provision shall have water service discontinued and be deemed in violation of this division. Upon conviction, such consumer shall be subject to a fine as set forth in Section 86.2.222.

(Code 1982, § 15.03(3)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.225. Failure of supply.

Consumers taking water for supplying boilers for generating steam or for other general uses and depending upon the water pressure for supply will do so at their own risk, and the utility shall not be liable for any damages because of the lack of pressure or failure of supply.

(Code 1982, § 15.03(4)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.226. Vacation of premises.

When premises are to be vacated, the utility shall be notified in writing at once so that it may remove the meter and shut off the supply at the curb stop. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.

(Code 1982, § 15.03(6)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 3. SERVICE RULES

Section 86.2.327. Handling water mains and service pipe in sewer or other trenches.

Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must, at his own expense, cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six hours. Permission must be first obtained in writing from the water utility before any excavation is made. All of the provisions of Section 70.115 shall be fully complied with by any such contractor or other person who shall excavate or cause any excavation for the purposes set forth in this division.

(Code 1982, § 15.04(1)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.328. Repairs to mains.

The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the utility will give notification by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

(Code 1982, § 15.04(2)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.329. Tapping mains.

No persons, unless authorized by the utility, shall be permitted to tap or make any connection with any street main or distribution pipe. This work shall be done in accordance with the rules of the utility.

(Code 1982, § 15.04(3)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.330. Permit.

No water shall be taken without proper permit. Parties desiring to introduce water on their premises must make formal application to the water utility office and sign an application card or permit constituting a contract for water supplied and its specific use, which contract embodies this division as part of the contract.

(Code 1982, § 15.04(4)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.331. Service connections.

Each applicant for water service shall, at the time of making application for such service, execute and deliver to the utility a contract for such water service, agreeing to put in the service pipe from the curb line to each piece of water-using property existing at that point and owned by him where such water is desired, at the expense of such applicant, and to commence the payment for such water service when a bill is rendered. For all duplexes constructed after the effective date of the ordinance from which this section is derived, a separate service pipe from the curb line shall be provided for each living unit in the duplex; and each such living unit shall have a separate water meter and remote external reader. Multiple-family units larger than duplexes may install separate meters at the discretion of the owner.

(Code 1982, § 15.04(5); Ord. of 12-7-1987, § 1) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.332. One structure for each connection.

Any permit given for water service shall require that not more than one dwelling house, apartment building, hotel, business house or factory shall be served by one connection. Any duplex constructed after the effective date of the ordinance from which this section is derived shall be required to have a separate connection extending from the curb line to each living unit.

(Code 1982, § 15.04(6); Ord. of 12-7-1987, § 1) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.333. Corrections.

Whenever service pipes have to be replaced when conditions contrary to the provisions of Section 86.2.332 exist, they shall be corrected. Whenever permanent street improvements are made and conditions contrary to the provisions of Section 86.2.332 exist, they shall be corrected.

(Code 1982, § 15.04(7)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.334. Laying service.

Plumbers shall not connect two services to one tap, but each building must have one distinct and separate tap and service pipe laid not less than six feet below the surface after the street is brought to grade. Each service must be provided with a stop cock and metal extension stop box outside of the premises connected with the service. Supply pipes shall not be laid across the connecting adjoining premises, whether owned by the same or different parties. Every service pipe where it enters the cellar shall be furnished with a stop and waste cock so situated below the action of frost that the water can be completely shut off and drained from the pipes when necessary to prevent freezing.

(Code 1982, § 15.04(8)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.335. Repair to services.

The service pipe from the main to and including the curb cock at the curb will be maintained and kept in repair at the expense of the utility. However, it is the duty of the consumer to maintain the service pipe from the curb to the point of use, and the utility cannot be called upon to stand liable for the loss of water which has not passed through the meter but has been wasted by leakage of defective pipes and fixtures.

(Code 1982, § 15.04(9)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.336. Permanently installed in-ground sprinkler systems.

- (a) **Permit required.** All permanently installed in-ground sprinkler / irrigation systems require a Village of Weston in-ground sprinkler system permit and inspection.
- (b) **Permit fees.** The application for in-ground sprinkler system permit must be accompanied by the fees as defined in the Village Fee Schedule <http://westonwi.gov/documentcenter/view/931>.

- (c) **Right of way.** The Village of Weston or any other party authorized to work in village rights of way are not responsible for damage to sprinkler pipes or sprinkler heads, installed in village right of way or within 18” of any village right of way. Property lines must be established by applicant before the installation of any in-ground sprinkler system. It is the applicant’s responsibility to have all underground utilities located prior to the installation of the in-ground sprinkler system.
- (d) **Connection.** All sprinkler systems connected to the villages water distribution system must comply with Section 86.2.117 of this ordinance and Wisconsin Administrative Code § [SPS 382.41](#) cross connection control.
- (e) **Site plan.** The applicant must provide a drawing of the site and proposed sprinkler system to the village at the time of permit application. Sprinkler systems should not spray on or across public sidewalks, or on to any paved surfaces.
- (f) **Watering ban.** The Village of Weston reserves the right to order any sprinkling / irrigation system shut off in the event of a water emergency or shortage.
- (g) **Inspection required.** The permit applicant shall notify the building inspector when installation is complete and ready for final inspection.
- (h) **Violations.** Any person who shall violate any of the provisions of this section shall upon conviction thereof, be subject to the forfeitures and penalties provided under Section 1.111 of the Village of Weston Ordinances.

(Ord. 4-24-2009) [Amended via Ord. No 15-027, 11/18/2015; Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 4. METERS

Section 86.2.436. Installation.

Meters will be furnished and placed by the water utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access for reading and inspection, such location to be designated by the utility. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping in an amount sufficient to cover the cost of maintenance and depreciation as set by the board.

(Code 1982, § 15.05) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.437. Repairs.

- (a) **Utility to repair.** Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- (b) **Damage caused by owner.** Any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of any one of them to properly secure and protect the meter, including any damage that may result from allowing a water meter to become frozen, to become injured from the presence of hot water or steam in the meter shall be paid for by the consumer or the owner of the premises.
- (c) **Interfering with proper metering.** When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference; and such bill shall be payable subject to a 24-hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:
 - (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
 - (2) The consumer will be required to pay the utility for any damages to its equipment of the consumer's premises due to such stoppage or interference with its metering.
 - (3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.

(Code 1982, § 15.06) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.438. Complaint meter tests.

If a consumer demands that a test be made of his meter in addition to the periodic or installation test, he shall pay a test fee set by the village board in the village fee schedule per inch of nominal size or fraction thereof. If the meter is found fast in excess of two percent, the payment for the test will be refunded and the usual adjustment made in the past bills.

(Code 1982, § 15.07) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 5. CONNECTIONS, FEES AND CHARGES

Section 86.2.539. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Roominghouses, means homes and apartments having suites of one, two or more rooms with toilet facilities, but without kitchen for cooking.

Suites, in houses or apartments where complete housekeeping functions such as cooking are not exercised, means "roominghouses."

Unit of service, means any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store or office, which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer, with the surcharge for additional consumers on a meter assessed accordingly.

(Code 1982, § 15.11(1), (2)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Cross References--Definitions Generally, § 1.101.

Section 86.2.540. Mandatory hookup.

The owner of each parcel of land adjacent to a water main on which there exists a building usable for human habitation, which parcel is located in a block through which the water system is extended, or where the water system is otherwise available to such parcel, shall connect to the water system within one year from the date of a written connection notice from the water utility. Upon failure to do so, the water utility shall cause the connection to be made; and the property owner shall be responsible for all connection costs. If such costs are not paid within 30 days of written demand for payment, the costs shall be assessed against the property of the owner and collected in the same manner that real estate taxes are collected. However, the owner may, within 30 days after the completion of the connection, file a written request with the water utility for the payment of such costs in ten equal monthly installments, together with interest at a rate to be determined by the utility. The unpaid balance shall constitute a special tax lien against the property pursuant to the requirements of Wis. Stat. § [281.45](#).

(Ord. of 4-11-1988, § 1) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

State Law References--Authority to order house connections, Wis. Stat. § [281.45](#).

Section 86.2.541. Failure to connect.

- (a) **Standby charge.**
 - (1) Each lot or equivalent parcel of land shall pay a charge prescribed in the village fee schedule or public service commission order for water facilities available but not connected. Where more than one lot or equivalent is used as a unit and a customer is connected, the total charge for general water service to such customer shall be not less than the standby charge applicable to the several lots.
 - (2) An equivalent parcel of land shall be each full 120 feet where unplotted, except that any isolated parcel of less than 120 feet shall be equivalent to a lot.
- (b) **Billing.** Standby service shall be billed annually unless the customer requests quarterly billing. Annual standby charges will be certified to the village clerk/treasurer each year, and the village clerk/treasurer will insert such charges as a tax against such lot or parcel of real estate. Charges under quarterly billing will be subject to the same billing rule as a general service customer.
- (c) **Penalty.** Upon failure to connect as provided in subsection (a) of this section, a forfeiture shall be payable in the sum of \$100.00 per month per equivalent meter. The term "equivalent meter" is defined in Section 86.3.151. Each month wherein the owner of property fails to connect to the water system shall constitute a separate offense. The owner shall also be chargeable with the costs of prosecution and, in default of payment of forfeiture and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed 30 days for each offense.

(Ord. of 7-16-1990, § 1) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.542. Water utility rates.

- (a) **Rates of service.** The rates for water used in the village are the current rates as established by the most recent public service commission ruling, on file with the clerk of the water utility.
- (b) **Payment of bills.** Bills for metered water service are rendered quarterly and become due and payable on the first day of the month following the period for which service is rendered. A penalty of five percent will be added to any bill not paid within 15 days from the date of the bill. If the bill is not paid within 20 days, the customer will be given written notice that the bill is delinquent and that, unless payment or satisfactory arrangement for payment is made within the next five days, service will be discontinued without further notice, and a reconnection charge prescribed in the village fee schedule shall be paid before water service is restored.

(Code 1982, § 15.10) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.543. Consumer's premises with several buildings.

When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately, and the readings not cumulated. If these buildings are all used in the same business and are not connected by the consumer, they can be metered in one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

(Code 1982, § 15.11(3)) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.544. Public service.

- (a) ***Municipal purposes.*** Water service supplied to village buildings, schools, etc., shall be metered and regular service rates applied.
- (b) ***Water used for flushing sewers, similar services.*** Water used for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, filling swimming pools, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the department of public works shall estimate the gallons of water used, based on the pressure, size of opening, and period of time water is allowed to flow. The estimated quantity shall be billed at the rate as set by current public service commission ruling, on file with the water utility clerk.

(Code 1982, § 15.12) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.545. Building and construction water service.

Metered service rates shall apply to all building and construction water service.

(Code 1982, § 15.13) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.2.546. Private fire protection service.

- (a) Private fire protection service shall consist of connections for automatic sprinkler systems, standpipes (where they are connected permanently or continuously to the mains), and private hydrant systems.

- (b) Quarterly demand charges for private fire protection service are as outlined by the public service commission, on file with the water utility clerk.

(Code 1982, § 15.14) [Amended via Ord. No 15-027, 11/18/2015; Renumbered via Ord. No 17-021, 6/21/2017]

ARTICLE III. WELLS

Section 86.3.147. Authority.

Whereas, Wisconsin Administrative Code § [NR 810.16](#), directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

[Created via Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.148. Purpose.

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

[Created via Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.149. Applicability.

This Ordinance applies to all wells located on premises served by the Weston Water Utility municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement, or utility rule, to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 86.3.147 above.

[Created via Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.

Noncomplying, means a well or pump installation which does not comply with Wisconsin Administrative Code § [NR 812.42](#), Standards for Existing Installations, and which has not been granted a variance pursuant to Wisconsin Administrative Code § [NR 812.43](#).

Pump installation, means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe, means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Wisconsin Administrative Code Chapters [NR 140](#) or [NR 809](#), or for which a Health Advisory has been issued by the Department of Natural Resources.

Unused, means a well or pump installation which is not used or does not have a functional pumping system.

Well, means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below surface, constructed for the purpose of obtaining groundwater.

Well abandonment, means the proper filling and sealing of a well according to the provisions of Wisconsin Administrative Code Chapter § [NR 812.26](#).

(Ord. of 7-1-1991, § 1(3)) [Amended via Ord. No 15-027, 11/18/2015; Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

Cross References--Definitions generally, § 1.101.

Section 86.3.151. Abandonment required.

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 86.3.153 of this ordinance by April 20, 2016, or not later than 30 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by Weston Municipal Utilities under the terms of Section 86.3.152 of this ordinance.

[Created via Ord. No 16-024, 4/20/2016; Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.152. Well operation permit.

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after connection to the municipal water system. Weston Municipal Utilities shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. Weston Municipal Utilities, or its agent, shall conduct inspections and water quality tests, or require inspections and water quality tests, to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility Clerk.

- (a) The following conditions must be met for issuance or renewal of a well operation permit:
 - (1) The well and pump installation shall meet the Standards for Existing Installations described in Wisconsin Administrative Code § [NR 812.42](#). The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the [Wisconsin Well and Pressure System Inspection Form 3300-221](#) to comply with Wisconsin Administrative Code Chapter [NR 812 Subchapter. IV](#), prior to issuing the initial permit and no less than every 10 years afterwards.
 - (2) The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
 - (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
 - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) The private well shall have a functional pumping system.
 - (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (b) A property owner may request issuance of a well operation permit for a newly constructed drilled or driven-point well, for a period not to exceed five years, provided the following conditions are met:

- (1) The owner of the proposed private well must provide evidence of the DNR issued well notification number; and
- (2) Following completion of the new private well construction, the well owner must furnish a copy of the DNR approved well construction report, which also indicates the assigned [Wisconsin Unique Well Number \(WUWN\)](#) and the owner must comply with all conditions described in (a)(1) through (a)(6) of this section.

(Ord. of 7-1-1991, § 1(5); Ord. of 2-18-2002, § 1; Ord. of 4-9-2008; Ord. of 4-10-2009)
[Amended via Ord. No 15-027, 11/18/2015; Ord. No 16-024, 4/20/2016][Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.153. Well abandonment procedures.

- (a) All wells abandoned under the jurisdiction of this section shall be abandoned according to the procedures and methods of Wisconsin Administrative Code Chapter § [NR 812.26\(3\)](#) . All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well, or the owner's agent, shall notify the Weston Municipal Utilities at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
- (c) [An abandonment report form](#), supplied by the Department of Natural Resources, shall be submitted to the Utility Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment. The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonment.

(Ord. of 7-1-1991, § 1(1), (2), (6)) [Amended via Ord. No 15-027, 11/18/2015; Ord. No. 16-024, 4/20/2016][Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.3.154. Penalties.

- (a) ***Violations, Injunctions, Abatement, and Removal.*** It shall be unlawful to violate any of the provisions of this section. In case of any violation, the Village Board may institute appropriate legal action or proceedings to enjoin a violation of this section, or seek abatement or removal. In addition, those actions commenced by the Village may seek a forfeiture or penalty as outlined in this section.

- (b) Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this section, shall upon conviction, pay forfeiture not to exceed \$500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

(Ord. of 7-1-1991, § 1(7); Ord. of 4-9-2008; Ord. of 4-10-2009) [Amended via Ord. No 16-024, 4/20/2016] [Renumbered via Ord. No 17-021, 6/21/2017]

ARTICLE IV. SEWERAGE UTILITY*

Section 86.4.101 General Provisions.

1. **Purpose.** The Village of Weston has provided facilities for the collection and conveyance of wastewater to promote the health, safety, and convenience of its people and to safeguard public water resources. The Village of Weston does not operate a wastewater treatment facility. Wastewater from the northwest part of the Village flows through the City of Schofield prior to being treated at the Wausau Wastewater Treatment facility (**WWTF**). The balance of the wastewater produced by the Village flows to the Rib Mountain Metropolitan Sewerage District (**RMMSD**). This Ordinance promotes the standards set forth by the **Wausau WWTF** and **RMMSD**.

In furtherance of these goals, this Ordinance regulates the use of public and private sewers and drains, disposal of holding tank wastes into the public sewers, and the discharge of waters and wastes into the Village of Weston **Sewage Collection System**. It provides information regarding wastewater treatment service charges, sets uniform requirements for dischargers into the Weston **Sewage Collection System** and sets requirements for connections to sanitary sewers within the Village. This Ordinance provides a means for determining wastewater volumes, constituents, and characteristics; the setting of charges and fees; and the issuing of permits to certain **Users**. Revenues derived from the application of this Ordinance shall be used to defray the Village's costs of operating and maintaining the wastewater collection system and contribute to the operation and maintenance of the **Wausau WWTF** and **RMMSD** wastewater treatment facilities as per the contracts/agreements between the Village and these two entities. These revenues also provide sufficient funds for capital outlay, debt service costs, and capital improvements. This money enables the Village/**Wausau WWTF** and **RMMSD** to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin and/or Federal law.

The **primary objectives** of this Article are:

- (a). To prevent the introduction of pollutants into the Weston ***Sewage Collection System*** which will interfere with normal operation of the system and cause violation of the ***Wausau WWTF*** or ***RMMSD***'s Wisconsin Pollutant Discharge Elimination System (***WPDES***) permits or contaminate the resulting municipal bio-solids;
- (b). To prevent the introduction of pollutants into the Weston ***Sewage Collection System*** which do not receive adequate treatment in the publicly owned treatment works (***POTW***) and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c). To protect both Village, ***Wausau WWTF*** and ***RMMSD*** personnel who may be affected by wastewater and bio-solids from the Weston collection system;
- (d). To promote reuse and recycling of industrial wastewater and bio-solids from the Weston ***Sewage Collection System***;
- (e). To prevent physical damage to the Weston ***Sewage Collection System***, ***Wausau WWTF*** and ***RMMSD*** treatment systems;
- (f). To enable Weston to comply with the ***Wausau WWTF WPDES*** permit and ***RMMSD WPDES*** permit conditions, bio-solids use, and disposal requirements, and any other Federal or State laws to which the Weston ***Sewerage System*** is subject.

This Article shall apply to all persons in the Village and to persons outside of the Village who are, by contract or agreement with the Village or ***Users*** of the Village collection system or convey wastewater through any portion of the collection system owned and operated by the Village of Weston. Except as otherwise provided in this Article, the commissioners and its employees of the Weston Municipal Utilities as appointed by the Village Board of the Village of Weston shall administer, implement, and enforce the provisions of this Article.

Per the ***Wausau WWTF*** Wastewater System User Ordinance and the ***RMMSD*** Wastewater System User Ordinance, every connection to these wastewater collection and treatment facilities shall be subject to the respective ordinances; this includes those ***Users*** served by the Village ***Sewage Collection System***.

All persons now receiving service from the Weston Municipal Utilities or who may hereafter make application therefore, are deemed to be bound by rules and regulations of the Utility, and such State and Federal statutes and administrative rules as are applicable.

2. ***Right of Entry and Access.***

- (a) ***General Right of Entry.*** Any duly authorized employee or representative of the Village, bearing proper credentials and identification, shall be allowed access to

all property serviced by the Weston Municipal Utilities, for the purpose of inspection, observation, measurement, sampling, and testing of discharges to the wastewater collection facilities and for the purpose of inspection, repair, or maintenance of any portion of the Village, **Wausau WWTF** and/or **RMMSD**'s wastewater facilities.

- (b) **Right to Enter Easements.** Any duly authorized employee or representative of the Village bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the **Sewerage System** lying within said easement, all subject to the terms, if any, of such easement.
- (c) **Safety.** While performing the necessary work on private premises referred to in subs 1. and 2. above, the duly authorized employee or representative of the Village or its representatives shall observe all safety rules applicable to the premises established by the **User**. The **User** shall be held harmless for injury or death to the Village's duly authorized employees or representatives. The Village shall indemnify the **User** against loss or damage to its property by said duly authorized employees or representatives and against liability claims and demands for personal injury or property damage asserted against the **User** and growing out of the work being performed, except as such may be caused by negligence or failure of the **User** to maintain safe conditions.

3. **Obstructions to Village Facilities.**

- (a) All persons, firms, or corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or under the public lands, avenues, streets, alleys or highways which block or impede the progress of Village facilities when in the course of construction, establishment, or repair shall upon reasonable notice by the Village, promptly so shift, adjust, accommodate, or remove the same at the cost and expense of such persons, firms, or corporations, as fully to meet the exigency occurring such notice.
- (b) Any person, firm, or corporation who shall fail to comply with the provisions of this section shall be subject to the penalties set forth in Section 86.4.117.

4. **General Rules of Interpretation.**

- (a) **Superseding Previous Ordinances.** This Ordinance supersedes all previous regulations and Ordinances of the Village which are in conflict herewith.
- (b) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

- (c) Amendment. The Village reserves the right to amend this Ordinance in whole or in part whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.
- (d) The Village shall be responsible for the interpretation and execution of the provisions of this Ordinance.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section. 86.4.102 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) **Act or “the Act”**: shall mean the Federal Water Pollution Act, also known as the [Clean Water Act \(33 U.S.C. 1251, et seq.\)](#) as amended.
- (2) **Applicable Pretreatment Standard**: shall mean the most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any Federal, State or local governmental entity) and incorporated in this Ordinance, which Applicable Pretreatment Standard shall be complied with by non-domestic wastewater **Users** of the **Sewerage System**.
- (3) **Approving Authority**: shall mean the Public Works and Utility Committee that manages the Weston Municipal Utilities.
- (4) **Authorized Representative of the User**; shall mean:
 - (a) If the **User** is a **corporation**:
 - (i) The **president, secretary, treasurer, or vice president** of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The **manager** of one or more manufacturing facilities, provided the manager is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been delegated to the manager according to the corporation’s procedures.
 - (b) If the **User** is a **partnership** or **sole proprietorship**: a **general partner** or **proprietor**, respectively.

- (c) If the *User* is a **Federal, State, or local government facility**: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) An authorized representative of the individual designated above if:
 - (i) Such representative is responsible for overall operation of the facilities from which the discharge into the collection system originates;
 - (ii) The authorization is in writing; and,
 - (iii) The written authorization is submitted to the Weston Director of Utilities.
- (5) **Best Management Practices (BMPs)**: shall mean structural or non-structural measures, practices, operating procedures, schedules of activities, treatment requirements, techniques or devices employed to minimize or treat the discharge of pollutants into the **Sewerage System**; to implement prohibitions listed in Wisconsin Administrative Code § [NR 211.10\(1\)](#) or [\(2\)](#); or to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas. BMPs may be specified:
 - (i) by EPA and/or DNR categorical regulations, or
 - (ii) by the Village for non-significant **Industrial Users** Section 86.4.102(31), **Public Authority Users** Section 86.4.102(55), and **Commercial Users** Section 86.4.102(12) **Users**.
- (6) **Biochemical Oxygen Demand (BOD₅)**: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20°C, expressed in milligrams per liter. Determination of **BOD₅** shall be made in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in Wisconsin Administrative Code [Chapter NR 219](#).
- (7) **Building Drain (sanitary)**: shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from all soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (8) **Building Sewer**: shall mean the extension from the building drain beginning at the immediate outside foundation wall to its connection with the sewage collection system or other point of disposal that conveys sanitary and/or industrial wastewater. See also “**Lateral**”.
- (9) **Bypass**: shall mean the intentional diversion of waste streams from any portion of an industrial user’s treatment facility.
- (10) **Categorical Pretreatment Standard**: shall mean [National Pretreatment Standards](#) specifying quantities or concentrations of pollutants or pollutant properties which may be

discharged or introduced into a sanitary sewer collection system by specific industrial discharges.

- (11) **Clear Water:** shall mean wastewater other than storm water, having no impurities or where impurities are below a minimum concentration considered harmful by the Village, including but not limited to noncontact cooling water and potable water discharged to the **Sewerage System** to prevent freezing of underground pipes in the water system.
- (12) **Commercial User:** shall mean a business, not-for-profit organization, or other institution that provides goods or services and that takes service for non-residential purposes. churches, private schools, private colleges and universities, co-op, and associations are non-governmental entities and are considered commercial users Public Service Commission [PSC 185.12\(3u\)](#).
- (13) **Compatible Pollutant:** shall mean **BOD**, suspended solids, phosphorus, **pH**, or fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the **WPDES** permit issued to the Wausau **WWTF** or **RMMSD**.
- (14) **Contract Community:** A city, village, town, sanitary or utility district, or a county, State, or Federal agency which is billed by the Village for sewerage services.
- (15) **Cooling water:** shall mean the water discharged from any use such as air-conditioning, cooling or refrigeration whose character undergoes no chemical change during such use.
- (16) **Debt Service Charge:** shall mean the annual payment of principal and interest for the retirement of debt issued to finance the cost of capital improvements to the **Sewerage System**. This shall include the administrative costs associated with the debt retirement.
- (17) **Detrimental Effect:** shall mean a discharge to the **Sewerage System** that either alone or in combination with other discharges would pass through or interfere with the operation of the **Sewerage System**, cause the **Wausau WWTF** or **RMMSD** to violate its **WPDES** permit, or create or constitute a hazard to human health or the environment.
- (18) **Discharger:** means any person, municipality, or other entity that discharges anything, without limitation, directly or indirectly into a sewer system or any part thereof. Also, see definition for “**User**”.
- (19) **DNR:** shall mean the State of Wisconsin Department of Natural Resources.
- (20) **Domestic Wastewater:** shall mean the combination of liquid and water carried wastes discharged from toilets and other sanitary plumbing facilities in the amount of approximately 100 gallons per capita per day from residential users and 15 to 20 gallons per employee per day from a place of business or industry and in which five-day **biochemical oxygen demand (BOD₅)**, **total suspended solids (TSS)**, **total kjeldahl nitrogen (TKN)**, and total phosphorus meet the following levels:
 - (a) A BOD₅ concentration less than or equal to 250 mg/l;

- (b) A TSS concentration less than or equal to 250 mg/l;
 - (c) A TKN concentration less than or equal to 40 mg/l as N;
 - (d) A Total Phosphorus concentration less than or equal to 8 mg/l as P.
- (21) **Effluent**: shall mean wastewater, water or other liquid after some degree of treatment flowing out of any wastewater treatment facility.
- (22) **Environmental Protection Agency (EPA)**: shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.
- (23) **Equivalent Meter**: shall mean one unit per meter. One unit is defined as one residential housing unit or 175 gallons per day and which utilizes a meter size of either five-eighths inch or three-fourths inch.
- (24) **Fats, Oils, and Grease**: shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials as analyzed in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in Wisconsin Administrative Code [Chapter NR 219](#).
- (25) **Floatable Oil**: shall mean fat, oil, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered to be free of floatable oil if it is properly pretreated to the extent that it does not result in increased maintenance requirements for the sewerage system.
- (26) **Garbage**: shall mean solid wastes from the domestic and commercial preparation, cooling, and dispensing of food and from the handling, storage, and sale of produce.
- (27) **Grant**: shall mean Federal and/or State financial assistance for the construction of improvements to the sewerage system.
- (28) **Hauled Waste**: shall mean wastewater or waste sludges transported to and discharged to the collection system. This includes but is not limited to **Holding Tank Wastes** and **Septage**.
- (29) **Holding Tank Wastes**: shall mean the liquid or solid contents of holding tanks or portable restrooms.
- (30) **Incompatible Pollutants**: shall mean wastewater with pollutants that will adversely affect or disrupt the transmission of wastewater in the collection system and the quality of wastewater treatment if discharged to the sewerage system.
- (31) **Industrial User**: shall mean a user who engages in the manufacture or production of goods and discharges wastewater other than sanitary sewage into the **Sewage System**. Public Service Commission [PSC 185.12\(10e\)](#).

- (32) **Industrial Wastewater:** shall mean any trade or process wastewater as distinct from domestic wastewater.
- (33) **Infiltration:** shall mean the water entering a sanitary sewer system and service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.
- (34) **Inflow:** shall mean the water discharged into a sanitary sewer system and service connections from such sources as, but not limited to; roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.
- (35) **Interceptor:** shall mean any sewer which receives flow from a number of sanitary sewers or outlets, except as defined separately within the context of the Ordinance.
- (36) **Interference:** a discharge that alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the flow of sewage in the sewerage system, and/or inhibits or disrupts the sewage treatment plant, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the **Wausau WWTF** and **RMMSD's WPDES** permit or of the prevention of sewage sludge use or disposal in compliance with any and all applicable Federal, State and local regulations.
- (37) **Lateral:** shall mean the extension from the building drain beginning at the immediate outside foundation wall to its connection with the sewage system or other point that conveys sanitary and/or industrial wastewater. See also "**Building Sewer.**"
- (38) **Main:** shall mean the principal pipe or conduit in the **Sewerage System** that collects and conveys sanitary and/or industrial sewage.
- (39) **May:** shall be permissive.
- (40) **Multi-Family Residential User:** shall mean a user taking service for a building that is intended primarily for residential purposes, has three or more dwelling units, and if served by a single water meter Public Service Commission [PSC 185.12\(11m\)](#).
- (41) **Natural Outlet:** shall mean any outlet into a watercourse, pool, ditch, lake, or other body of surface or groundwater.
- (42) **Operation and Maintenance (O&M) Cost:** shall mean all cost associated with the operation and maintenance of the sewerage system, as well as the cost associated with periodic equipment replacement necessary for maintaining capacities and performance of the sewerage system.
- (43) **Ordinance:** shall mean a statute or regulation enacted by a governing authority.

- (44) **Pass Through:** A discharge which exits the sewage treatment plant into the waters of the State of Wisconsin in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of **Wausau WWTF** or **RMMSD's WPDES** permit, including an increase in the magnitude or duration of a violation.
- (45) **Person:** shall mean any individual, firm, company, partnership, municipality, association, private or public, society, corporation, cooperative, institution, enterprise, government agency, group, or other entity.
- (46) **pH:** shall mean the negative logarithm of the hydrogen ion concentration in moles per liter of solution. Determination of pH shall be made in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in Wisconsin Administrative Code [Chapter NR 219](#).
- (47) **Pollutant:** shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- (48) **PPM (Parts Per Million):** shall mean a ratio by weight as the parts per million value (or milligram per liter value) multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
- (49) **Pretreatment:** shall mean reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging such pollutants into the sewerage system.
- (50) **Pretreatment Program:** shall mean a program administered by the Village of Weston, City of **Wausau WWTF** or **RMMSD** that follows the criteria established in Wisconsin Administrative Code [Chapter NR 211](#).
- (51) **Pretreatment Standards:** shall mean all applicable Federal, State and local statutes, laws, ordinances, rules, and regulations which apply to **Industrial Users** or which contain pollutant discharge limits promulgated by the DNR in accordance with Wis. Stats. Chapter [283](#). This term shall include both prohibited discharge standards set forth in or established under Wisconsin Administrative Code [Chapter NR 211](#) and categorical pretreatment standards set forth in Wisconsin Administrative Code [Chapter NR 211](#) and in Wisconsin Administrative Code [Chapters NR 221 through NR 297](#).
- (52) **Properly Shredded Garbage:** shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely with the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.

- (53) **Private Interceptor Main Sewer:** Private Interceptor Main Sewer: shall mean a sewer serving two or more buildings and not part of the municipal sewer system per Wisconsin Administrative Code § [NR 110.03\(26m\)](#).
- (54) **Private Sewage System:** shall mean a system comprised of a septic tank and effluent absorption area designed for the purpose of on-site processing of sewage. This term shall also include holding tanks and other private sewage storage or disposal systems.
- (55) **Public Authority User:** shall mean a user that is a department, agency, or entity of the local, state, or federal government, including a public school, college, or university Public Service Commission § [PSC 185.12\(17m\)](#).
- (56) **Replacement Costs:** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the sewerage system to maintain the capacity and performance for which the sewerage system facilities were designed and constructed.
- (57) **Residential User:** shall mean a user taking service for residential or domestic purposes but does not include a multi-family residential customer Public Service Commission [PSC § 185.12\(20g\)](#).
- (58) **RMMSD:** shall mean the Rib Mountain Metropolitan Sewerage District.
- (59) **Wausau WWTF:** shall mean the Wausau Wastewater Treatment Facility.
- (60) **Sanitary Sewer:** shall mean the sewers which carry sewage, and to which storm, surface, and ground waters are not intentionally admitted.
- (61) **Septage:** shall mean the liquid or solid contents of septic tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, or privies. Septage does not include waste from a grease trap or grease interceptor.
- (62) **Sewage:** shall mean any combination of the liquid and water-carried wastes from residential, multi-family residential, commercial, public authority, and industrial users, together with unintentionally admitted infiltration/inflow; also referred to as “**wastewater**”.
- (63) **Sewage Collection System:** shall mean a system of sanitary sewer mains owned, maintained, operated, and controlled by the Village of Weston, City of Schofield, City of Wausau and **RMMSD**. The facilities which convey wastewater from individual structures, from private property to the street right-of-way, or its equivalent, are specifically excluded from the definition, with the exception of pumping units and pressurized lines for individual structures or groups of structures when such units are owned and maintained by the Village. See **Sewerage System** Section 86.4.102(65) below.
- (64) **Sewage Treatment Plant:** shall mean any arrangement of devices and structures used by The **Wausau WWTF** and/or **RMMSD** for treating sewage from various municipalities, including the Village of Weston.

- (65) **Sewerage System**: shall mean all facilities for collecting, pumping, treating, and disposing of sewage, except plumbing inside and in connection with building served, and service lateral, from building to street right-of-way. *See Sewage Collection System* Section 86.4.102(63) above.
- (66) **Sewer Service Charge**: shall mean a service charge levied on users of the sewerage system and shall include the **User Charge** Section 86.4.102(76) and the **Debt Service Charge** Section 86.4.102(16) as defined in this Ordinance.
- (67) **Shall**: shall mean mandatory. See also “**May**”.
- (68) **Slugs**: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharges of this Ordinance. **Slugs** are any discharges of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the **Wausau WWTF**’s or **RMMSD**’s **WPDES** Permit conditions.
- (69) **Standard Methods**: shall mean Standard Methods for the Examination of Water and Wastewater as published by [American Public Health Association](#), [American Water Works Association](#), and the [Water Environment Federation](#), latest edition.
- (70) **Storm Drain** (sometimes termed Storm Sewer): shall mean a Village sewer which carries storm and surface waters and drainage but excludes domestic and industrial wastewaters, other than unpolluted cooling water.
- (71) **Total Kjeldahl Nitrogen (TKN)**: shall mean the total of organic and ammonia nitrogen present in a wastewater sample. Determination of TKN shall be made in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in the Wisconsin Administrative Code [Chapter NR 219](#).
- (72) **Total Phosphorus**: shall mean total phosphorus in wastewater which may be present in any of three principle forms: orthophosphate, polyphosphate, and organic phosphate. Determination of total phosphorus shall be made in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in the Wisconsin Administrative Code [Chapter NR 219](#).
- (73) **Total Suspended Solids (TSS)**: shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering. Determination of TSS shall be made in accordance with procedures set forth in **Standard Methods**. Acceptable test method(s) shall be as indicated in the Wisconsin Administrative Code [Chapter NR 219](#).
- (74) **Toxic Pollutant**: shall mean those pollutants or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by

ingestion through food chains, will, on the basis of information available to the DNR, cause death, disease, behavioral abnormalities, cancer, genetic mutations, or physiological malfunctions in such organisms or their offspring.

- (75) **User:** shall mean any person, owner, occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., discharging wastewater to the sewerage system and is the party billed for the use of utility service at a given premises Public Service Commission § [PSC 185.12\(6\)](#).
- (76) **User Service Charge:** shall mean a charge levied on users of the Village of Weston sewerage system for the cost of operation and maintenance of the Village of Weston's collection and conveyance system, **Wausau WWTF** sewerage system and **RMMSD** sewerage system as defined in Section 86.4.114 of this Ordinance. The user charge shall be contained within the Sewer Service Charge as created by this Ordinance. The **User** Charge shall also include **Replacement Costs** as defined in Section 86.4.102(57) of this Ordinance, administrative costs associated with operation and maintenance of the sewerage system, and sewer service charge billing costs.
- (77) **User Classes:** shall mean residential, multi-family residential, commercial, industrial and public authority categories of **Users**.
- (78) **Unaltered Water:** shall mean waters which are not changed chemically or physically as a result of use.
- (79) **Village:** shall mean the governing authority of the Village of Weston, or their duly authorized deputies, agents, or representatives.
- (80) **Wastewater:** shall mean any discharge from any residential, multi-family residential, commercial, public authority, or industrial user into the sewerage system. See also **Domestic Wastewater** Section 86.4.102(20) and **Industrial Wastewater** Section 86.4.102(32).
- (81) **Watercourse:** shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (82) **Wisconsin Administrative Code:** shall mean the published rules of executive agencies having rule-making authority for the State of Wisconsin, [latest edition](#).
- (83) **WPDES:** shall mean [Wisconsin Pollutant Discharge Elimination System permit](#) as issued by the Wisconsin Department of Natural Resources.
- (84) **WWTP:** shall mean any wastewater treatment works and the sewers and associated appurtenances discharging thereto that are owned and operated by the **Wausau WWTF** and/or **RMMSD**.

NOTE: Singular or plural: when permitted by the context, use or the singular shall be constructed to include the plural and of the plural to include the singular.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017, Amended Ord. No 18-001, 01/20/2018]

Section 86.4.103 Sewer Service Area.

The service area of the Village of Weston shall include those areas inside the corporate limits of the Village and those areas currently contracting with the Village for service that are located outside of the Village boundaries. A current map of the Village's service area shall be maintained by the Village. The sewer service area referenced in this Ordinance is limited to those areas currently being served by the Village.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.104 Obligations of Contract Communities.

- (1) In the event of a bypass or spill of wastewater from any sanitary sewer owned or operated by a **Contract Community** which results in a sanitary sewer overflow or building backup, the **Contract Community** shall notify the Village and the Department of Natural Resources immediately upon becoming aware of the situation. The notification shall include the location of the bypass/spill, the reason for the bypass/spill, when the situation is expected to be corrected, and an estimate of the volume or rate of the bypass/spill in accordance with Wisconsin Administrative Code § [NR 210.21 \(4\) to \(6\)](#). A corrective action plan and other necessary requirements to eliminate future sanitary sewer overflows at this location shall be developed by the **Contract Community** which complies with Wisconsin Administrative Code § [NR 210.23\(4\)\(f\)](#).
- (2) Contract Communities shall submit applicable parts of the [Compliance Maintenance Annual Report](#) (CMAR) to the Village for review upon request.
- (3) Contract Communities and their **Users** shall follow **Best Management Practices** applicable to their particular discharge which may be developed or cited by the Village for the discharge of any constituents, substances, materials, waters, or waste where the Village determines that following these **BMPs** is necessary to meet the objectives of this Section or the conditions of the **Wausau WWTF WPDES** Permit and/or the **RMMSD WPDES** permit.
- (4) Contract Communities may be required to submit a system evaluation and capacity assurance plan should any of the conditions exist as defined in Wisconsin Administrative Code § [NR 210.24](#).

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.105 Connections to Village Sewage Collection System.

(1) ***Connections Required:***

- (a) Persons owning dwellings or other buildings used for manufacturing or trade within the jurisdiction of the Village, that generate domestic and/or industrial wastewater, shall cause such buildings to be connected to the Village ***Sewage Collection System*** within one year after the ***Sewage Collection System*** is accessible thereto, except as stated in paragraphs (b) and (c) below.
- (b) Persons owning dwellings or other buildings with pre-existing functioning private sewage systems fronted by a sewer main are not required to connect to the Village ***Sewage Collection System*** until 1) said system fails; or 2) upon sale of the property; or 3) 10 years after the property has been fronted by a main extension.. The persons owning and operating the failing private sewage system shall notify the Director of Utilities within 24 hours of system failure and abandon said system in accordance with State, Federal and local regulations and connect to the Village ***Sewage Collection System*** within 30 days of system failure.
- (c) Persons owning dwellings or other buildings not fronted by a main may be required to connect. The Village will determine the availability of sewer service. If it is determined that sewer service is not available, connection to the ***Sewage Collection System*** will not be required to connect and said persons shall install, maintain and operate functioning private sewage systems. However if it is determined that sewer service is available, said persons shall be required to connect to the Sewage Collection System and pay such costs as the Village determines are associated with providing service to said person's property under terms as the Village sets forth.
- (d) Upon determination of non-compliance, the Village shall issue an order requiring such person to connect to the ***Sewage Collection System***. Such an order shall be delivered to the person by registered mail. The person shall report the day of the completion thereof to the Village. In the event that the person does not comply with such order, the Village may bring an action for the violation of this Ordinance or proceed to have such connections made by a licensed plumber, under the direction of the Village, and charge the cost of such work as a special charge against such property.
- (e) The person, or the person's contractor, shall obtain the necessary Village permits prior to commencing work required to make said connection.
- (f) The Village shall maintain sewer mains and service laterals within the street right-of-way within the boundaries of the sanitary sewer service area without expense to the ***Users***, except when they are damaged as a result of negligence, intentional conduct, or an Ordinance violation on the part of the User. All sewer services from the street right-of-way line, to and throughout the ***User's*** premises, must be maintained free of defective conditions, by and at the expense of the ***User***.

(2) ***General Requirements for Sewer Connections:***

- (a) New connections to the *Sewage Collection System* will be allowed only if there is available capacity in all of the downstream *Sewerage System*.
- (b) No unauthorized person shall alter, disturb, or uncover any connections with or opening into any sewerage system facility without first obtaining written permission from the Village.
- (c) Each separate cut or opening in any street, alley, or public thoroughfare shall require payment of a minimum fee as specified by the Village. Fees are to be paid upon application for permit. An excavation permit shall be applied for and received before excavating in any street, alley, or other public way to repair, alter, or make any installation below the surface, or whenever opening surfaces are necessitated to accommodate installations.
- (d) A user's lateral shall be directly connected to utility-owned facilities, and there shall be no other user connections to that lateral prior to the utility-owned sewer main. This does not apply to multi-occupancy premises, such as apartments, condominiums and shopping centers Public Service Commission § [PSC 185.52\(2\)\(b\)](#) In the case of multi-occupancy premises, a private interceptor main sewer may be installed to connect all buildings on a single lot. Each lot must be provided with a separate connection to the utility-owned sewer main.
 - (i) All building sanitary and storm sewer piping extending from the service lateral or other disposal terminal to within three to five feet of the outside foundation walls of any building must consist of schedule 40 PVC pipe or other materials approved by the Director of Utilities with a minimum coverage of four feet and conforming to the standards established in Wisconsin Administrative Code Chapters [SPS 382](#) and [SPS 384](#).
 - (ii) All sanitary and storm drains inside the building and to a point three to five feet of the outside foundation walls of any building must consist of schedule 40 PVC Pipe or other materials approved by the Director of Utilities with adequately sealed joints and conforming to the standards established in Wisconsin Administrative Code Chapters. [SPS 382](#) and [SPS 384](#).
 - (iii) No master plumber or other authorized person shall lay and connect with any sanitary and/or storm sewer pipe that is cracked, damaged, or of an inferior grade or quality, under penalty as is herein provided.
- (e) All Users shall keep their own building sewers, located outside the street right-of-way, and building drains in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of those facilities.
- (f) The Village and its duly authorized representatives shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any building

sewers or building drains; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The Village reserves the right to cut off the sanitary sewer service at any time for the purpose of repairs, or any other necessary purpose, and permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sanitary sewer service, the Village shall, if practicable, give notice to each and every consumer affected.

- (g) No *User* shall allow others or other services to connect to the *Sewage Collection System* through the *User*'s building sewers and building drains.

(3) ***New Building Sewer Connections.***

- (a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the *User*. The *User* shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Once the new building sewer is constructed to the satisfaction of the Village and all associated costs are paid in-full by the *User*, the building sewer within the street right-of-way is contributed to the *Sewage Collection System*.
- (b) Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Village to meet all requirements of this Ordinance.
- (c) The size, slope, alignment, materials for construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Wisconsin Administrative Code Chapter [SPS 382](#). In the absence of code provisions or in amplification thereof, the materials and procedures set forth in [Standard Specification for Sewer & Water Construction in Wisconsin](#), latest edition, shall apply.
- (d) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, wastewater carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to Wisconsin Administrative Code § [SPS 382\(4\)\(b\)2](#). "Pressurized Sewers" and § [SPS 382 \(10\)](#) "Basic Plumbing Principles".
- (e) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer.
- (f) The connection of the building sewer into the sanitary sewer shall conform to the requirements of this Section.

- (g) The person applying for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the Village.
 - (h) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to the public welfare and safety. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
 - (i) Except upon application made with written permission of the Village, ample width of roadway shall be maintained at all times for the continuous safe use and passage of one lane of traffic. Flagpersons shall be provided when the amount of traffic on the street requires it as determined by the Village. The traveled portion of the street shall be kept free from machinery, tools, excavated materials, or other obstruction at all times. All hot mixed bituminous and concrete surfaces shall be machine cut. Balling of concrete and hot mix bituminous is prohibited.
 - (j) No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewage collection system without first receiving a license (Wisconsin Administrative Code § [SPS 305.91](#)) from the State of Wisconsin, and posting an appropriate bond as specified by the Village, except in cases where State Law permits persons owning buildings to do their own work without being licensed.
- (4) ***Connection of New Sewers to Existing Sewerage System.***
- (a) Any person located within the sanitary sewer service area desiring to connect a proposed new sanitary sewer extension to the ***Sewerage System*** shall make a written application to the Village for permission to make such connection or use. The application shall include a statement of the location or locations at which it is desired to connect, and a statement of the character of the wastewater to be transmitted.
 - (b) The Village shall be responsible for review and approval of all proposed sanitary sewer extensions. All costs and expenses incident to the design and bidding including engineering, permits and other fees associated with the connection or hookup to the ***Sewerage System*** shall be borne by the person requesting the extension. Prior to the design of a sanitary sewer extension, the person requesting the extension shall secure and furnish proof of an escrow account for the estimated amount of the design costs, the amount to be determined by the Village. The account shall be so arranged and an escrow agreement executed between the person, the financial institution and the Village to allow the latter to withdraw amounts from the account. The account shall be sufficient to cover payments to all parties under contract with the Village for the design of the sanitary sewer extension. This money will not be refunded if the project does not proceed to construction.

- (c) The person requesting the sanitary sewer extension shall assist in securing all required utility easements, the location and width of which shall be determined by the Village. The Village will furnish blank easement forms to the person who will be responsible for the proper legal description of the easement parcel and for the proper execution of the easement by the grantor. All completed easements shall be submitted to the Village, designated as the grantee for its review, and shall be recorded at the County Register of Deeds office by the Village.
 - (d) The person requesting the sanitary sewer extension shall also execute any other special agreements deemed necessary by the Village.
 - (e) Prior to permitting such connection or use, the Village may investigate, or cause to be investigated, the sanitary sewer extension for which such connection or use is requested. If the Village finds such system to be in a satisfactory condition, it will grant a permit for such connection or use. If the Village finds such system to be defective in operation, construction, design, or maintenance, the Village will so notify the person and will advise the person that upon completion of specified alterations, new construction, or changes in supervision or operation, a permit will be granted. Should the plans or specifications not be approved, one copy will be returned to the applicant who will be informed as to the reason for non-approval.
 - (f) During the construction of any sanitary sewer extension which the Village has approved, the **Approving Authority** for the wastewater treatment plant receiving wastewater from the extension may, from time to time, observe construction of the same to see that said work is being done in accordance with the approved plans and specifications. Failure to make such observations shall not nullify the rights of said Approving Authority to require reconstruction should non-adherence to approved plans and specifications be subsequently discovered. Every person in the construction of laterals or sanitary sewer extensions, within its jurisdiction, shall require that such construction be under the direction of a Wisconsin Registered Professional Engineer or Licensed Master Plumber, as applicable, if plan approval was obtained under their license. The Professional Engineer or Master Plumber shall keep accurate records of the location, depth, and length of the sewers as built, and of the location of the Y-branches or slants.
 - (g) All proposed sanitary sewer connections shall be made at a manhole with the flow lines of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least 24 hours before connection is to be made, notice of such intent must be given to the Village. When the actual connection is made, it must be done in the presence of a construction observer representing the Village.
- (5) **Connection of Grinder Pumps** Wisconsin Administrative Code § SPS 382.30(10)

- (a) Gravity sewer laterals shall be installed whenever feasible. In the event that connection of a building sewer to the main cannot be made using a gravity pipe, a grinder pump and low pressure sewer lateral may be installed.
- (b) Each *User* connecting to the *Sewerage System* shall install a separate grinder pump station. Multiple users may not use a single grinder pump station unless the property on which they are located is owned by a single entity (i.e. Manufactured and Mobile Home Communities).
- (c) The size of the sump, number of pumping units, and installation shall conform to Wisconsin Administrative Code Chapter [SPS 382](#), and § [SPS 382.30 \(10\)](#).
- (d) The size of the low pressure building sewer pipe shall conform to Wisconsin Administrative Code § [SPS 382.30 \(4\) \(b\) 2.](#) Materials shall conform to Wisconsin Administrative Code Chapter [SPS 384](#).
- (e) The grinder pump station shall be located a minimum of 25 feet Wisconsin Administrative Code § [NR 811.12\(5\)\(d\)](#) from any water well.
- (f) The grinder pump station, associated appurtenances, controls and low pressure lateral shall be owned by the property owner. The cost of designing, installing operating and maintaining the grinder pump station and low pressure lateral shall be the responsibility of the property owner. This includes all operation, maintenance and electrical costs.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.106 *Private Sewage Disposal.*

1. ***Sewer Collection Unavailable.*** Where sewage collection is not available, the building sewer shall be connected to a private sewage system complying with the following provisions.
2. ***Permits Required.*** Before commencement of construction of a private sewage system, persons shall first obtain a written permit under Marathon County Code of Ordinances [Chapter 15](#) signed by Marathon County and plans approved by Marathon County in accordance with Wisconsin Administrative Code Chapter [SPS 383](#). The application for such permit shall be made on a form furnished by Marathon County which the person shall supplement by any plans, specifications, and/or other information as is deemed necessary by Marathon County.
3. ***Effective Date and Inspection.*** A permit for a private sewage system shall not become effective until the installation is completed and approved by Marathon County. Marathon County shall be allowed to inspect the work at any stage of construction, and in any event, the person applying for the permit shall notify Marathon County when the work is ready for final inspection and before any underground portions are covered.

4. **Compliance with State Law.** The type, capacity, location, and layout of a private sewage system shall comply with Wisconsin Administrative Code Chapter [SPS 383](#). The person shall operate and maintain the private sewage system in accordance with Wisconsin Administrative Code Chapter [SPS 383](#). No statement contained in this article shall be construed to interfere with, or contradict, any requirements that may be imposed by Wisconsin Administrative Code Chapter [SPS 383](#).
5. **Sewer Connections Available.** At such time as the *Sewage Collection System* becomes available to a property served by a private sewage system, a direct connection shall be made to such sewage collection system in compliance with Section 86.4.105 (1), and any septic tanks, cesspools, and similar private sewage systems shall be abandoned in accordance with Wisconsin Administrative Code Chapter [SPS 383](#).

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.107 Limitations on Discharges to the Sewers Applicable to All Users.

All *Users* shall comply with the requirements of this section.

(1) **General Requirements.**

- (a) No Person shall discharge or cause to be discharged any storm water or clear water drains of any kind, including subsoil and building drain tile drains, into a sewer designed or designated as a sanitary sewer. If storm water or clear water is being discharged into a sanitary sewer, the Village shall give the person offending 15 days' notice to disconnect. Failure to disconnect after such notice shall authorize the Village to disconnect and assess the costs of such disconnection against the property involved. The Village shall have the alternative right at the end of such notice to institute action for violation of this Ordinance.
- (b) Discharges to the public *Sewerage System* of substances, materials, waters or waste shall be limited to concentrations or quantities that will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on receiving waters; will not have an adverse effect on the receiving wastewater treatment plant's biosolids management program; will not endanger persons or property; will not cause adverse environmental effects; and will not constitute a public nuisance.
- (c) No person shall discharge pollutants into the *Sewerage System* which pass through or interfere with the operation or performance of the receiving wastewater treatment plant and thereby cause or significantly contribute to a violation of the receiving wastewater treatment plant's *WPDES* permit and any modification or re-issuance thereof.

- (d) *Users* shall follow Best Management Practices (*BMPs*) developed or cited by the Village for the discharge of any constituents, substances, materials, waters, or waste where the Village determines that following these *BMPs* is necessary to meet the objectives of this Ordinance or the conditions of the receiving wastewater treatment plant's *WPDES* permit.
- (e) The Village reserves the right to refuse or accept any and all industrial wastewaters from an industry or combination of industries as may be necessary to insure proper operation of the *Sewerage System*.

(2) *Prohibited Discharges*.

- (a) *General Prohibitions*. No Person shall introduce or cause to be introduced any substances or wastes which cause, or are capable of causing either alone or in combination with other substances:
 - 1. Obstruction of flow in the collection system or damage to the wastewater facility;
 - 2. Danger to life or safety or welfare of any persons;
 - 3. Prevention of effective maintenance or operation of the wastewater facility;
 - 4. Any product of the receiving wastewater treatment plant's treatment processes or any of the receiving wastewater treatment plant's residues or biosolids to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
 - 5. A Detrimental Effect, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
 - 6. Any sanitary sewer or the receiving wastewater treatment plant's wastewater facilities to be overloaded.
- (b) *Specific Prohibitions*. No person shall introduce or cause to be introduced in to the Sewerage System any of the following:
 - 1. *Explosive Mixtures*. Liquids, solids or gases, which either alone or by interaction with other substances could cause fire or explosion or be injurious in any other way to the *Sewerage System* or *Wastewater Treatment System* or to personnel working on or at these facilities. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. **Toxic Substances.** Any substances containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage **Treatment Plant**.
3. **Corrosive Wastes.** Any substance having a pH lower than 5.5 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel operating the sewage system. This includes but is not limited to acids, sulfides, and concentrated chloride and fluoride compounds and substances.
4. **Noxious Material.** Pollutants which result in the presence of gases, vapors, or fumes within the **Sewerage System** in a quantity which may cause acute worker health or safety problems when present for maintenance or repair.
5. **Solid or Viscous Waste.** Solids or viscous substances which will cause or contribute to obstruction to the flow in the sewers or have a detrimental effect on the operation of the treatment plant. Such substances include, but are not limited to ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, disposable dishes, cups, milk containers, and similar materials, either whole or ground by garbage grinders.
6. **Pesticides/Fertilizers.** Wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides, or fertilizers.
7. **Heated Wastewater.** Heat in amounts which will inhibit or contribute to the inhibition of biological activity in the **Treatment Plant** resulting in Interference or causing damage to the **Treatment Plant** but in no case heat in such quantities that the temperature exceeds 40°C (104°F) at the influent to the receiving wastewater treatment plant unless the DNR at the request of the receiving wastewater treatment plant operating authority, has approved alternate temperature limits.
8. **Radioactive Waste.** Radioactive wastes which, alone or with other wastes, result in releases which violate rules or regulations of any applicable state or federal agency.
9. **Non-Polar Oils.** Wastewater containing more than 50 milligrams per liter of non-polar petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin as measured by the silica gel treated hexane extractable material ([SGT-HEM](#)) [analytical method](#).
10. **Polar Oils and Greases.** Wastewater containing more than 300 mg/l of polar oil or grease of animal or vegetable origin as determined by subtraction of non-

polar ([SGT-HEM](#)) analytical results from hexane extractable material ([HEM](#)) analytical results.

11. **PCBs.** Wastewater containing polychlorinated biphenyls.
 12. **Improperly Shredded Garbage.** Garbage that has not been ground up to a degree that all particles will be suspended freely under normal flow conditions in public sewers with no particle greater than one-half (1/2) inch in any dimension.
 13. **Unpolluted Water.** Any unpolluted water including but not limited to clear water from cooling systems or storm water, including roof, surface, and/or subsurface drainage.
 14. **Discolored Material.** Any substance or liquid with objectionable color that cannot be removed by the **Treatment System**, including but not limited to dye wastes and vegetable tanning solution.
 15. **Excessive Discharge Rate.** Wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
 16. **Pollutants which create or contribute to a fire or explosion hazard** in the sewerage system and the receiving wastewater treatment plant, including but not limited to waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods in Wisconsin Administrative Code § [NR 661.21](#).
 17. **Any trucked or hauled pollutants.**
- (c) **Discharges Subject to Permission of the Village and the receiving wastewater treatment facility.** No person shall discharge or cause to be discharged any of the following described substances, without the specific written permission of the Village and the receiving wastewater treatment facility. Such permission is subject to termination at any time upon written notice. In forming its opinion as to the acceptability of these wastes, the Village and the receiving wastewater treatment facility will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials or construction of the sanitary sewers, nature of the sewage treatment process, capacity of receiving **Treatment Plant**, and other pertinent factors. The substances prohibited are:
1. Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

2. Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F.
 3. Wastewater from an industrial user containing floatable excess fats, oils, or grease.
 4. Any garbage that has not been properly shredded or solid material having any dimension greater than one-half inch.
 5. Substances containing any toxic pollutant including, but not limited to, those toxic pollutants listed in Wisconsin Administrative Code Chapter [NR 215](#).
 6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.
 7. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as but not limited to, fullers earth, clay, lime slurries, and lime residues) or of dissolved solids detrimental to the treatment process.
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
 - c. Unusual **BOD₅**, chemical oxygen demand or disinfection requirements in such quantities in excess of that found in domestic wastewater.
 - d. Unusual volume of flow or concentration of wastes constituting "*slugs*" as defined in Section 86.4.102(68).
 - e. Substances which are not treatable by the sewage treatment processes employed, or are untreatable to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
 - f. Any substance containing odor-producing compounds, in excess of that associated with domestic wastewater, and exceeding limits which may be established by the Village.
- (3) ***Separators and Interceptors.*** Grease and oil separators and sand interceptors shall be provided when, in the opinion of the Village they are necessary for the proper handling of liquids containing grease in excessive amounts, or any flammable fluid, sand, or other harmful ingredients; except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of the type and capacity approved by the DNR and/or Wisconsin Administrative Code Chapter § [SPS](#)

[382.34](#), and shall be located as to be readily and easily accessible for cleaning and inspection. The introduction of grease or fat emulsifiers into a grease separator is prohibited.

- (4) ***New Construction.*** An exterior grease interceptor shall be installed in the plumbing system for newly constructed buildings to receive the entire waste discharge from kitchens or food processing areas. All exterior interceptors shall be designed and constructed in accordance with Wisconsin Administrative Code Chapter§ [SPS 382.34\(5\)\(c\)](#), so as to constitute an individual structure.
- (5) ***Obligation to Report Discharges.*** In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a ***Slug Discharge*** or ***Slug Load***, that might cause potential problems for the sewerage system and/or ***Treatment Plant***, the ***User*** shall immediately notify the Village by telephone and email of the incident. The Village will relay information regarding the discharge to the receiving wastewater treatment plant operating authority. This notification from the ***User*** shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the ***User***. Within fifteen (15) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Village. The Village will forward this correspondence to the receiving wastewater treatment plant operating authority. A notice shall be permanently posted on the ***User***'s bulletin board or other prominent place advising employees who to call in the event of a discharge described above. ***Users*** shall ensure that all of its employees who could cause such a discharge to occur are advised of the emergency notification procedure. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Ordinance. Where the Village deems necessary, ***Industrial Users*** shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this Ordinance.
- (6) ***Dilution Prohibited.*** No ***User*** shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable ***Pretreatment Standard*** or Requirement. The Village may impose mass limitations on ***Users*** who are using dilution to meet applicable ***Pretreatment Standards*** or Requirements, or in other cases when the imposition of mass limitations is appropriate.
- (7) ***Response by the Village.*** If any wastewater is discharged, or proposed to be discharged to the ***Sewerage System*** which contains the substances or possesses the characteristics enumerated in this Section and which in the judgment of the Village may have a deleterious effect upon the ***Sewerage System***, receiving wastewater treatment plant, receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may in writing:
 - (a) Reject the wastes;

- (b) Require pretreatment to an acceptable condition prior to discharge to the *Sewerage System*;
- (c) Require control over quantities and rate of discharge;
- (d) Require flow equalization of rate of discharge, and/or
- (e) Require payment to cover the added cost of handling and treating the waste not covered by sewer charges under the provisions of Section 86.4.114.

The cost for the Village, *Wausau WWTF* and/or *RMMSD* to evaluate the potential effects of a proposed wastewater discharge on the *Sewerage System*, in which one or more of the substances or characteristics enumerated in this Section have a reasonable probability of being present in the proposed discharge, shall be born entirety by the proposed discharger. If the Village, *Wausau WWTF* or *RMMSD* permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the DNR for review and approval. Where pre-treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the User at the *User's* expense.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.108 Additional Prohibitions and Requirements for Industrial Users.

- (1) *Discharge Prohibitions.* All *Industrial Users* shall be subject to the following prohibitions:
 - (a) Wastewater which contains in excess of the specified concentrations of any of the following constituents in a twenty-four (24) hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of an Industrial User is prohibited.

Milligrams. /Liter	Constituent	Milligrams. /Liter	Constituent
0.40	Arsenic	40.00	Manganese
0.20	Boron	0.40	Mercury
0.69	Cadmium	3.98	Nickle
2.77	total Chromium	0.43	Silver
3.38	total Copper	500.00	Sulfate
1.20	total Cyanide	2.61	Zinc
0.69	Lead		

For the purposes of this subsection, samples shall be collected over the period of discharge if the discharge is less than twenty-four (24) hours in duration and in accordance with the requirements of this Ordinance and applicable State and Federal law.

- (b) Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in this Section, any applicable Pretreatment Standards, or any other Section of this Ordinance or a local, state, or federal law, is prohibited.
- (2) ***Monitoring Facilities.***
- (a) The Village may require an ***Industrial User*** to construct a sampling manhole or other monitoring facility to facilitate collection of a Representative Sample of wastewater being discharged to the ***Sewerage System***. Construction of such facility must be completed within ninety (90) days after the ***User*** has been notified of the requirement, unless the Village grants an extension of time. In the event that the ***Industrial User*** fails to construct such a facility, the Village may do so and shall assess the cost to the ***Industrial User***.
 - (b) All monitoring facilities shall be constructed at the ***User***'s expense, in accordance with the plans approved by the Village. The monitoring facility shall contain the necessary flow monitoring and sampling equipment to facilitate the observation, sampling, and measurement of wastes; and shall be maintained by the ***User*** so as to be safe and accessible at all times.
- (3) ***Industrial Request to Discharge Form.*** All new ***Industrial Users*** and all other ***Industrial Users*** shall upon request of the Village or the receiving wastewater treatment facility submit to the Village an [Industrial Request to Discharge Form](#) as established from time to time by the Village's Director of Utilities that provides information on volume and constituents of the ***Wastewater***.
- (4) ***Change in Operations.*** All ***Industrial Users*** shall notify the Village in advance of any change in industrial operations that may have an effect upon the waste and wastewaters generated or of any substantial change in the volume or character of pollutants in their discharge.
- (5) ***Standard Methods.*** All measurements, tests, and analysis of the characteristics of fluids and solids to which reference is made in this Ordinance shall be determined in accordance with the latest edition of ***Standard Methods***. Acceptable methods for wastewater analysis shall be in accordance with Wisconsin Administrative Code Chapter [NR 219](#).

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.109 Special Requirements for Dental Clinics.

- (1) ***Intent.*** This section applies to discharges from dental clinics where amalgam is placed or removed. This section does not apply to the specialties orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics or to other clinics that do not place or remove amalgam, or which are identified by the Village as de-minimus contributors. For the purpose of this section, a dental clinic is **defined** as a non-mobile facility dedicated to

the examination and treatment of patients by healthcare professionals specializing in the care of teeth, gums, and oral tissues.

- (2) **Implementation of BMPs.** Dental clinics that place or remove amalgam shall implement Best Management Practices for amalgam as established by the Wisconsin Dental Association.
- (3) **Amalgam Separators.** Dental clinics shall install, operate and maintain an amalgam separator meeting the criteria of the [International Standards Organization \(ISO 11143\)](#) for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- (4) **Reporting.** Dental clinics will annually submit reporting information to the Village using forms provided by the Village. Reporting information shall include:
 - (a) The date the amalgam separator was installed.
 - (b) The manufacturer name and model number for the separator.
 - (c) Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer.
 - (d) Certification that **Best Management Practices** for amalgam as established by the [Wisconsin Dental Association](#) are being implemented.
 - (e) Any other information deemed relevant by the Village.
- (5) **Records.** Dental clinics shall obtain recycling records for each shipment showing the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these records for a minimum of three (3) years. Dental clinics shall make these records available to the Village for inspection and copying upon request.
- (6) **Inspection.** Dental clinics shall allow the Village to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the Village to determine compliance with this Section. Inspections shall occur during the normal operating hours of the dental clinic.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.110 Wastewater Discharge Permits.

- (1) **Permits Required.** The Village or the receiving wastewater treatment facility may require a permit under this Section for **Commercial** or **Industrial Users** that discharge or have the

potential to discharge wastewater containing toxic pollutants to the *Sewerage System* or whose discharges have the potential individually or cumulatively to adversely affect the *Sewerage System* or to impact the ability of the receiving wastewater treatment plant to meet its *WPDES* Permit requirements. Such wastes and wastewaters include but are not limited to:

- (a) Chloride.
- (b) Stormwater, groundwater, rain water, street drainage, roof runoff, and subsurface drainage.
- (c) Unpolluted water, including but not limited to, cooling water, process water or blow down from cooling towers or evaporative coolers, or swimming pool waters.
- (d) Temperature or thermal loads.
- (e) Pharmaceuticals.
- (f) Mercury or other toxic chemicals.

(2) ***Permit Process.***

- (a) The Village shall notify a *User* if the Village and the receiving wastewater treatment facility determines that a permit is necessary.
- (b) The receiving wastewater treatment facility shall specify the information required to be submitted to process the permit application and any applicable fees. The *User* shall provide such information to both the Village and the receiving wastewater treatment facility within sixty (60) days of the information request.
- (c) Proposed new users shall submit a permit application at least 90 days prior to connecting to and discharging to the *Sewerage System*.

(3) ***Permit Content.*** Permits under this Section may require the following provisions:

- (a) A written application containing the name, address, and telephone number of the *User*, and the identity of an authorized representative to act on its behalf.
- (b) The imposition of average and/or maximum limits of various wastewater constituents which may be discharged by such *User*.
- (c) The requirement to use ***Best Management Practices***, source reduction or treatment as appropriate.
- (d) The description of any sampling, monitoring or reporting requirements.

- (e) A compliance schedule for construction of pretreatment facilities, if required.
- (f) A statement concerning the Village's and the receiving wastewater treatment facility right to inspect the industry's facilities.
- (g) Other terms and conditions deemed necessary by the Village and the receiving wastewater treatment facility to effectively regulate the discharge of concern.
- (h) A time limit for the permit not to exceed five (5) years.

(4) ***Permit Implementation.***

- (a) Any permit issued under this Section shall be effective for a period not to exceed five (5) years. Any *User* holding a permit shall apply for a permit reissuance or renewal at least one hundred eighty (180) days prior to the expiration date of the *User's* existing permit.
- (b) Upon issuance of such permit, the *User* shall faithfully comply with all provisions of the permit and as contained in this Ordinance, and as amended from time to time.
- (c) Any existing *User* shall notify the Village and the receiving wastewater treatment facility in writing of the following changes at least ninety (90) days prior to initiating such a change:
 1. Any proposed discharge of pollutants previously not being discharged by the *User*;
 2. Any proposed increase in existing discharges of pollutants, where the increase is greater than twenty-five percent (25%) of existing pollutant levels.
- (d) The Village or the receiving wastewater treatment facility reserves the right to amend from time to time any such permit so issued by adding or deleting therefrom such provisions, requirements, and conditions as it deems appropriate. The Village shall notify the *User* of any changes in the permit at least thirty (30) days prior to the effective date of such change. Any change or new condition in the permit shall allow for a reasonable period of time for compliance by the *User*.
- (e) Any permit issued under this Section shall be revocable by the Village or the receiving wastewater treatment facility summarily for violation of its terms or conditions. In addition, any violation of the conditions of any such discharge permit or this Ordinance shall be subject to the enforcement provisions of Section 86.4.116.
- (f) Permits issued under this Section are personal as to the *User*/holder and may not be subsequently assigned or transferred by operation of law or otherwise, to any successor or assignee, without the prior written approval of the Village and the receiving wastewater treatment facility.

- (g) The Village or the receiving wastewater treatment facility may in its discretion impose mass limitations on *Users* or grant a request for a mass limitation by the *User* in accordance with Wisconsin Administrative Code § [NR 211.11\(3\)](#) where the Village or the receiving wastewater treatment facility determines that imposition of mass limitations is appropriate.
 - (h) The Village or the receiving wastewater treatment facility may convert mass limitations of categorical pretreatment standards in Wisconsin Administrative Code Chapters [NR 233](#), [NR 235](#) and [NR 279](#) into equivalent concentrations limits in accordance with Wisconsin Administrative Code § [NR 211.11\(3\)](#) where the Village or the receiving wastewater treatment facility determines that imposition of concentration limitations is appropriate.
 - (i) The Village or the receiving wastewater treatment facility in its discretion may impose concentration limitations on *Users* or grant a request for concentration limitations by the *User* in accordance with Wisconsin Administrative Code § [NR 211.11\(3\)](#) where the Village or the receiving wastewater treatment facility determines the imposition of concentration limitations is appropriate. Dilution to meet a concentration limitation is prohibited.
 - (j) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, the Village or the receiving wastewater treatment facility may convert concentration limits to mass limits in accordance with Wisconsin Administrative Code § [NR 211.11\(3\)](#).
- (5) ***Expired Permit.*** An expired permit will continue to be effective and enforceable until reissued.
- (6) ***General Permit.*** The Village or the receiving wastewater treatment facility may utilize a General Permit to address a category of dischargers with similar discharge characteristics. General Permits may include limitations on concentration and mass of pollutants, may specify ***Best Management Practices*** and include other conditions necessary to ensure compliance with applicable limits.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.111 Limitations on Discharges of Hauled Wastes.

- (1) Discharges Prohibited. No *Person* shall discharge ***Hauled Waste***, including ***Septage*** or ***Holding Tank Wastes*** into the ***Sewage Collection System***.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.112 Determination of Sewer Service Charges in General.

- (1) **Purpose.** The purpose of this section is to establish the basis for reasonable charges for the cost of collecting and treating domestic wastewater and industrial wastewater. All revenues raised by the sewer service charges shall be utilized for payment of the cost of treatment, sewerage system maintenance, facility upgrades and replacements, and debt service. Any revenue not spent in any budget year shall be placed in a non-lapsing account and carried forward to pay the next year's expenses and to defer the need for rate increases.
- (2) **Applicability.** A sewer service charge is imposed upon each lot, parcel of land, building or premises fronted by a public sewer and/or served by wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage and wastewater facilities. A sewer service charge will not be imposed upon undevelopable land, as determined by the Village, which is fronted by a public sewer main.
- (3) **Annual Review.** Sewer service charges shall be reviewed periodically to determine their adequacy to offset the cost of treatment, sewerage system maintenance, facility upgrades and replacements, and debt service charge costs. Accordingly, the Village reserves the right to adjust the sewer service use charges periodically to assure their continued adequacy.
- (4) **Determination of Charges.**
 - (a) **Sewer service charges** to all *Users* will be based on a metered water volume from the Village water meter when Village water is the only source of wastewater discharged from the *User's* premises into the **Sewerage System**. In addition, there will be a surcharge for wastewater discharged with concentrations of **BOD₅**, **TSS**, **TKN**, and/or total phosphorus in excess of the concentrations defined in Section 86.4.102 for domestic wastewater.
 - (b) When a *User* discharging wastewater into the **Sewerage System** is a *User* of water not supplied by the Village, the amount of water used shall be measured by a meter acceptable to the Village or determined by the Village in such manner and by such method as it may find practicable under the conditions and attendant circumstances of the case, in order to determine the sewer service charge. Such determination may be appealed to the Village. As an alternative, the Village may establish a flat rate for sewer service, or authorize the installation, at the user's expense, of a control manhole with metering facilities.
 - (c) When a *User* utilizes metered water in an industrial process or for other purposes which prevents the discharge of all water purchased into the Village **Sewerage System**, the *User* may be eligible for a proportionate sewer service charge reduction. It shall be the responsibility of the *User* to install adequate metering facilities to properly identify all water not discharged into the **Sewerage System**. The Village reserves the right to inspect all installations of this nature and may require the user to monitor the wastewater discharge volume to verify actual discharge rates.
 - (d) Sampling of industrial wastewaters may be made on a regular basis or as needed to verify sewer service charges.

- (e) Each new **Industrial User** shall file with the Village an initial written statement for each separate connection to the **Sewerage System** giving the daily volume, surge rate, peak rate, pounds of **TSS**, pounds of **BOD₅**, pounds of total phosphorus, and pounds of **TKN** of the wastewater. Initial sewer service charges shall be developed on the basis of this statement. Changes in operations or use shall be reported by the **Industrial User** and it shall be the **Industrial User**'s sole responsibility to have such changes made to the original statement to remain in compliance with this Ordinance.
- (f) The Village may sample and test, at any time, any industrial wastewater discharge to verify the accuracy of any statement filed by an **Industrial User**. If the results of the wastewater tests indicate wastewater with measured parameters less than, or equal to, the values listed in the **Industrial User**'s statement, then the cost of the testing shall be at the Village's expense. If the results of the wastewater tests indicate wastewater with measured parameters more than 5% greater than the values listed in the **Industrial User**'s statement, then the cost of the testing shall be at the **Industrial User**'s expense.

(5) **Billing Frequency.** The **Sewerage Utility** will invoice **Users** quarterly.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.113 Sewer Service Charges and Rates.

- (1) **Purpose.** The purpose of this Section is to establish the method of setting sewer service charges and rates for **Users** of the **Sewerage System**. Rates shall be set by the Village Board. The new rate shall become effective on the date set forth in the ordinance establishing the rate change.
- (2) **Wastewater Strength Categories.** There are two categories defining wastewater strength: **Category 'A'** and **Category 'B'**.
 - (a) **Category 'A'** is defined as domestic strength wastewater, as defined in Section 86.4.102 of this Ordinance. **Users** discharging Category 'A' strength wastewater shall pay the **Total Sewer Service Charge** as defined in Section 86.4.113 (3).
 - (b) **Category 'B'** is defined as wastewater exhibiting **BOD₅**, **TSS**, **Total Phosphorus**, and/or **TKN** concentrations in excess of those values defined for domestic wastewater, as defined in Section 86.4.102 of this Ordinance. **Users** discharging Category 'A' strength wastewater shall pay the basic sewer service charge as defined in Section 86.4.113 (3) and surcharges as defined in Section 86.4.113(4).
- (3) **Total Service Charge.**
 - (a) The sewer service charge for all **Users** shall include a minimum fixed meter/unit charge plus a volumetric charge. The volumetric charge will be determined by multiplying the metered water volume by the base volume rate.

- (b) The minimum fixed meter/unit charge (UC) shall be determined by either the equivalent water meter table ([Table 1](#)) or the number of units (customers) served by the meter, whichever is greater. When the number of units served by a meter is greater than the number of equivalent units for that meter size as listed in [Table 1](#), the meter/unit charge shall be based upon the number of units served by that meter. The charge would then be determined by multiplying the number of units by the meter/unit charge for a five-eighths-inch and three-fourths-inch water meter.
- (c) The meter/unit charge for commercial customers not serving living quarters shall be determined by the equivalent water meter table ([Table 1](#)) or the Calculated Equivalent Unit (EUC), whichever is greater. EUC is determined by dividing the daily average water use by one residential housing unit (175 gallons per day per unit). When EUC is greater than the number of equivalent units for that meter size listed in [Table 1](#), the charge would then be determined by multiplying EUC by the meter/unit charge for a five-eighths-inch and three-fourths-inch water meter.
- (d) The meter/unit charge based on size of water meter is listed in the Village of Weston's Fee Schedule for Municipal Utilities. The meter/unit charges for each meter size listed in [Table 1](#) shall be set by the Village Board. Said charges shall be reviewed periodically and adjusted as necessary by the Board.

TABLE 1 – EQUIVALENT METER TABLE	
Meter Size (Inches)	Equivalent Units
5/8 and 3/4	1.0
1	2.5
1 1/4 and 1 1/2	5
2	8
3	15
4	25
6	50

- (e) The sewer service charge shall be determined as follows:

$$SC = UC + CV \times V$$

Where:

- SC** = Total Sewer Service Charge
- UC** = Meter/Unit Charge
- CV** = Volume Unit Price (\$/1000 gallons)
- V** = Total volume of water used during a billing period in 1,000 gallons

- (f) For any User required under this Ordinance to install wastewater flow measuring facilities, the total volume of water used during a billing period (V) used for the purposes of calculating the volumetric sewer service charge (CV x V) shall be based on readings from the installed wastewater flow meter.

(g) Minimum monthly sewer service charges shall be based on ensuring collection of sufficient funds for repayment of sewerage system debt retirement and other fixed costs. The minimum monthly sewer service charge shall be calculated based on the debt retirement payment for the year divided by the number of Equivalent Meters as defined in this Ordinance. At the discretion of the Village, the minimum charge for multi-family residential, commercial, Public Authority, and industrial users may be determined based on annual metered flow for the said user divided by the Equivalent Meter value.

(4) ***Surcharges***

- (a) In addition to the ***Total Sewer Service Charge*** as determined in Section 86.4.113 (3), all ***Users*** discharging ***Category ‘B’*** wastewater shall pay a surcharge for ***BOD₅***, ***TSS***, ***TKN***, and/or total phosphorus concentrations in excess of those values defined for domestic wastewater. The ***Surcharge*** shall be determined by the formula in paragraph (d) below.
- (b) The surcharge rates for ***BOD₅***, ***TSS***, ***TKN***, and total phosphorus shall be determined by the receiving wastewater treatment facility. Using said surcharge rates, the average surcharge per billing period for ***BOD₅***, ***TSS***, ***TKN***, and total phosphorus shall be determined.
- (c) At a minimum, Users discharging ***Category ‘B’*** wastewater shall sample their wastewater monthly to determine ***BOD₅***, ***TSS***, ***TKN***, and total phosphorus concentrations for the purpose of determining a surcharge.
- (d) Surcharges shall be determined in accordance with the following formula:

$$\begin{aligned}
 C_T = & [(B-250)*V_w*C_B*8.34/1000] \\
 & + [(S-250)*V_w*C_S*8.34/1000] \\
 & + [(P-8.0)*V_w*C_P*8.34/1000] \\
 & + [(N-40)*V_w*C_N*8.34/1000]
 \end{aligned}$$

Where:

- C_T = Total Sewer Surcharge
- V_w = Wastewater volume in million gallons
- B = Concentration of ***BOD₅*** in milligrams per liter (mg/l)
- S = Concentration of ***TSS*** in milligrams per liter (mg/l)
- P = Concentration of total phosphorus, as P, in milligrams per liter (mg/l)
- N = Concentration of ***TKN***, as N, in milligrams per liter (mg/l)
- C_B = Surcharge rate per 1000 pounds of ***BOD₅***
- C_S = Surcharge rate per 1000 pounds of ***TSS***
- C_P = Surcharge rate per 1000 pounds of total phosphorus
- C_N = Surcharge rate per 1000 pounds of ***TKN***

Surcharge rates for ***BOD₅***, ***TSS***, ***TKN***, and total phosphorus surcharge determination shall be as indicated in Section 86.4.113(4)(b).

- (5) ***Users outside the Village limits.*** In addition to the ***Total Service Charge*** and ***Surcharges*** set forth in paragraphs (3) and (4) above, a surcharge shall be levied on all ***Users*** located outside Village limits. Said surcharge shall be determined by the Village Board and adjusted from time to time as determined by the board. Service shall not be given to any ***Users*** outside of the Village boundaries without specific approval of the Village Board.
- (6) ***Intergovernmental Sewer Use Agreements.*** This Section does not preclude the Village from billing for the conveyance of wastewater as specified in intergovernmental sewer use agreements.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.114. Billing and Collections.

- (1) ***Billing and Payment.*** Sewer service charges shall be billed on a quarterly basis, unless circumstances require a delayed billing. Such charges shall be payable to the Village on or before the fifteenth (15) day of the month after the month of such billing, unless the Village has extended the time for payment.
- (2) ***Delinquent Payments.***
 - (a) Any person failing to pay the sewer charge within 20 days of the billing date will be subject to a late payment charge of three (3) percent of the most recent past due charges.
 - (b) Any person failing to pay the sewer service charge one month after due date shall pay an interest charge of 1% per month on the unpaid balance. Interest, at 1% per month, will be collected in one month increments beginning one month after the due date.
 - (c) All charges established by this Ordinance shall be a lien against the property served pursuant to Wis. Stat. §§ [66.0809\(1\) to \(4\)](#), [66.0813](#), and [66.0821](#).

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017]

Section 86.4.115. Enforcement, Abatement, and Penalties.

- (1) ***Violations Prohibited.***
 - (a) No ***User*** shall violate any provision of this Ordinance, a wastewater discharge permit, an order issued under this Ordinance, or any pretreatment standard or requirement. Any person violating any provision of this Ordinance, a wastewater discharge permit, an order issued under this Ordinance, or any pretreatment standard or requirement shall be subject to the enforcement and penalty provisions of this Ordinance.

- (b) No person shall knowingly make any false statement, representation, record, report, plan or other document filed with the Village or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance.
 - (c) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the ***Sewerage System***. Any person violating this provision will be subject to the penalty provisions of this Section and enforcement of any other applicable local, State, or Federal law.
- (2) ***Notice of Noncompliance***. When the Village finds that a ***User*** has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, an order issued herein, or any pretreatment standard or requirement, the Village or its designee may serve upon the ***User*** a written notice of noncompliance.
- (a) Any notice of noncompliance issued by the Village shall:
 - 1. Be in writing, personally served or delivered by certified mail, return receipt requested;
 - 2. State the nature of the violation, the approximate date and time of the violation, and the consequences of further violation; and
 - 3. Describe the administrative procedures that are available to review the Village's determination.
 - (b) As appropriate to the circumstances, a notice of noncompliance may require the ***User*** to take the following actions, within thirty (30) days of issuance of the notice of noncompliance:
 - 1. Identify in a written document to the Village the nature and cause of the violation and provide a description and plan of the remedy action and compliance schedule;
 - 2. Undertake any additional sampling, information, and corrective action required by the Village.
 - 3. Attend a meeting with the Village.
 - (c) Nothing in this subsection shall limit the authority of the Village to take any action, including emergency actions or other enforcement actions, without first issuing a notice of noncompliance.

- (d) Submission of the requirements under this subsection in no way relieves the *User* of liability for any violations occurring before or after receipt of the notice of noncompliance.
- (3) **Notice of Violation.** When the Village or its authorized designee finds that a *User* has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, an order issued herein, or any pretreatment standard or requirement, and has failed to provide an acceptable plan for corrective action as required in Subsection (2), the Village or its designee may serve upon that *User* a written notice of violation.
- (a) Any notice of noncompliance issued by the Village shall:
 - 1. Be in writing, personally served or delivered by certified mail, return receipt requested;
 - 2. State the nature of the violation, the approximate date and time of the violation, and the consequences of further violation; and
 - 3. Describe the administrative procedures that are available to review the Village's determination.
 - (b) As appropriate to the circumstances, a notice of noncompliance may require the *User* to take the following actions, within thirty (30) days of issuance of the notice of noncompliance:
 - 1. Identify in a written document to the Village the nature and cause of the violation and provide a description and plan of the remedy action and compliance schedule;
 - 2. Undertake any additional sampling, information, and corrective action required by the Village.
 - 3. Attend a meeting with the Village.
 - (c) Nothing in this subsection shall limit the authority of the Village to take any action, including emergency actions or other enforcement actions, without first issuing a notice of violation.
 - (d) Submission of the requirements under this subsection in no way relieves the *User* of liability for any violations occurring before or after receipt of the notice of violation.
- (4) **Orders.** If the Village has determined that a *User* has violated or is violating any provision of this Ordinance, a wastewater discharge permit, an order issued herein, or any pretreatment standard or requirement, the Village may order the *User* to take certain action by a certain date to remedy or otherwise address the violation. The Village need not

proceed with notices under subsection (2) or (3) prior to issuing an order under this section. Orders shall:

- (a) Be in writing and personally served or delivered by certified mail, return receipt requested;
 - (b) State the reasons and actions required by the User to comply with the order;
 - (c) Describe the administrative procedures that are available to review the order.
- (5) **Orders to Show Cause.** When the Village finds that a *User* has violated or continues to violate any order or enforcement action issued herein, the Village may order the *User* to appear before the Director of Utilities to show cause why the proposed enforcement action should not be taken.
- (a) Any order to show cause shall:
 - 1. Be in writing, personally served or delivered by certified mail, return receipt requested;
 - 2. State the proposed enforcement action, the reasons for the proposed enforcement action, the time and place for the hearing, and a request that the *User* show cause why the enforcement action should not be taken.
 - 3. Describe the administrative procedures that are available to review the Village's determination.
 - (b) **Hearing Process.**
 - 1. The Village will serve notice of the hearing on the *User* no less than 10 (ten) days before the hearing date.
 - 2. Service of the hearing notice may be made on any agent, officer, or authorized representative of the appellant *User*.
 - 3. The hearing to show cause shall be before the Director of Utilities or a hearing examiner as designated by the Director of Utilities.
 - 4. The Director of Utilities or designated hearing examiner shall take evidence on the reasons why the enforcement action should not be taken.
 - 5. The *User* shall have the burden of proof as to why the enforcement action should not be taken.
 - 6. Any testimony taken must be under oath. A transcript will be made available to any member of the public or any party to the hearing upon request and payment

of the usual chargers thereof. Such request must be made within ninety (90) days of the hearing.

(c) ***Appeals.***

1. A person aggrieved by a decision of the Director of Utilities or designated hearing examiner in an order-to-show-cause proceeding may seek review of the decision before the Public Works and Utility Committee.
2. Review shall be limited to the record before the Director of Utilities or hearing examiner at the order to show cause hearing.

(d) The provisions regarding judicial review in Section 86.4.117(5) of this Ordinance shall be applicable to final determinations arising out of proceedings under this Subsection (5).

(6) ***Emergency Actions Regarding Industrial Dischargers.*** The Village may suspend wastewater treatment service to an ***Industrial User*** whenever it appears to the Village that an actual or threatened industrial discharge presents or threatens an imminent or substantial danger to the health or welfare of persons; a substantial danger to the environment; an interference with the operation of the sewerage system; or violates any pretreatment limits imposed by State or Federal law or this Ordinance.

(a) The Village shall notify such Industrial ***User*** in the event of a determination to suspend wastewater treatment service hereunder.

(b) Such ***User*** shall cease all such discharges immediately.

(c) The Village may reinstate the wastewater treatment service pending proof by the ***User*** and judged sufficient by the Village that the conditions creating threat of imminent or substantial danger have been eliminated.

(7) ***Judicial Proceedings.*** Following entry of any order by the Village with respect to the conduct of a ***User*** contrary to the provisions of this Ordinance, the Village may commence an action for appropriate legal and/or equitable relief in the appropriate local court. The Village may take further action pursuant to this Section or Section 86.4.117 or as otherwise allowed by law.

(8) ***Penalties for Violations.***

(a) Any person who fails to comply with the provisions of this Ordinance or any order of the Village shall forfeit an amount not less than \$100.00 nor more than \$1,000.00 per day for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- (b) Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage incurred by the Village by reason of such violation. The Village shall be held harmless as a result of any expense, loss or damage incurred as a result of a violation to this Ordinance.
- (c) Any person found to be responsible for allowing discharge of a deleterious substance into the sewerage system which causes damage to the sewerage system and/or receiving body of water shall, in addition to a forfeiture, pay the amount to cover damage, both values to be established by the Village.
- (d) The forgoing penalties are cumulative and not exclusive. Imposition of any penalty pursuant to this Section does not protect a violator from enforcement by any other unit of government.

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017, Amended Ord. No 18-001, 1/20/2018]

Section 86.4.116 Appeals.

- (1) **Notice of Appeal.** Any *User* directly aggrieved by any decision of the Village other than a decision arising out of a hearing to show cause under Section 86.4.116(5) may file a notice of appeal with the Public Works and Utility Committee.
 - (a) The notice shall state the grounds upon which the aggrieved *User* contends the decision should be modified or reversed.
 - (b) The notice shall be received by the Public Works and Utility Committee within thirty (30) days of the decision of the Village.
 - (c) The filing of the notice of appeal shall stay enforcement of the decision pending resolution of the appeal.
 - (d) A fee of \$100 shall accompany any appeal. This fee may be refunded if the appeal is sustained in favor of the appellant.
- (2) **Notice of Hearing.** Upon receipt of a notice of appeal, the Village will schedule a hearing before the Public Works and Utility Committee and will serve notice of the hearing on the aggrieved *User* no less than ten (10) days before the hearing date.
 - (a) The hearing notice shall specify the time and place of the hearing.
 - (b) Service of the hearing notice may be made on any agent, officer, or authorized representative of the appellant *User*.

- (3) ***Authority of Property and Infrastructure Committee.*** The Public Works and Utility Committee shall have the authority to:
- (a) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;
 - (b) Take evidence;
 - (c) Issue a decision based on its review of the hearing evidence provided. The Public Works and Utility Committee may set such terms and conditions in its decision as are necessary and appropriate to protect the ***Sewerage System.***
- (4) ***Hearing Process.***
- (a) The Public Works and Utility Committee shall preside over a hearing under this subsection and shall take evidence.
 - (b) The ***User*** shall have the burden of proof as to why the challenged decision should not be upheld.
 - (c) Any testimony taken must be under oath. A transcript will be made available to any member of the public or any party to the hearing upon request and payment of the usual charges thereof. Such request must be made within ninety (90) days of the hearing.
- (5) ***Judicial Review.*** Any party to a proceeding under this Section resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination.
- (6) ***Relation to Wis. Stat. Chapter. 68.*** The Village elects not to be governed by Wis. Stat. Chapter. [68](#) with respect to this Ordinance. Accordingly, the procedures set forth in this section apply in lieu of those in Wis. Stat. §§ [68.01 to 68.12](#).

[Repealed, recreated and renumbered via Ord. No 17-021, 6/21/2017, Amended Ord. No 18-001, 1/20/2018]

ARTICLE V STORMWATER UTILITY

DIVISION 1. STORMWATER UTILITY

Section 86.5.100. Creation.

There is hereby established a stormwater utility in the Village of Weston. The operation of the stormwater utility shall be under the supervision of the Director of Public Works.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.101. Authority.

The Village, acting through the stormwater utility, may without limitation due to enumeration, acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.102. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Equivalent Runoff Unit (ERU), means one unit per 3,338 sq. ft. One unit is defined as one single family residential housing unit with a statistical average impervious area equal to 3,338 square feet. The number of ERU's for non-single family residential units shall be determined by the Director of Public Works or the designee.

Ord. of 1-18-1988(1), §1-101.1 [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.103. Rates and charges.

- (a) The basis for computation of the charge for stormwater services to all lots and parcels of land within the Village is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer classifications may be made by further resolution of the Village Board. All charges established pursuant to this Section shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the Village Clerk.
- (b) Charges shall be imposed to recover all or a portion of the costs of the stormwater utility. Such charges, which shall be established pursuant to further resolution of the Village of Weston Village Board, may include the following components:

1. **Base charge.** A base charge may be imposed on all property in the Village. The base charge is established in recognition of the fact that all properties in the Village receive services from the stormwater management activities of the Village and that all property contributes to some degree to the stormwater discharge that must be managed by the Village. The base charge shall be assessed to collect the administrative costs of the stormwater utility and may include capital, operating and maintenance costs of the stormwater utility, which are not recovered by other means. The base charge may be based on the size of a lot or parcel of land.
 2. **Equivalent runoff unit charge (ERU).** An equivalent runoff unit charge may be imposed on all property that has an impervious area. The ERU charge shall be assessed based upon the impervious area as reasonably determined by the Village for a typical residential unit of property. Other units of property will be charged multiples of the ERU based on the impervious area of the property.
 3. **Special charge (SC).** The special charge which may be imposed on property that is in an area specially benefited by a particular stormwater management facility. This charge will be developed to reflect the benefits in a particular area that may not be appropriate to allocate to property throughout the Village, and will be calculated on an **ERU** basis.
- (c) The property owner shall be responsible for completing the stormwater utility service application form any time a building permit is issued, exclusive of those issued to existing single family residences, or when a site plan review is conducted. The form shall be provided by the Building Inspector/Zoning Administrator with each application for a building permit or application for site plan review. Failure to submit a completed stormwater utility service application form or providing false information on said form, shall result in denial of both the building permit and stormwater utility service applications and imposition of the penalty as provided in this Section. In addition to any other penalties, the owner shall also be liable for stormwater charges, under this Section, for the improvement from the date construction of the improvement began.
- (d) The Village Board may establish rates and classifications by further resolution as will be likely to provide a reasonable and fair distribution of the costs of the stormwater utility. In the event the owner and nonowner users of a particular property are not the same, the liability for the charges attributable to that property shall be joint and several.
- (1.) **Adjustments for Nonresidential Property ERU measurement.**

Requests for adjustments of the **ERUs** allocated to a parcel of property shall be limited to the non-residential customer class. All such requests shall be submitted to the Director of Public Works, who shall have the authority to develop and administer the procedures and standards for the adjustment of

ERUs as established in this Section. Requests for adjustment to the user fees shall be governed by this subsection. Any nonresidential customer may, subject to the limitations set forth in this subparagraph (a), submit an adjustment request seeking an adjustment of the *ERUs* allocated to a parcel of property at any time. Requests shall be in writing and set forth in detail the grounds upon which relief is sought. The nonresidential customer requesting the adjustments may be required, at his, her or its own expense, to provide supplemental information to the Director of Public Works, including but not limited to survey data approved by a registered land surveyor (R.P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information within the time limits established by the Director, as may be reasonably extended, may result in denial of the adjustments request.

- (i) Once a completed adjustment request and all required information is fully submitted, the Director shall have thirty (30) calendar days within which to render a written decision. Concurrent payment of any charges based on the *ERUs* allocated to the property is not required as a condition precedent to this request for review. In considering an adjustment request, the Director shall consider whether the calculation of the *ERUs* for the property is correct.
- (ii) The Director's decision shall be mailed to the address provided on the adjustments request and service shall be complete upon mailing.
- (iii) Appeals from the Director's decisions concerning *ERUs* adjustment requests shall be governed by subsection (h) below, except that no concurrent payment of any fees is required. All appeals must be in writing and shall specify the grounds for challenging the Director's decision. The appeal must specifically address the Director's conclusions and shall not merely repeat the bases for the initial adjustments request. All appeals shall be submitted within thirty (30) calendar days after the date of mailing the Director's decision. Failure to timely and properly appeal shall deprive the Village Administrator of jurisdiction to hear the appeal.

(2) *Adjustments for special site conditions.*

The Village shall establish a written credit policy to account for properties with unique stormwater characteristics. The policy will allow for an adjustment to the stormwater utility fee based on criteria defined in the policy. The written policy will be available through the Department of Public Works prior to the initial billing.

- (e) The charges established will be billed to the utility customer at the same time and in the same manner as the sanitary sewer or water bill. Unless otherwise provided elsewhere, such charges shall not be payable in installments. Bills for stormwater utility charges shall be mailed to the recipient designated by the owner of the property

- to which the bill relates, provided that such mailing shall not relieve the owner of any property from liability for the charges in the event payment is not made. The owner of any property which is occupied by tenants shall have the right to examine the appropriate records of the Village to determine whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept during normal business hours.
- (f) A late payment charge as established by further resolution of the Village Board will be added to bills not paid within 20 days of issuance.
 - (g) All stormwater service charges shall be taxed and collected, and shall be a lien upon the property served in the same manner as water service charges are taxed and collected under the provisions of Wis. Stat § [66.0809](#).
 - (h) The Village of Weston elects not to be subject to the administrative review procedure provisions contained within Wisconsin Statutes [Chapter 68](#) , and establishes the following as its municipal review procedure: As a condition precedent to challenging any stormwater utility charge, the charge must be timely paid in full under protest to the Village. An appeal shall be to the Village Public Works and Utility Committee and can be undertaken only by filing a written appeal with the Village Clerk concurrent with the date of payment. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers to be appropriate. Failure to timely and properly appeal shall deprive the Village Public Works and Utility Committee of jurisdiction to hear the appeal.
 - (1) In considering an appeal, the Village Public Works Committee shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village Public Works and Utility Committee shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five (5) business days notice to the appellant. The decision shall be based upon the evidence presented. The Director of Public Works shall notify the appellant in writing of the determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.
 - (i) An aggrieved party may appeal the decision of the Village Public Works and Utility Committee to the Village Board by filing a written appeal with the Village Clerk no later than thirty (30) calendar days after the date of mailing the decision of the Public Works and Utility Committee. The written appeal shall specify all grounds for challenge to the Village Public Works and Utility Committee decision and shall again state the amount of charge that the appellant considers to be appropriate. The appeal must specifically address the Village Public Works and Utility Committee's conclusions and shall not merely repeat the bases for the initial appeal. Failure to timely and properly appeal shall deprive the Board of jurisdiction to hear the appeal.

In considering an appeal, the Village Board shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village Board shall consider the appeal in the same manner as a new resolution, pursuant to its rules for procedure in existence at the time of consideration. The Village Clerk shall provide written notice no later than five (5) business days to the address listed within the appeal of the time and place of the Board's consideration of the appeal. The Board shall base its decision upon the information presented at its meeting. The Village Clerk shall notify the appellant in writing of the Board's determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.

- (j) If the result of any appeal is that a refund is due the appellant, the refund will be applied as a credit on the appellant's next stormwater bill.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017][Amended Ord. No 18-001, 1/20/2018]

Section 86.5.104. Alternative method to collect stormwater charges.

In addition to any other method for collection of the charges established under this Section, or subsequent resolution, may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to Wis. Stat. § [66.0627](#). The mailing of the bill for stormwater utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Wis. Stat. § [66.0627](#). The procedures contained in Wis. Stat. § [66.0627](#), shall govern such notice and further collection procedures.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.105. Budget excess revenues.

The stormwater utility finances shall be accounted for in a separate Stormwater Utility Fund by the Village. The Finance Director or designee, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the stormwater utility. The budget is subject to approval by the Village Board. The costs shall be spread over the rate classifications as determined by the Board. Any excess of revenues over expenditures in a year will be retained by the Fund for subsequent years' needs.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.106. Penalty.

A person violating any provision of this Section shall, upon conviction, pay a forfeiture not to exceed \$75.00 for each offense, in addition to the costs of prosecution which are allowed by law. Each day during which a violation exists shall constitute a separate offense.

(Ord. of 03/15/2004, §86.0821) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.107 through 110 Reserved

DIVISION 2. POST-CONSTRUCTION STORMWATER MANAGEMENT

Section 86.5.200. Creation.

The intent of this ordinance is to reduce the amount of post-construction storm water and associated pollutants reaching waters of the state from new development and redevelopment contained in Wisconsin Administrative Code Chapter NR 151 Subchapters [III](#) and [IV](#).

The Village Board of the Village of Weston does hereby ordain that Section 86.5.200 of the ordinance of the Village of Weston is created to and adheres to the following subsections.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.201. Authority.

- (1) This ordinance is adopted by the Village Board under the authority granted by Wis. Stat. § [61.354](#). This ordinance supersedes all provisions of an ordinance previously enacted under Wis. Stat. § [61.35](#), that relate to storm water management regulations. Except as otherwise specified in Wis. Stats. §§ [61.354](#), and [61.35](#), applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Village.
- (3) The Village of Weston Board hereby designates the Director of Public Works, or his designee, to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

- (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ [281.16](#) and [283.33](#).
- (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wisconsin Administrative Code § [NR § 151.004](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.202. Findings of Fact.

The Village of Weston Board finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.203. Purpose and Intent.

- (1) **Purpose.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (c) Control exceedance of 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; and prevent conditions that endanger downstream property.

- (2) **Intent.** It is the intent of the Village of Weston Board that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village of Weston Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stat. § [281.16](#) for regional storm water management measures and have been approved by the Village of Weston Board, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.204. Applicability and Jurisdiction.

- (1) **Applicability.**
 - (a) Where not otherwise limited by law, this ordinance applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).
 1. A post construction site that had one or more acres of land disturbing construction activity.

- (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
 - 1. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
 - 2. Nonpoint discharges from agricultural facilities and practices.
 - 3. Underground utility construction but not including the construction of any above ground structures associated with utility construction.
 - (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the Director of Public Works, or the designee, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (2) **Jurisdiction.** This ordinance applies to [post construction sites within the boundaries and jurisdiction of the Village of Weston, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village of Weston, even if plat approval is not involved.
 - (3) **Exclusions.** This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stat. § [227.01\(1\)](#), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stat. § [281.33\(2\)](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.205. Definitions.

- (1) “**Administering authority,**” means a governmental employee, or a regional planning commission empowered under Wis. Stat. § [61.354](#) that is designated by the Village of Weston Board to administer this ordinance.
- (2) “**Agricultural facilities and practices**” has the meaning given in Wis. Stat. § [281.16](#).
- (3) “**Average annual rainfall,**” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as [SLAMM, P8](#), or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

- (4) “**Best management practice**” or “**BMP**,” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (5) “**Business day**,” means a day the office of the Director of Public Works, or the designee, is routinely and customarily open for business.
- (6) “**Cease and desist order**,” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) “**Combined sewer system**,” means a system for conveying both sanitary sewage and storm water runoff.
- (8) “**Connected imperviousness**,” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (9) “**Design storm**,” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (10) “**Development**,” means residential, commercial, industrial or institutional land uses and associated roads.
- (11) “**Division of land**,” means the creation from one parcel of two or more parcels or building sites of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (12) “**Effective infiltration area**,” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (13) “**Erosion**,” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (14) “**Exceptional resource waters**,” means waters listed in Wisconsin Administrative Code § [NR § 102.11](#).
- (15) “**Extraterritorial**,” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (16) “**Final stabilization**,” means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved

areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

- (17) “**Financial guarantee,**” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works, or the designee, by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (18) “**Governing body,**” means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- (19) “**Impervious surface,**” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- (20) “**In-fill area,**” means an undeveloped area of land located within existing development.
- (21) “**Infiltration,**” means the entry of precipitation or runoff into or through the soil.
- (22) “**Infiltration system,**” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (23) “**Karst feature,**” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (24) “**Land disturbing construction activity,**” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (25) “**Maintenance agreement,**” means a legal document that provides for long-term maintenance of storm water management practices.
- (26) “**MEP**” or “**maximum extent practicable,**” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety

- and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (27) “***New development,***” means development resulting from the conversion of previously undeveloped land or agricultural land uses.
 - (28) “***Off-site,***” means located outside the property boundary described in the permit application.
 - (29) “***On-site,***” means located within the property boundary described in the permit application.
 - (30) “**Ordinary high-water mark,**” has the meaning given in Wisconsin Administrative Code § [NR § 115.03\(6\)](#).
 - (31) “***Outstanding resource waters,***” means waters listed in Wisconsin Administrative Code § [NR § 102.10](#).
 - (32) “***Percent fines,***” means the percentage of a given sample of soil, which passes through a # 200 sieve.
 - (33) “***Performance standard,***” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (34) “***Permit,***” means a written authorization made by the Director of Public Works, or the designee, to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
 - (35) “***Permit administration fee,***” means a sum of money paid to the Director of Public Works, or the designee, by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
 - (36) “***Pervious surface,***” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
 - (37) “***Pollutant,***” has the meaning given in Wis. Stat. § [283.01\(13\)](#).
 - (38) “***Pollution,***” has the meaning given in Wis. Stat. § [281.01\(14\)](#).
 - (39) “***Post-construction site,***” means a construction site following the completion of land disturbing construction activity and final site stabilization.
 - (40) “***Pre-development condition,***” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all

land uses prior to development activity are managed in an environmentally sound manner.

- (41) “**Preventive action limit**,” has the meaning given in Wis. Stat. § [160.01\(6\)](#).
- (42) “**Redevelopment**,” means areas where development is replacing older development.
- (43) “**Responsible party**,” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- (44) “**Runoff**,” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (45) “**Separate storm sewer**,” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.
- (46) “**Site**,” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (47) “**Stop work order**,” means an order issued by the Director of Public Works, or the designee, which requires that all construction activity on the site be stopped.
- (48) “**Storm water management plan**,” means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.
- (49) “**Storm water management system plan**,” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (50) “**Technical standard**,” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

- (51) “**Top of the channel,**” means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (52) “**TR-55,**” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- (53) “**Type II distribution,**” means a rainfall type curve as established in the “United States Department of [Agriculture, Soil Conservation Service, Technical Paper 149, published 1973](#)”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (54) “**Waters of the state,**” has the meaning given in Wis. Stat. § [283.01 \(20\)](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.206. Technical Standards.

The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Wisconsin Administrative Code Chapter [NR 151 Subchapter V](#).
- (2) Where technical standards have not been identified, or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Director of Public Works, or the designee.
- (3) In this ordinance, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29-Nov. 25).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.207 Performance Standards.

- (1) **Responsible Party.** The landowner of the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and

maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.

- (2) **Plan.** A written storm water management plan in accordance with Section 86.309 shall be developed and implemented for each post-construction site.
- (3) **Requirements.** The plan required under sub. (2) shall include the following:
 - (a) **Total Suspended Solids. BMPs** shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

- 1. **BMPs** shall be designed in accordance with Table 1., or to the maximum extent practicable as provided in sub. (3). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

<i>Table 1. TSS Reduction Standards</i>	
<i>Development Type</i>	<i>TSS Reduction</i>
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

- 2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. No person shall be required to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.
- 3. **Off-Site Drainage.** When designing **BMPs**, runoff draining to the **BMP** from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) **Peak Discharge.**

- 1. By design, **BMPs** shall be employed to maintain or reduce the 1-year, 2-year, 10-year, and 100-year 24-hour, post-construction peak runoff discharge rates to the 1-year, 2-year, 10-year and 100-year 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. Shall be used to represent the actual pre-development conditions

Pre-development condition	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:
 - a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - b. A redevelopment post-construction site.
 - c. An in-fill development area less than 5 acres.

(c) **Infiltration.**

1. **BMPs** shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
 - a. **Low imperviousness.** For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - b. **Moderate imperviousness.** For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.
 - c. **High imperviousness.** For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at

least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

2. **Pre-development.** Pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
3. **Source areas.**
 - a. **Prohibitions.** Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of Wisconsin Department of Natural Resources groundwater standards in Wisconsin Administrative Code § [NR 151.124\(6\)](#):
 - i. Areas associated with a tier 1 industrial facility identified in Wisconsin Department of Natural Resource in Wisconsin Administrative Code § [NR 216.21\(2\)\(a\)](#), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in Wisconsin Department of Natural Resource, Wisconsin Administrative Code § [NR 216.21\(2\)\(b\)](#).
 - iii. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
 - b. **Exemptions.** Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
 - i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a. of this ordinance.
 - iii. In-fill development areas less than 5 acres
 - iv. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

4. **Location of Practices.**

- a. **Prohibitions.** Infiltration practices may not be located in the following areas:
 - i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in Wisconsin Department of Natural Resources in Wisconsin Administrative Code § [NR 811.16\(4\)](#) or within the separation distances listed in Wisconsin Department of Natural Resources in Wisconsin Administrative Code § [NR 812.08](#) for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in Wisconsin Department of Natural Resources in Wisconsin Administrative Code § [NR 720.03\(2\)](#), are present in the soil through which infiltration will occur.
- b. **Separation distances.**
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand

Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under Wisconsin Department of Natural Resources in Wisconsin Administrative Code Chapter [NR 815](#) shall be followed.
- c. ***Infiltration rate exemptions.*** Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U. S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. ***Alternate Use.*** Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- 6. ***Groundwater Standards.***
 - a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wisconsin Department of Natural Resources in Wisconsin Administrative Code [Chapter NR 140](#). However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

- b. Notwithstanding par. a., the discharge from **BMPs** shall remain below the enforcement standard at the point of standards application.
7. **Pretreatment.** Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
8. **Maximum Extent Practicable.** Where the conditions of subs. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of Wisconsin Department of Natural Resources in Wisconsin Administrative Code § [NR 151.124](#) shall be met to the maximum extent practicable.
- (d) **Protective Areas.**
1. Definition. In this section, “**protective area**” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
- a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on an U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to par. e. or f., 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

- f For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wisconsin Department of Natural Resources, Wisconsin Administrative Code [NR 103.03](#).
 - h. Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.
2. **Applicability.** This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub 4.
3. **Requirements.** The following requirements shall be met:
- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
 - b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope

overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

- c. Best management practice such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

4. **Exemptions.** This section does not apply to any of the following:

- a. In-fill development areas less than 5 acres.
- b. Structures that cross or access surface water such as boat landings, bridges, and culverts.
- c. Structures constructed in accordance with Wis. Stat. § [59.692\(1v\)](#).
- d. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a **BMP** to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(e) **Fueling and Vehicle Maintenance Areas.**

Fueling and vehicle maintenance areas shall have **BMPs** designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable

(f) **Swale Treatment for Transportation Facilities.**

- 1. **Requirement.** Except as provided in sub 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with the [Wisconsin Department of Natural Resources technical standard 1005](#) “Vegetated Infiltration Swales”, dated May 2007, or a superseding document.

2. ***Other requirements.***

- a. Notwithstanding sub 1., the Director of Public Works, or the designee, may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is an of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in the <http://water.epa.gov/lawsregs/guidance/303.cfm> Federal Clean Water Act Section 303 (d) that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to Wisconsin Department of Natural Resources in Wisconsin Administrative Code § [NR 151.004](#).
- b. The transportation facility authority shall contact the Director of Public Works, or the designee, to determine if additional ***BMPs*** beyond a water quality swale are needed under this subsection.

(4) ***General Considerations for On-Site and Off-Site Storm W Management Measures.***
The following considerations shall be observed in managing runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) ***Location and Regional Treatment Option.***

- (a) The ***BMPs*** may be located on-site or off-site as part of a regional storm water device, practice or system.
- (b) Post-construction runoff within a non-navigable surface water that flows into a ***BMP***, such as a wet detention pond, is not required to meet the performance

standards of this ordinance. Post-construction **BMPs** may be located in non-navigable surface waters.

- (c) Except as allowed under par. (d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
- (d) Post-construction runoff from any development within a navigable surface water that flows into a **BMP** is not required to meet the performance standards of this ordinance if:
 - 1. The **BMP** was constructed prior to the effective date of this ordinance and the **BMP** either received a permit issued under Wis. Stats. [Chapter 30](#), or the **BMP** did not require a Wis. Stats. [Chapter 30](#), permit; and
 - 2. The **BMP** is designed to provide runoff treatment from future upland development.
- (e) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 - 1. To the maximum extent practicable, **BMPs** shall be located to treat runoff prior to discharge to navigable surface waters.
 - 2. Post-construction **BMPs** for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Wisconsin Department of Natural Resources in Wisconsin Administrative Code [Chapter NR 103](#), and Wis. Stats. [Chapter 30](#).
- (f) The discharge of runoff from a **BMP**, such as a wet detention pond, or after a series of such **BMPs** is subject to this chapter.
- (g) The Director of Public Works, or the designee, may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Director of Public Works, or the designee, determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Village of Weston and that contains management requirements consistent with the purpose and intent of this ordinance.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be

afforded by on-site practices meeting the performance standards of this ordinance.

- c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (h) Where a regional treatment option exists such that the Director of Public Works, or the designee, exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works, or the designee. In determining the fee for post-construction runoff, the Director of Public Works, or the designee, shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (6) **Alternate Requirement.** The Director of Public Works, or the designee, may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works, or the designee, determines that an added level of protection is needed to protect sensitive resources.
- (7) **Maintenance of Effort:** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of Wisconsin Administrative Code [NR 151](#) in effect on or after October 1, 2004, the responsible party shall maintain the existing level of control for TSS, infiltration and peak flow reduction, or meet the redevelopment standards of Wisconsin Department of Natural Resources in Wisconsin Administrative Code §§ [NR 151.122](#) through [151.125](#), whichever is more stringent.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.208. Permitting Requirements, Procedures and Fees.

- (1) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works, or the designee, prior to commencing the proposed activity.
- (2) **Permit Application and Fees.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works, or the designee, a permit application made on a form provided by the Director of Public Works, or the designee, for that purpose.
 - (a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

- (b) The storm water management plan shall be prepared to meet the requirements of Section 86.5.207 and Section 86.5.209, the maintenance agreement shall be prepared to meet the requirements of Section 86.5.210, the financial guarantee shall meet the requirements of Section 86.5.211, and fees shall be those established by the Village of Weston Board as set forth in Section 86.5.212.
- (3) ***Review and Approval of Permit Application.*** The Director of Public Works, or the designee, shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Director of Public Works, or the designee, shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Director of Public Works, or the designee, shall issue the permit.
 - (c) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works, or the designee, shall detail in writing the reasons for disapproval.
 - (d) The Director of Public Works, or the designee, may request additional information from the applicant. If additional information is submitted, the Director of Public Works, or the designee, 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.
 - (e) Failure by the Director of Public Works, or the designee, to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) ***Permit Requirements.*** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works, or the designee, may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works, or the designee, to suspend or revoke this permit may be appealed in accordance with Section 86.5.214.

- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
- (c) The responsible party shall notify the Director of Public Works, or the designee, at least 15 business days before commencing any work in conjunction with the storm water management plan, and within 5 business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works, or the designee, so that practice installations can be inspected during construction.
- (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works, or the designee, to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works, or the designee, shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (e) The responsible party shall notify the Director of Public Works, or the designee, of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works, or the designee, may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
- (f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Village of Weston, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (g) The responsible party authorizes the Director of Public Works, or the designee, to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. [Chapter 66 Subchapter VII](#), or to charging such costs against the financial guarantee posted under Section 86.5.211.
- (h) If so directed by the Director of Public Works, or the designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is

caused by activities that are not in compliance with the approved storm water management plan.

- (i) The responsible party shall permit property access to the Director of Public Works, or its designee, for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works, or the designee, may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in Section 86.5.213, if the responsible party fails to comply with the terms of this permit.
- (5) **Permit Conditions.** Permits issued under this subsection may include conditions established by the Director of Public Works, or the designee, in addition to the requirements needed to meet the performance standards in Section 86.5.207 or a financial guarantee as provided for in Section 86.5.211.
- (6) **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works, or the designee, notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.209. Storm Water Management Plan (SWMP).

- (1) **Plan Requirements.** The storm water management plan required under Section 86.5.208 (2) shall contain at a minimum the following information:
 - (a) 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 storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) 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 within a recorded land subdivision plat.
 - (c) Pre-development site conditions, including:

1. One or more site maps at a scale of not less than 1 inch equals 20 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 10 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Wisconsin Department of Natural Resources, Wisconsin Administrative Code § [NR 811.16](#).
 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (d) Post-development site conditions, including:
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 and wetlands.
 2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 3. One or more site maps at a scale of not less than 1 inch equals 20 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 10 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest

adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 86.5.207.
 - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - (h) Other information requested in writing by the Director of Public Works, or the designee, to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.
- (2) ***Alternate Requirements.*** The Director of Public Works, or the designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 86.5.207 (5).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.210. Maintenance Agreement.

- (1) ***Maintenance Agreement Required.*** The maintenance agreement required under Section 86.5.208 (2) for storm water management practices shall be an agreement between the Village of Weston and the responsible party to provide for maintenance

of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

- (2) ***Agreement Provisions.*** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 86.5.209(1)(f):
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Section 86.5.208 (2).
 - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Section 86.5.208 (2).
 - (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the Director of Public Works, or the designee, to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the Director of Public Works, or the designee, to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public Works, or the designee, of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works, or the designee.
 - (h) Authorization of the Director of Public Works, or the designee, to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Director of Public Works, or the designee, shall enter the

amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. [Chapter 66 Subchapter VII](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.211. Financial Guarantee.

- (1) ***Establishment of the Guarantee.*** The Director of Public Works, or the designee, may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works, or the designee. The financial guarantee shall be in an amount determined by the Director of Public Works, or the designee, to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Director of Public Works, or the designee, the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works, or the designee, that the requirements of this ordinance have not been met.
- (2) ***Conditions for Release.*** Conditions for the release of the financial guarantee are as follows:
 - (a) The Director of Public Works, or the designee, shall release the portion of the financial guarantee established under this section, less any costs incurred by the Director of Public Works, or the designee, to complete installation of practices, upon submission of “as built plans” by a licensed professional engineer. The Director of Public Works, or the designee, may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Director of Public Works, or the designee, shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Director of Public Works, or the designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.212. Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Director of Public Works, or the designee, and may from time to time be modified by resolution. A schedule

of the fees established by the Director of Public Works, or the designee, shall be available for review in the Clerk's Office or at <http://westonwi.gov/documentcenter/view/931>.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.213. Enforcement.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Director of Public Works, or the designee, shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Director of Public Works, or the designee, under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works, or the designee, in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works, or the designee, may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works, or the designee, plus interest and legal costs shall be billed to the responsible party.
- (5) The Director of Public Works, or the designee, is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Director of Public Works, or the designee, may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works, or the designee, or by a court with jurisdiction.
- (8) The Director of Public Works, or the designee, is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to

this ordinance, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.

- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 10 dollars or more than 500 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the Director of Public Works, or the designee, determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works, or the designee, or a party designated by the Director of Public Works, or the designee, may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works, or the designee, shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 86.311 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be 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.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.214. Appeals.

- (1) ***Board of Appeals.*** The board of appeals, created pursuant to the Village of Weston Municipal Code Chapter 94 ARTICLE XVI. Section 94.16.13: Appeals of Zoning Interpretation. Establishment and Purpose of the Village of Weston ordinances pursuant to Wis. Stat. § [61.354\(4\)\(b\)](#) shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works, or the designee, in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

- (2) **Who May Appeal.** Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Weston affected by any decision of the Director of Public Works, or the designee.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.215. Severability.

If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.216. Effective Date.

This ordinance shall be in force and effect from and after its adoption and publication.

(Ord. of 5-24-2005, Ord. of 02-06-2014) [Amended via Ord. No 15-027, 11/18/2015]
[Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 3: CONSTRUCTION SITE EROSION

Section 86.5.300 Creation.

The intent of this ordinance is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities. Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in Wisconsin Administrative Code NR Chapter 151 Subchapters [III](#) and [IV](#).

[Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.301. Authority.

- (1) This ordinance is adopted under the authority granted by Wis. Stat. § [61.354](#). This ordinance supersedes all provisions of an ordinance previously enacted under Wis. Stat. § [61.35](#) that relate to construction site erosion control. Except as otherwise specified in Wis. Stat. § [61.354](#), Wis. Stat. § [61.35](#) applies to this ordinance and to any amendments to this ordinance.

- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board hereby designates the Director of Public Works, or the designee, to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ [281.16](#) and [283.33](#).
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources in Wisconsin Administrative Code [NR 151.004](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.302. Findings of Fact.

The Village Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Weston.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.303. Purpose.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Weston.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.304. Applicability and Jurisdiction.

- (1) *Applicability.*
 - (a) This ordinance applies to the following land disturbing construction activities except as provided under sub. (b):

1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with Wisconsin Administrative Code NR 216 Subchapter [III](#) on or after January 20, 2014.
 2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after January 20, 2014.
- (b) This ordinance does not apply to the following:
1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under [Chapter 40, Code of Federal Regulations, Part 122](#), for land disturbing construction activity.
 2. Nonpoint discharges from agricultural facilities and practices.
 3. Nonpoint discharges from silviculture activities.
 4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Director of Public Works, or the designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) ***Jurisdiction.***

This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Weston, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village of Weston, even if plat approval is not involved.

(3) ***Exclusions.***

This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stat. § [227.01 \(1\)](#), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stat. § [281.33 \(2\)](#).

Section 86.5.305. Definitions.

- (1) “**Administering authority**,” means a governmental employee, or a regional planning commission empowered under Wis. Stat. § [61.354](#), that is designated by the Village Board to administer this ordinance.
- (2) “**Agricultural facilities and practices**,” has the meaning in Wis. Stats. §§ [281.16\(1\)\(a\) and \(b\)](#).
- (3) “**Average annual rainfall**,” means a typical calendar year of precipitation as determined by the department for users of models such as [SLAMM, P8](#), or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (4) “**Best management practice**” or “**BMP**,” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (5) “**Business day**,” means a day the office of the Director of Public Works, or the designee, is routinely and customarily open for business.
- (6) “**Cease and desist order**,” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) “**Construction site**,” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (8) “**Division of land**,” means the creation from one parcel of 5 or more parcels or building sites of 1 ½ or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (9) “**Erosion**,” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (10) “**Erosion and sediment control plan**,” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

- (11) “**Extraterritorial,**” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (12) “**Final stabilization,**” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (13) “**Governing body,**” means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- (14) “**Land disturbing construction activity,**” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (15) “**MEP**” or “**maximum extent practicable,**” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (16) “**Performance standard,**” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (17) “**Permit,**” means a written authorization made by the Director of Public Works, or the designee, to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (18) “**Pollutant,**” has the meaning given in Wis. Stat. § [283.01 \(13\)](#).
- (19) “**Pollution,**” has the meaning given in Wis. Stat. § [281.01 \(14\)](#).
- (20) “**Responsible party,**” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (21) “**Runoff,**” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

- (22) “*Sediment*,” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (23) “*Separate storm sewer*,” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.
- (24) “*Site*,” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (25) “*Stop work order*,” means an order issued by the Director of Public Works, or the designee, which requires that all construction activity on the site be stopped.
- (26) “*Technical standard*,” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (27) “*Waters of the state*,” has the meaning given in Wis. Stat. § [283.01 \(20\)](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.306. Technical Standards.

- (1) ***Design Criteria, Standards and Specifications.*** All ***BMPs*** required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
 - (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources in Wisconsin Administrative Code Chapter [NR 151 Subchapter V](#).
 - (b) For this ordinance, soil loss is calculated using the appropriate rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

- (2) **Other Standards.** Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Director of Public Works, or the designee.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.307. Performance Standards for Construction Sites Under an Acre.

- (1) **Responsible Party.** The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site **BMPs** is the responsible party and shall comply with this section.
- (2) **Erosion and Other Pollution Control Requirements.**
- (a) **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or **BMP** installations, are not prohibited by this subdivision.
- (3) **Location.** The **BMPs** used to comply with this section shall be located prior to runoff entering waters of the state.

- (4) **Implementation.** The **BMPs** used to comply with this section shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) **BMPs** that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.308. Performance Standards for Construction Sites of One Acre or More.

- (1) **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 86.5.310 that incorporates the requirements of this section.
- (2) **Plan.** A written plan shall be developed in accordance with Section 86.5.310 and implemented for each construction site.
- (3) **Erosion and Other Pollutant Control Requirements.** The plan required under sub. (2) shall include the following:
 - (a) **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - 1. The deposition of soil from being tracked onto streets by vehicles.
 - 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - 3. The discharge of sediment from disturbed areas into adjacent waters of the state.

4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or **BMP** installations, are not prohibited by this subdivision.
9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) ***Sediment Performance Standards***. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
2. No person shall be required to employ more **BMPs** than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control **BMPs** may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
3. Notwithstanding sub. 1., if **BMPs** cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) ***Preventative Measures***. The plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

2. Minimization of soil compaction and preservation of topsoil.
 3. Minimization of land disturbing construction activity on slopes of 20% or more.
 4. Development of spill prevention and response procedures.
- (4) **Location.** The **BMPs** used to comply with this section shall be located prior to runoff entering waters of the state.
- (5) **Alternate Requirements.** The Director of Public Works, or the designee, may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works, or the designee, determines that an added level of protection is needed for sensitive resources.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.309. Permitting Requirements, Procedures, and Fees.

- (1) **Permit Required.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works, or the designee.
- (2) **Permit Application and Fees.** At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 86.5.309 and shall pay an application fee of which is part of the storm water review fee to the Village of Weston. By submitting an application, the applicant is authorizing the Director of Public Works, or the designee, to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **Review and Approval of Permit Application.** The Director of Public Works, or the designee, shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 30 business days of the receipt of a complete permit application, as required by sub. (2), the Director of Public Works, or the designee, shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Director of Public Works, or the designee, shall issue the permit.

- (c) If the permit application or plan is disapproved, the Director of Public Works, or the designee, shall state in writing the reasons for disapproval.
 - (d) The Director of Public Works, or the designee, may request additional information from the applicant. If additional information is submitted, the Director of Public Works, or the designee, shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Director of Public Works, or the designee, to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) **Surety Bond.** As a condition of approval and issuance of the permit, the Director of Public Works, or the designee, may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) **Permit Requirements.** All permits shall require the responsible party to:
- (a) Notify the Director of Public Works, or the designee, within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Director of Public Works, or the designee, of completion of any **BMPs** within 14 days after their installation.
 - (c) Obtain permission in writing from the Director of Public Works, or the designee, prior to any modification pursuant to Section 86.5.310(3) of the erosion and sediment control plan.
 - (d) Install all **BMPs** as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, **BMPs** and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
 - (g) Inspect the **BMPs** within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person

conducting the inspection, and a description of the present phase of the construction at the site.

- (h) Allow the Director of Public Works, or the designee, to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) **Permit Conditions.** Permits issued under this section may include conditions established by the Director of Public Works, or the designee, in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Section 86.5.307 or Section 86.5.308.
- (7) **Permit Duration.** Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Public Works, or the designee, may extend the period one or more times for up to an additional 180 days. The Director of Public Works, or the designee, may require additional **BMPs** as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all **BMPs** necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.310. Erosion and Sediment Control Plan, Statement, and Amendments.

- (1) **Erosion and Sediment Control Plan.**
 - (a) An erosion and sediment control plan shall be prepared and submitted to the Director of Public Works, or the designee.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in Section 86.5.307, Section 86.5.308 and other requirements of this ordinance.
 - (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5-minute series topographic map.
 3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 5. Calculations to show compliance with the required performance standards.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.

5. Location of major structural and non-structural controls identified in the plan.
 6. Location of areas where stabilization practices will be employed.
 7. Areas which will be vegetated following construction.
 8. Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 9. An alphanumeric or equivalent grid overlying the entire construction site map.
- (e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a practice implementation schedule. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Director of Public Works, or the designee, structural measures shall be installed on upland soils.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.

8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste material.
 10. Stabilization of drainage ways.
 11. Control of soil erosion from dirt stockpiles.
 12. Installation of permanent stabilization practices as soon as possible after final grading.
 13. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (2) ***Erosion and Sediment Control Plan Statement.*** For each construction site identified under Section 86.5.304 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works, or the designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (3) ***Amendments.*** The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Director of Public Works, or the designee, notifies the applicant of changes needed in the plan.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.311. Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Village Board and may from time to time be modified by resolution. A schedule of the fees established by the

Director of Public Works, or the designee, shall be available for review in the Clerk's office or at <http://westonwi.gov/documentcenter/view/931>

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.312. Inspection.

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Director of Public Works, or the designee, may enter the land pursuant to the provisions of Wis. Stats. §§ [66.0119\(1\), \(2\), and \(3\)](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.313. Enforcement.

- (1) The Director of Public Works, or the designee, may post a stop-work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works, or the designee, may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works, or the designee, or if a responsible party violates a stop-work order posted under sub. (1), the Director of Public Works, or the designee, may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Director of Public Works, or the designee, may retract the stop-work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop-work order under sub. (1), the Director of Public Works, or the designee, may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Director of Public Works, or the designee, may go on the land and commence the work after issuing the notice of

intent. The costs of the work performed under this subsection by the Director of Public Works, or the designee, plus interest at the rate authorized by Director of Public Works, or the designee, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. [Chapter 66 Subchapter VII](#).

- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than 10 dollars nor more than 500 dollars and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.314. Appeals.

- (1) ***Board of Appeals.*** The board of appeals created pursuant to the Village of Weston Municipal Code Chapter 94 ARTICLE XVI Section 94.16.13: Appeals of Zoning Interpretation. Establishment and Purpose of the Village of Weston ordinance pursuant to Wis. Stat. § [61.354\(4\)\(b\)](#):
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works, or the designee, in administering this ordinance except for cease and desist orders obtained under Section 86.5.312 (3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) ***Who May Appeal.*** Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Weston affected by any decision of the Director of Public Works, or the designee.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.315. Severability.

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.316. Effective Date.

This ordinance shall be in force and effect from and after its adoption and publication.

(Ord. of 5-24-2005, Ord. of 02-06-2014) [Amended via Ord. No 15-027, 11/18/2015]
[Renumbered via Ord. No 17-021, 6/21/2017]

DIVISION 4. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Section 86.5.400. Purpose and Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of The Village of Weston through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable, as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system ([MS4](#)) in order to comply with requirements of the [Wisconsin Pollutant Discharge Elimination System \(WPDES\)](#) permit process. The objectives of this ordinance are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system ([MS4](#)) by stormwater discharges by any user.
- (b) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.401. Definitions.

- (a) *Administering Authority*, means a governmental employee, or a regional planning commission empowered under Wis. Stat. § [61.354](#), that is designated by the Village

of Weston Board to administer this ordinance.

- (b) **Best Management Practice or BMP**, means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (c) **Clean Water Act**, means the [Federal Water Pollution Control Act \(33 U.S.C. § 1251 et seq.\)](#), and any subsequent amendments thereto.
- (d) **Construction activity**, means activity subject to WPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (e) **Hazardous materials**, means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (f) **Illegal Discharge**, means any direct or indirect non-storm water discharge to the storm drain system, except as specifically exempted by this ordinance.
- (g) **Illicit Connection**, means either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Administering authority or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an Administering authority.
- (h) **Industrial Activity**, means activity subject to WPDES Industrial Permits.
- (i) **Non-Stormwater Discharge**, means any discharge to the storm drain system that is not composed entirely of storm water.
- (j) **Person**, means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (k) **Pollutant**, means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other

automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- (l) **Premises**, means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (m) **Storm Drainage System**, means any publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (n) **Storm Water**, means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (o) **Stormwater Pollution Prevention Plan or SWPPP**, means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- (p) **Wastewater**, means any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- (q) **Wisconsin Pollutant Discharge Elimination System or WPDES**, means a permit issued by the Wisconsin Department of Natural Resources (WDNR) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.402. Applicability.

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an administering authority.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.403. Responsibility for Administration.

The Director of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the administering authority may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.404. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.405. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.406. Discharge Prohibitions.

- (a) ***Prohibition of Illegal Discharges.*** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: flushing of water lines or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-

commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

- (2) Discharges specified in writing by the administering authority as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the administering authority prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under a **WPDES** permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) ***Prohibition of Illicit Connections.***

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the [MS4](#), or allows such a connection to continue.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.407. Suspension of MS4 Access.

- (a) ***Suspension due to Illicit Discharges in Emergency Situations.*** The Director of Public Works may, without prior notice, suspend [MS4](#) discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the [MS4](#) or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the administering authority may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- (b) ***Suspension due to the Detection of Illicit Discharge.*** Any person discharging to the MS4 in violation of this ordinance may have their [MS4](#) access terminated if such termination would abate or reduce an illicit discharge. The administering authority

will notify a violator of the proposed termination of its [MS4](#) access. The violator may petition the administering authority for reconsideration and hearing. A person commits an offense if the person reinstates [MS4](#) access to premises terminated pursuant to this Section, without the prior approval of the administering authority.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.408. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity WPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works prior to the allowing of discharges to the [MS4](#).

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.409. Monitoring of Discharges.

- (a) **Applicability.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- (b) Access to Facilities.
 - (1) The Director of Public Works shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the administering authority.
 - (2) Facility operators shall allow the Director of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a **WPDES** permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - (3) The Director of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the administering authority to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (4) The Director of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating

condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Director of Public Works access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a **WPDES** permit to discharge storm water associated with industrial activity commits an offense if the person denies the administering authority reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the Director of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the administering authority may seek issuance of a search warrant from any court of competent jurisdiction.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.410. Requirement to Prevent, Control and Reduce Stormwater Pollutants by the use of Best Management Practices.

The Director of Public Works will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural **BMPs** to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid **WPDES** permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These **BMPs** shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the **WPDES** permit.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.411. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.412. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the administering authority in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.413. Enforcement.

- (a) Notice of Violation.
 - (1) Whenever the Director of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the administering authority may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;

- b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of source control or treatment *BMPs*.
- (2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.414. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the administering authority. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.415. Enforcement Measures after Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the administering authority, then representatives of the administering authority shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.416. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the village by reason of such violation. Interest at the rate of six (6) percent per annum shall be assessed on the balance beginning on the 31st day following discovery of the violation.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.417. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the administering authority may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.418. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the administering authority may impose upon a violator alternative compensatory action(s), such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.419. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

[Amended via Ord. No. 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.420. Prosecution.

Any person that has violated or continues to violate this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$5,000.00 per violation; each day such violation exists shall be deemed a separate violation. The administering authority may recover all attorneys' fees, court costs, and other expenses associated with enforcement of these requirements, including sampling and monitoring expenses.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.421. Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the administering authority to seek cumulative remedies.

[Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.5.422. Effective Date.

This ordinance shall be in full force and effect from and after its adoption and publication as provided by law. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

(Ord. of 4-24-09) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

ARTICLE VI REFUSE AND RECYCLING UTILITY

Section 86.6.100. Declaration of Purpose.

There is hereby created a Refuse and Recycling utility for the purpose of providing funds for the management of refuse, recycling, and yard waste collection, processing, and storage under the jurisdiction of the Village of Weston. The Board of Trustees hereby finds, determines and declares the necessity of providing refuse and trash collection services, collection of recyclables, and collection and disposition of bio-mass and yard waste from both public and privately owned properties, and the need to educate the community about responsible and sustainable methods of waste disposal.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.101. Definitions within Ordinance.

- (a) **Responsible Party.** Responsible party shall mean the person or persons who by usage, occupancy or contractual arrangement are responsible to pay the utility account for an improved premise.
- (b) **Utility Account.** Utility account shall mean any account created by the Village of Weston to collect sanitary sewer, water, or stormwater charges from owners or occupants of an improved premise.
- (c) **Improved Premises.** Improved Premises shall mean structures, landscaping paved areas, and any area which has been altered such that run-off from the site is greater than that which would have historically been expected.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.102. Authority of Refuse Utility.

The Village, acting through the Refuse Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for the management of refuse, recycling, and yard waste.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.103. Establishment of Refuse Utility Fee.

- (a) The Village Board hereby establishes a utility fee to be paid by the responsible party (whether owners or occupants). Such fee shall be established in such amounts which shall provide sufficient funds to properly operate, administer, and maintain refuse and recycling collection and disposal services in the Village. Residential occupants shall be charged a set fee assigned to each utility account within the Village.
- (b) The charges, rates, and fees of the Utility will be listed in the Village of Weston Municipal Fee Schedule <http://westonwi.gov/documentcenter/view/931>.
- (c) The Village Board may from time to time, by resolution, change the fees based upon revised estimates of the cost to operate, administer and maintain the local refuse services in the Village.

- (d) The Village Board may change the rate structure, charges, and fees of the utility during the annual budget approval process.
- (e) The Refuse utility fee imposed by the Village is not a tax against real property. The obligation to pay the fee is a personal obligation of the responsible party.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.104. Dedication of Refuse Utility Fee.

All fees collected pursuant to this ordinance shall be paid into the Refuse Utility fund. Such revenue shall be used for the purposes of the operation, administration, and maintenance of the local refuse services in the Village. It shall not be necessary that the operation, administration, and maintenance expenditures from the Refuse Utility fund specifically relate to any particular property from which the fees for said purposes were collected. To the extent that the fees collected are insufficient to properly finance the provision of refuse and recycling collection and management services, the cost shall be paid from such other Village funds as may be determined by the Board of Trustees, but the Board of Trustees may order the reimbursement back from other funds to this utility fund if additional fees are thereafter collected.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.105. Collection of Refuse Utility Fee.

- (a) The responsible party for any improved residential premises within the Village of Weston shall pay a utility fee according to the rate set forth in the Fee Schedule <http://westonwi.gov/documentcenter/view/931> by Municipal Ordinance. Unless another responsible party has agreed, in writing, to pay and a copy of the writing is filed with the Village, the name of record on the utility account shall pay the utility fee. When the bill remains unpaid by the name of record on the utility account then the property owner becomes responsible for the utility fee. The obligation to pay the utility fee is personal to the responsible party.
- (b) Refuse utility charges shall be billed to the owner of each improved parcel using refuse collection and disposal services. The parcel owner shall be responsible for payment of the refuse utility charge. Utility fees shall be billed as follows:
 - (1) Utility fees shall be collected via a special charge assessed annually, and placed on the annual property tax collection bill, or
 - (2) Quarterly by the Village and shall become due and payable in accordance with the rules and regulations pertaining to the collection of utility bills. Quarterly

utility fees for new development shall commence when charges for sanitary sewer, water and/or stormwater commence. Areas annexed to the Village of Weston or under contract to annex shall become subject to the utility fee, if there is a building on the property being annexed, on the date of annexation or the date of the annexation contract, whichever comes first.

- (c) Fee Implementation shall be adopted by the Village Board through the budget process.
- (d) Late Payment. Failure to pay the charges when due will be subject to a late payment charge of three (3) percent that will be added to bills not paid within 30 days of issuance, and an additional 3% for every 30 days late thereafter.
- (e) Unpaid Charges. In addition to any other method of collection allowed by law, unpaid charges may be assessed as a lien against the property pursuant to Wis. Stat. § [66.0821](#).

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.106. Enforcement of Utility Fee Collection.

Any charge due hereunder which is not paid when due may be recovered from the responsible party in an action at law by the Village. The Administrator is hereby empowered and directed to enforce this provision against such delinquent users. The employees of the Village shall, at all reasonable times, have access to any premises served by the Village for inspection and enforcement of the provisions of this ordinance.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.107. Administrative Review and Appeals.

- (a) The Administrator may, upon appropriate findings, recalculate the utility fee based on circumstance and written appeal from a utility customer.
- (b) Any user or occupant who disputes the amount of the fee, or disputes any determination made by, or, on behalf of the Village, by the Administrator, pursuant to and by the authority of this chapter may petition the Village Board for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

- (c) Such petition shall be in writing, filed with the Clerk, and the facts and figures shall be submitted in writing or orally at a hearing scheduled by the Board of Trustees. The Petitioner shall have the burden of proof.
- (d) Within sixty (60) days of filing of the Petition, the Board of Trustees shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the Village Board shall be considered a final order.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.108. Notice of Decision for Review and Appeals of Utility Fees.

Every decision or determination of the Administrator, on behalf of the Village, or Board of Trustees shall be in writing; notice thereof shall be mailed to or served upon the Petitioner within a reasonable time from the date of such action. Service by certified mail, return receipt requested, shall be conclusive evidence of service for the purpose of this chapter.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.109. Disposition of Fees and Charges.

The fees paid and collected by virtue of this ordinance shall not be used for general or other governmental proprietary purposes of the Village, except to pay for an equitable share of the Village's accounting, management and other governing costs, incident to operation of the utility fee program. Otherwise the fees and charges shall be used to pay for the cost of operation, administration, maintenance, repair, improvement, renewal; replacement and reconstruction of the Village facilities related to refuse service management.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.110. Exemptions from Utility Fees and Charges.

The Board of Trustees may, by resolution, exempt any class of user when they determine that the public interest deems it necessary or that the contribution to provision of services provided by the utility by said class is deemed to be insignificant.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.111. Severability.

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]

Section 86.6.112. Obstruction.

- (a) It shall be unlawful for any person to willfully obstruct, hinder or delay the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or to do any act forbidden by any order, rule regulation or plan issued pursuant to the authority contained in this section.
- (b) Any person violating a provision of this chapter shall, upon conviction thereof, be subject to forfeiture as designated in Section 1.111 (General Penalty) of the Village of Weston Municipal Code of Ordinances.

(Ord. of 10-23-12) [Amended via Ord. No 15-027, 11/18/2015] [Renumbered via Ord. No 17-021, 6/21/2017]