

# TITLE 15

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# Chapter 1

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## Building Code

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### **Sec. 15-1-1 Building Code Established.**

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Combined Locks" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope.**

- (1) New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
- (3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

## **Sec. 15-1-2 Building Permits and Inspection**

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his agent shall obtain a valid permit for:
  - a. New buildings.
  - b. Additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d. Exempted are re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector.
  - e. Any electrical wiring for new construction or remodeling.
  - f. Any HVAC for new construction or remodeling.
  - g. Any plumbing for new construction or remodeling.
  - h. Exempt are normal repairs performed in Subsection (a)(1)e-g.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
  - a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of

substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.

- b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted unless such structure is brought into compliance with this Chapter or is otherwise permitted by the Building Inspector.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Site Plan Approval.**
- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, shall require a site plan, approved by the Building Inspector in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Building Inspector or expert consultants to

- determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) **Administration.** The Building Inspector shall be responsible for reviewing, and either approving (issuing building permit) or denying any applications and plans for building permits.
  - (3) **Appeals.** Denials of building permits may be appealed to the Board of Appeals by filing a notice of appeal with the Village Administrator within ten (10) days of the denial.
- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.
- (e) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
  - (3) **Occupancy.** No person shall occupy any building until sewer, water, and electrical utilities, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear

the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter ILHR 20.09(4), Wis. Adm. Code.

(g) **Waiver of Plans; Minor Repairs.**

- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than Five Hundred Dollars (\$500.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(h) **Approval of Plans.**

- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspections.**

- (1) The following inspections shall be requested forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable:
  - a. Footing/foundation.
  - b. Rough carpentry, HVAC, electric and plumbing.
  - c. Drantile/basement floor.
  - d. Underfloor plumbing/electric service.
  - e. Insulation.
  - f. Final carpentry, HVAC, electric and plumbing.
  - g. Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

- (j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.
- (k) **Revocation of Permits.**
  - (1) The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
    - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
    - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
    - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (l) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.



- (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

### **Sec. 15-1-3 State Uniform Dwelling Code Adopted.**

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs.	ILHR 16-17	Electrical Code
Chs.	ILHR 20-25	Uniform Dwelling Code
Ch.	ILHR 26	Inspection Certification
Chs.	ILHR 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Chs.	ILHR 66	Multi-Family Code
Chs.	ILHR 69	Barrier Free Design
Ch.	ILHR 70	Historic Building Code
Chs.	ILHR 81-86	Uniform Plumbing Code
Chs.	IND 160-164	Existing Building Code

**NOTE:** The above-Administrative Codes are promulgated by the Wisconsin Department of Commerce, formerly the Department of Industry, Labor and Human Relations.

- (2) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Administrator's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
- (1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
  - (2) Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch,

- number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) ILHR 22, Wis. Adm. Code, shall not apply.
- (3) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (2) above and/or ILHR 21, Wis. Adm. Code.
- (c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) **Department.** The Department of Industry, Labor and Human Relations.
  - (4) **Dwelling.**
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;  
or
    - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
  - (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

- (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Person.** An individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter ILHR 20 — Administrative and Enforcement

Wis. Adm. Code Chapter ILHR 21 — Construction Standards

Wis. Adm. Code Chapter ILHR 22 — Energy Conservation Standards

Wis. Adm. Code Chapter ILHR 23 — Heating, Ventilating and Air  
Conditioning

Wis. Adm. Code Chapter ILHR 24 — Electrical Standards

Wis. Adm. Code Chapter ILHR 25 — Plumbing and Potable Water Standards

(e) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. ILHR 26.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

## Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Village Administrator.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and ILHR 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) Wis. Adm. Code ILHR 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
  - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

## Sec. 15-1-5 Electrical Permits and Inspections.

- (a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the Village Administrator.
- (b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit.

The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.

- (c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.
- (d) **Electrical Contractor Licenses.**
- (1) **License Required.** No person shall perform the work of an electrical contractor unless licensed by the Village. Qualifications for an electrical contractor's license shall be defined by the Village.
  - (2) **Exemptions.**
    - a. Employees of electrical, telephone, telegraph and railway utilities may perform the planning or superintending and installation, operation and maintenance of equipment and materials required for the operation of the business of such utilities without a license, but when said employees perform said work on property or premises of others except when making service connections and installing and testing transformers, meters and other equipment ordinarily furnished by and remaining the property of the utility, they shall be licensed in the same manner provided for in this Chapter.
    - b. The operating engineers and their assistants in charge of power generating plants, prime movers, and all auxiliary equipment, and appliances connected therewith, shall be exempt in the supervision, maintenance, repairs and in the operation of the electrical equipment under their jurisdiction.
    - c. Plant electricians regularly employed by an employer may not be licensed while doing electrical maintenance work that is limited exclusively to the plant or shop of their employees.
    - d. An indentured apprentice who shall be registered with the Inspection Official may work without a license, but shall work the first three (3) years of his/her indenture under the immediate supervision of a licensed master or journeyman electrician.
    - e. A homeowner may personally wire his own single family dwelling, but a permit must be procured and work inspected and approved in the same manner as for a licensed electrician. An owner must prove his competence to conform with all rules and regulations. Homeowner is a person owning and occupying as his permanent address a single family dwelling.

- f. Any license under the provisions of this Subsection may be revoked by the designated authority if the license violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property.

## **Sec. 15-1-6 Plumbing Permits and Inspections.**

- (a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
  - (1) As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.
  - (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- (b) **Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of ILHR 82.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation.
- (c) **Applications and Permits.**
  - (1) **Application.** No plumbing shall be installed in the Village without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Village before such building may be connected to the Village sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his home.
  - (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.
- (d) **Backwater Valve Requirements.**
  - (1) **New Construction.** An approved automatic-type backwater valve shall be installed in all new residential construction. Backwater valves, when fully open, shall have a capacity not less than that of the pipes in which installed. Backwater valves shall be so located as to be readily accessible for cleaning, repair, or replacement.
  - (2) **Existing Buildings Where Drainage Systems Subject to Backflow.** Where a building drainage system is subject to backflow of sewerage, and where the building

was erected prior to February 1, 1994, the owner of the building shall, when ordered by the Building Inspector or an authorized representative, install approved automatic-type backwater valves in appropriate fixtures located below the sidewalk grade.

### **Sec. 15-1-7 New Methods and Materials.**

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Commerce for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Commerce. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce.

### **Sec. 15-1-8 Unsafe Buildings.**

Whenever the Building Inspector finds any building or part thereof within the Village to be, in his/her judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Building Inspector shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

### **Sec. 15-1-9 Disclaimer on Inspections.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Combined Locks. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty

of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

### **Sec. 15-1-10 Garages.**

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

### **Sec. 15-1-11 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Combined Locks shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
  - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete;
  - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
  - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
  - (7) A description of the method of demolition to be used; and
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.



- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
  - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
  - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Administrator at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
  - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
  - (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.

- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

### **Sec. 15-1-12 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than sixty (60) days shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

### **Sec. 15-1-13 Discharge of Clear Waters.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting,

draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All surface drains, drains from any mechanical device, pipe, conduits or other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either within a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Prohibited Storm Water System Connections.** Roof drains or roof gutters shall not be connected to a storm sewer system, effective January 1, 2003.
- (f) **Sump Pump Discharge.**
  - (1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
    - a. In existing streets with storm sewers when storm sewer laterals are installed.
    - b. In non-existing streets and in existing streets without storm sewers when storm sewers are installed.
  - (2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three (3) feet from the building and is above permanent grade.
  - (3) No sump discharge shall be allowed to flow on or across a public sidewalk. Sump discharge shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 each year.
  - (4) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters H81, H82 and H83, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.

- (g) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

### **Sec. 15-1-14 Duplex and Multi-Service Connections.**

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

### **Sec. 15-1-15 Regulations for Moving Buildings.**

- (a) **General Requirements.**
  - (1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Administrator prior to issuance of the moving permit.
  - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Moving Damaged Buildings.** No building shall be moved from outside of the corporate limits of the Village of Combined Locks to within the corporate limits of the Village of Combined Locks.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Combined Locks in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and

employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- (h) **Village Board Approval.**
  - (1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection hereof to the effect that he will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
  - (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after

the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (8) hereof and file it in the office of Village Administrator who shall send a copy of it to the Building Inspector.

### **Sec. 15-1-16 Yard Grades.**

- (a) **Front Yards.** Front yards shall be established for new construction from the established grade at the location of the inside of the sidewalk. The pitch of the lawn can only be one-half (1/2) inch per foot from the foundation to the inside of the sidewalk.
- (b) **Side Yard and Back Yard Grading.** No change in the existing topography of any parcel, which has been created through the subdivision control ordinance of the Village, may be made which would result in the damming, filling, relocating or otherwise interfering with the natural flow of surface water as outlined in an approved drainage plan, as exists along any approved surface drainage channel, or exists through a natural water course.
- (c) **Drainage Plan to Be Followed.** A property owner who fails to follow the approved drainage plan for a subdivision is considered to be in violation of this Chapter and subject to remediation at their expense.
- (d) **Changes in Yard Drainage.** A change in any portion of the grade of a side yard or back yard that would, or does interfere with the existing approved drainage capacity of the adjoining property, shall not be permitted, except with the written consent of the abutting property owner and the approval of the Plan Commission. No other alteration of existing drainage or topography shall be permitted which would adversely affect the adjoining property.
- (e) **Time for Compliance.** The yard grade requirements of this Section shall be met within thirty (30) days of completion of construction, unless, because of weather conditions, arrangements for a completion date are made with the Building Inspector.

### **Sec. 15-1-17 Construction Sites; Maintaining Clean Streets.**

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris by the end of each work day. Any subcontractor depositing debris on road right-of-way is responsible for immediate clean up. Concrete contractors are expressly prohibited from cleaning out residual materials onto road right-of-way. The Village of Combined Locks will clean said streets deemed to be in an unacceptable condition by the Director of Public Works, if the work is not done within twelve (12) hours of the incident; and will charge the current established costs to the contractor for the work, regardless of any penalty imposed under Section 1-1-6 for violation of this Section.

## Sec. 15-1-18 Fees.

The following fees shall be paid for building permits:

(a) **New Homes.**

- (1) Four Hundred Fifty Dollar (\$450.00) building permit. [One Hundred Fifty Dollars (\$150.00) of the building permit fee is to be used exclusively to offset the costs of providing driveway grades. The Building Inspector is not responsible for providing nor inspecting driveway grades. One Hundred Dollars (\$100.00) is to be used to offset the costs of inspection for compliance with drainage plan.]
- (2) Twenty Dollar (\$20.00) plumbing permit to be taken out by licensed plumbing contractor.
- (3) Twenty Dollar (\$20.00) electrical permit to be taken out by licensed electrical contractor.
- (4) One Hundred Thirty Dollar (\$130.00) sanitary sewer/water/storm sewer connection permit to be taken out by excavation contractor. (All monies associated with this permit are to offset the costs of inspection for compliance with drainage plan.)
- (5) Twenty Dollar (\$20.00) heating/air conditioning permit to be taken out by heating/air conditioning contractor.

(b) **Duplexes.**

- (1) Six Hundred Dollar (\$600.00) building permit. [Two Hundred Dollars (\$200.00) of the building permit fee is to be used exclusively to offset the costs of providing driveway grades. The Building inspector is not responsible for providing nor inspecting driveway grades. One Hundred Dollars (\$100.00) is to be used to offset the costs of inspection for compliance with drainage plan.]
- (2) Forty Dollar (\$40.00) plumbing permit to be taken out by licensed plumbing contractor.
- (3) Forty Dollar (\$40.00) electrical permit to be taken out by licensed electrical contractor.
- (4) One Hundred Thirty Dollars (\$130.00) per sanitary sewer/water/storm sewer connection permit to be taken out by excavation contractor. (All monies associated with this permit are to offset the costs of inspection for compliance with drainage plan.)
- (5) Forty Dollars (\$40.00) heating/air conditioning permit to be taken out by heating/air conditioning contractor.

(c) **Multi-Family.**

- (1) **Building Permit.** Six Hundred Dollars (\$600.00) plus Twenty-five Dollars (\$25.00) per unit. [Two Hundred Dollars (\$200.00) of the building permit fee is to be used exclusively to offset the costs of providing driveway grades. The Building Inspector is not responsible for providing nor inspecting driveway grades. One Hundred Dollars (\$100.00) is to be used to offset the costs of inspection for compliance with drainage plan.]
- (2) **Plumbing Permit to Be Taken Out by Licensed Plumbing Contractor.** Twenty (\$20.00) per unit.



- (3) **Electrical Permit to Be Taken Out by Licensed Electrical Contractor.** Twenty Dollars (\$20.00) per unit.
- (4) **Sanitary Sewer/Water/Storm Sewer Connection Permit to Be Taken Out by Excavation Contractor.** One Hundred Thirty Dollars (\$130.00) per building hookup for sanitary sewer/water/storm sewer connection permit to be taken out by excavation contractor. (All monies associated with this permit are to offset the costs of inspection for compliance with drainage plan.)
- (5) **Heating/Air Conditioning Permit to Be Taken Out by Heating/Air Conditioning Contractor.** Twenty Dollars (\$20.00) per unit.
- (d) **Existing House Addition-Remodeling and Attached Garages.**

(1) **Add All That Apply.**

	<b>Residential</b>	<b>Commercial</b>
a. Construction	20.00	35.00
b. Electrical	20.00	35.00
c. Plumbing	20.00	35.00
d. Heat/Air Conditioning	20.00	35.00

(2) **Special Projects.**

a. Solar System	25.00	45.00
b. Wood Furnace/Chimney	25.00	45.00
c. Wind Generator	25.00	45.00
d. Pool, Deduct Meter, Deck (when all projects are completed in 90 days)	25.00	45.00
e. Signal receiving antennas regulated under Sec. 13-1-160	25.00	300.00

(e) **Other Permits**

	<b>Residential</b>	<b>Commercial</b>
(1) Unattached Garage (to include electrical)	20.00	35.00
(2) Shed or Outbuilding	15.00	25.00
(3) Fence	15.00	25.00
(4) Pool	15.00	25.00
(5) Deck	15.00	25.00
(6) Deduct meter	15.00	25.00
(7) Any combination of two of the following: pool, deck deduct meter	20.00	40.00
(8) Property transfer clear water inspection	30.00	60.00

- (f) **No Penalty Permit.** In the event work is commenced prior to obtaining a building permit, all fees shall be doubled.

### **Sec. 15-1-19 Severability.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

### **Sec. 15-1-20 Penalties and Violations.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

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- (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Combined Locks charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.



## Chapter 2

# Construction Site Erosion Control

<b>15-2-1</b>	Authority
<b>15-2-2</b>	Findings of Fact
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<b>15-2-4</b>	Applicability and Jurisdiction
<b>15-2-5</b>	Definitions
<b>15-2-6</b>	Technical Standards
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<b>15-2-8</b>	Permitting Requirements, Procedures and Fees
<b>15-2-9</b>	Erosion and Sediment Control Plan, Statement and Amendments
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<b>15-2-11</b>	Inspection
<b>15-2-12</b>	Enforcement
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<b>15-2-14</b>	Severability
<b>15-2-15</b>	Effective Date
<b>15-2-16</b>	Limitations on Municipal Responsibility

### Sec. 15-2-1 Authority.

- (a) **Statutory Authority.** This Chapter is adopted under the authority granted by Section 61.354, Wis. Stats. This Chapter supersedes all provisions of any ordinance(s) previously adopted under Section 61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in Section 61.354, Wis. Stats., Section 61.35, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (b) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) **Administration.** The Village of Combined Locks hereby designates the Director of Public Works to administer and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest or in the employ of the agency.

- (d) **Limitations on Pre-Emption.** The requirements of this Chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
  - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

### **Sec. 15-2-2 Findings of Fact.**

The Combined Locks 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 Combined Locks.

### **Sec. 15-2-3 Purpose and Intent.**

It is the purpose of this Chapter to:

- (a) Further the maintenance of safe and healthful conditions;
- (b) Prevent and control water pollution;
- (c) Prevent and control soil erosion;
- (d) Protect spawning grounds, fish and aquatic life;
- (e) Control building sites, placement of structures and land uses;
- (f) Preserve ground cover and scenic beauty; and
- (g) 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 Combined Locks.

### **Sec. 15-2-4 Applicability and Jurisdiction.**

- (a) **Applicability.** This Chapter applies to the following land disturbing construction activities except as provided under Subsection (b) below:
- (1) A construction site which has four thousand (4,000) square feet or greater of land disturbing construction activity.
  - (2) A construction site which has one hundred (100) cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.
  - (3) A construction site which has one hundred (100) linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland,

protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with NR 103.08(1m), Wis. Adm. Code.

- (b) **Inapplicability.** This Chapter does not apply to the following:
- (1) Land disturbing construction activity that includes the construction of one- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one (1) acre of disturbance. These construction sites are regulated by the Wisconsin Department of Commerce under COMM 21.125, Wis. Adm. Code.
  - (2) 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 activity.
  - (3) Non-point discharges from agricultural activity areas.
  - (4) Non-point discharges from silviculture activities.
  - (5) Mill and crush operations.
- (c) **Building Inspector Determination.** Notwithstanding the applicability requirements in Subsection (a), this Chapter applies to construction sites of any size that, in the opinion of the Director of Public Works, 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.
- (d) **Jurisdiction.** This Chapter applies to land disturbing activity on construction sites located within the boundaries and jurisdiction of the Village of Combined Locks.
- (e) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

## Sec. 15-2-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
- (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 61.354, Wis. Stats., that is designated by the Combined Locks Village Board to administer this Chapter.
  - (2) **Agricultural Activity Area.** The part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes,

excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.

- (3) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
- (4) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical. For purposes of this Chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin, between March 29 and November 25, 1969.
- (5) **Best Management Practice ("BMP").** 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.
- (6) **Business Day.** A day the Office of Director of Public Works is routinely and customarily open for business.
- (7) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (8) **Common Plan of Development or Sale.** A 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 common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.
- (9) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (10) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (11) **Division of Land.** The creation from one (1) or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five (5) year period.
- (12) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (13) **Erosion and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (14) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (15) **Final Stabilization.** 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 seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

- (16) **Governing Body.** The Village of Combined Locks Board of Trustees.
- (17) **Land Disturbing Construction Activity (Disturbance).** 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, and soil stockpiling.
- (18) **Maximum Extent Practicable (MEP).** 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 and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (19) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (20) **Permit.** Written authorization made by the Director of Public Works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (21) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (22) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (23) **Protective Area.** Has the meaning given in Section 15-8-7(c)(4) of the Village of Combined Locks Post-Construction Storm Water Management Chapter of this Code of Ordinances.
- (24) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated to meet the performance standards of this Chapter through a contract or other agreement.
- (25) **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (26) **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (27) **Separate Storm Sewer.** 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 draining to a storm water treatment device or system.
  - d. Discharges directly or indirectly to waters of the state.
- (28) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application..

- (29) **Stop Work Order.** An order issued by the Director of Public Works which requires that all construction activity on the site be stopped.
- (30) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (31) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.

### **Sec. 15-2-6 Technical Standards.**

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of storm water practices needed to meet the water quality standards of this Chapter:

- (a) **Design Criteria, Standards and Specifications.** All BMP's required to comply with this Chapter shall meet the design criteria, standards and specifications based on the following:
  - (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of NR 151, Wis. Adm. Code.
  - (2) Technical standards and guidance identified within the "Village of Combined Locks Storm Water Reference Guide".
  - (3) For this Chapter, average annual basis is calculated using the appropriate annual 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.
- (b) **Other Standards.** Other technical standards not identified or developed in Subsection (a) may be used provided that the methods have been approved by the Public Works Director.

### **Sec. 15-2-7 Performance Standards.**

- (a) **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 15-2-9 that incorporates the requirements of this Section.
- (b) **Plan.** A written erosion and sediment control plan shall be developed in accordance with Section 15-2-9 and implemented for each construction site.
- (c) **Requirements.** The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:
  - (1) **Total Suspended Solids.** BMP's shall be designed, installed and maintained to control total suspended solids carried in runoff from the construction site as follows:
    - a. For construction sites with one (1) acre or greater of land disturbing construction activity, reduce the total suspended solids load by eighty percent (80%), on an average annual basis, as compared with no sediment or erosion controls until the

construction site has undergone final stabilization. No person shall be required to exceed eighty percent (80%) sediment reduction to meet the requirements of this Subsection. Erosion and sediment control BMP's may be used alone or in combination to meet the requirements of this Subsection. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

- b. For construction sites with less than one (1) acre of land, reduce the total suspended solids load using BMP's from the "Village of Combined Locks Storm Water Reference Guide". These sites are not required to satisfy a numeric performance standard.
- (2) **Statement When Goals Cannot Be Met.** Notwithstanding Subsection (c)(1) above, if BMP's cannot be designed and implemented to reduce the sediment load by eighty percent (80%), on an average annual basis, the plan shall include a written and site-specific explanation as to why the eighty percent (80% reduction) goal is not attainable, and the sediment load shall be reduced to the maximum extent practicable.
  - (3) **Sediment Control Standards.** Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
    - a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
    - b. Prevent the discharge of sediment as part of site de-watering.
    - c. Protect the separate storm drain inlet structure from receiving sediment.
  - (4) **Construction Site Storage.** The use, storage and disposal of building materials, chemicals, cement, concrete truck washout, litter, sanitary waste, and other compounds and materials used on the construction site shall be managed during the construction period to prevent their entrance into storm sewers and waters of the state. 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 Subsection.
- (d) **Location.** The BMP's used to comply with this Section shall be located prior to runoff entering waters of the state.
  - (e) **Alternate Requirements.** The Director of Public Works may establish requirements more stringent than those set forth in this Section if the Director of Public Works determines that an added level of protection is needed to protect sensitive resources.

## **Sec. 15-2-8 Permitting Requirements, Procedures and Fees.**

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity subject to this Chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works.

- (b) **Permit Application and Fees.** At least one (1) responsible party desiring to undertake a land disturbing construction activity subject to this Chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 15-2-9 and shall pay an application fee, based on the fee schedule as adopted, to the Director of Public Works. By submitting an application, the applicant is authorizing the Director of Public Works to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) **Review and Approval of Permit Application(s).** The Director of Public Works 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:
  - (1) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Subsection (b), the Director of Public Works shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this Chapter.
  - (2) If the permit application and plan are approved, the Director of Public Works shall issue the permit.
  - (3) If the permit application is disapproved, the Director of Public Works shall state in writing the reasons for disapproval.
  - (4) The Director of Public Works may request additional information from the applicant. If additional information is submitted, the Director of Public Works shall have twenty (20) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
  - (5) Failure by the Director of Public Works to inform the permit applicant of a decision within twenty (20) 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.
- (d) **Surety Bond.** As a condition of approval and issuance of the permit, the Director of Public Works may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (e) **Permit Requirements.** All permits shall require the responsible party to:
  - (1) Notify the Director of Public Works within forty-eight (48) hours of commencing and land disturbing construction activity.
  - (2) Notify the Director of Public Works of completion of any BMP's within ten (10) business days after their installation.
  - (3) Obtain permission in writing from the Director of Public Works prior to any modification pursuant to Section 15-2-9(c) of the erosion and sediment control plan.
  - (4) Install all BMP's as identified in the approved erosion and sediment control plan.
  - (5) Maintain all road drainage systems, stormwater drainage systems, BMP's and other facilities identified in the erosion and sediment control plan.

- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
  - (7) Conduct construction site inspections at least once per week and within twenty-four (24) hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMP's as necessary within twenty-four (24) hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following:
    - a. Date, time and location of the construction site inspection;
    - b. The name of the individual who performed the inspection;
    - c. An assessment of the condition of the erosion and sediment controls;
    - d. A description of any erosion and sediment control BMP implementation and maintenance performed; and
    - e. A description of the present phase of land disturbing construction activity at the construction site.
  - (8) Allow the Director of Public Works 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.
  - (9) Keep a copy of the erosion and sediment control plan, storm water management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
  - (10) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (f) **Permit Conditions.** Permits issued under this Section may include conditions established by the Director of Public Works in addition to the requirements set forth in Subsection (e), where needed to assure compliance with the performance standards in Section 15-2-7.
- (g) **Permit Duration.** Permits issued under this Section shall be valid for a period of one hundred eighty (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 may extend the period one (1) or more times for up to an additional one hundred eighty (180) days. The Director of Public Works may require additional BMP's as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMP's necessary to meet the requirements of this Section until the site has undergone final stabilization.
- (i) **Alternate Requirements.** The Director of Public Works may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one (1) acre of disturbance.

## **Sec. 15-2-9 Storm Water Management Plan.**

- (a) **Plan Requirements.** The erosion and sediment control plan required under Section 15-2-7(b) shall comply with the Village of Combined Lock's "Storm Water Reference Guide" and contain at a minimum the following information:
- (1) Name, address, and telephone number of the landowner and responsible parties.
  - (2) A legal description of the property proposed to be developed.
  - (3) A site map with property lines, disturbed limits, and drainage patterns.
  - (4) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.
  - (5) Performance standards applicable to the site.
  - (6) Proposed best management practices.
- (b) **Erosion and Sediment Control Plan Statement.** For each construction site identified under Section 15-2-4(a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works. 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 this Chapter, including the development schedule.
- (c) **Amendments.** The applicant shall amend the plan if any of the following occur:
- (1) 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.
  - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by the construction site runoff.
  - (3) The Director of Public Works notifies the applicant of changes needed in the plan.
- (d) **Alternative Requirements.** The Director of Public Works may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one (1) acre of disturbance.

## **Sec. 15-2-10 Fee Schedule.**

The fees referred to in other sections of this Chapter shall be established by the Combined Locks Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Combined Locks Village Board shall be available for review in the Village Clerk's office.

## **Sec. 15-2-11 Inspection.**

If land disturbing construction activities are being carried out without a permit required by this Chapter, the Director of Public Works may enter the land pursuant to the provisions of Section 66.0119(1), (2) and (3), Wis. Stats.

**Sec. 15-2-12 Enforcement.**

- (a) The Director of Public Works may post a stop-work order if any of the following occurs:
  - (1) Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
  - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
  - (3) The conditions of the permit are not being met.
- (b) 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 may revoke the permit.
- (c) 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 if a responsible party violates a stop-work order posted under Subsection (a), the Director of Public Works may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The Director of Public Works may retract the stop-work order issued under Subsection (a) or the permit revocation under Subsection (b).
- (e) After posting a stop-work order under Subsection (a), the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Chapter. The Director of Public Works 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, plus interest at the rate authorized by the Village Board, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. 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 it as a special assessment against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.
- (f) Any person, firm, association, or corporation violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this Chapter 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.

**Sec. 15-2-13 Appeals.**

- (a) **Board of Appeals.** The Board of Appeals, created pursuant to Section 2-4-2 of the Village of Combined Locks Code of Ordinances pursuant to Section 61.354(4)(b), Wis. Stats.:

- (1) 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 in administering this Chapter, except for cease and desist orders;
  - (2) Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship; and
  - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) **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 Combined Locks affected by any decision of the Director of Public Works.
- (c) **Court Action.** This Section does not apply to determinations made regarding this Chapter in either Municipal Court or circuit court. In such circumstances the appeal procedure shall be that set forth for appealing Municipal Court decisions and/or circuit court decisions as applicable.

### **Sec. 15-2-14 Severability.**

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

### **Sec. 15-2-15 Effective Date.**

This Chapter shall be in force and effect from and after its adoption and posting. The above and foregoing Chapter was duly adopted by the Board of Trustees of the Village of Combined Locks on the 18th day of December, 2007.

### **Sec. 15-2-15 Limitations on Municipal Responsibility.**

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village which has adopted this Chapter than those minimum requirements specifically required by the Wisconsin State Statutes and Wisconsin Department of Natural Resources regulations.



## Chapter 3

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# Fair Housing

<b>15-3-1</b>	Statement on Fair Housing
<b>15-3-2</b>	Definitions as Used in This Chapter
<b>15-3-3</b>	Unlawful Practices
<b>15-3-4</b>	Exemptions
<b>15-3-5</b>	Enforcement

### Sec. 15-3-1 Statement on Fair Housing.

- (a) **Statement of Purpose.** It is hereby declared to be the policy of the Village of Combined Locks to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, family status, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.
- (b) **State Statutes Adopted.**
- (1) **Adopted by Reference.** The statutory provisions of Sec. 101.22, Wis. Stats., and subsequent amendments thereto, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.
  - (2) **Implementation.** The officials and employees of the Village of Combined Locks shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Combined Locks by implementing the authority and enforcement procedures set forth in Sec. 101.22, Wis. Stats.

*State Law Reference:* Sec. 101.22, Wis. Stats.

### Sec. 15-3-2 Definitions as Used in This Chapter.

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### **Sec. 15-3-3 Unlawful Practices.**

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or

lease of any accommodation, it shall be unlawful within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or
- (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
  - (1) The lowering of property values in the area;
  - (2) An increase in criminal or antisocial behavior in the area; or
  - (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

#### **Sec. 15-3-4 Exemptions.**

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or

which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
  - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
  - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
  - (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

### **Sec. 15-3-5 Enforcement.**

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.



## Chapter 4

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# Minimum Property Maintenance Standards

<b>15-4-1</b>	Minimum Property Maintenance Standards
<b>15-4-2</b>	Definitions
<b>15-4-3</b>	Prohibition of Litter, Rubbish or Debris
<b>15-4-4</b>	Housing Appearance
<b>15-4-5</b>	Notice and Remedy
<b>15-4-6</b>	Other Methods Not Excluded
<b>15-4-7</b>	Cost of Abatement

### Sec. 15-4-1 Minimum Property Maintenance Standards.

- (a) **Policy.** There exist in the Village of Combined Locks, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village.
- (b) **Purpose.** The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Section does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

### Sec. 15-4-2 Definitions.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) **Abandoned Dwelling.** A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months.

Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

- (b) **Accessory Structure.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) **Blighted Area.** Any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant morality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) **Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) **Deterioration.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) **Dilapidated.** Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) **Dwelling.** Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (h) **Nuisance.** Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Combined Locks Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
  - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
  - (2) In any other way render the public insecure in life or in the use of property;
- (i) **Occupant.** Any person living, sleeping or having actual possession of a building.
- (j) **Owner.** Any person who, along or jointly or severally with others:
  - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
  - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (k) **Person.** Any natural individual, firm, trust, partnership, association or corporation.



- (l) **Premises.** A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (m) **Refuse.** All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (n) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting or either:
  - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
  - (2) Noncombustible wastes such as tin cans, glass or crockery.

### **Sec. 15-4-3 Prohibition of Litter, Rubbish or Debris.**

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties.

### **Sec. 15-4-4 Housing Appearance.**

- (a) **Minimum Standards.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.
- (b) **Foundations, Exterior Walls and Roofs.** No person shall be an owner or occupant of any premises which does not comply with the following requirement:
  - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board of timbers.
  - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
  - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
  - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

- (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (c) **Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (d) **Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (e) **Abandoned Dwellings.** The owner of any abandoned dwelling shall:
  - (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
  - (2) Lock all exterior doors and windows of said dwelling;
  - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection (b); and
  - (4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).
- (f) **Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

### **Sec. 15-4-5 Notice and Remedy.**

- (a) Upon determination by the Village Building Inspector of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within thirty (30) days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Village Building Inspector shall file an action in the name of the Village in the Circuit Court for Outagamie County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

**Sec. 15-4-6 Other Methods Not Excluded.**

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Village of Combined Locks or its officials in accordance with the laws of the State of Wisconsin or Village ordinances.

**Sec. 15-4-7 Cost of Abatement.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.



## Chapter 5

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# Commercial Property Exterior Maintenance Code

<b>15-5-1</b>	Title
<b>15-5-2</b>	Intent and Purpose
<b>15-5-3</b>	Safe, Sanitary and Attractive Maintenance of Property
<b>15-5-4</b>	Fixing Responsibility of Owners, Operators and Occupants
<b>15-5-5</b>	Enforcement, Service of Notices and Orders and Hearings

### **Sec. 15-5-1 Title.**

This Chapter shall be known as the Village of Combined Locks Commercial Property Exterior Maintenance Code.

### **Sec. 15-5-2 Intent and Purpose.**

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

### **Sec. 15-5-3 Safe, Sanitary, and Attractive Maintenance of Property.**

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.

- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
- (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
  - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
  - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
  - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
  - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
  - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
  - (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
  - (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.

- (9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **Removal of Debris.**
- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
  - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
  - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

#### **Sec. 15-5-4 Fixing Responsibility of Owners, Operators and Occupants.**

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

#### **Sec. 15-5-5 Enforcement, Service of Notices and Orders and Hearings.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Chapter 4 of this Title.





## Chapter 6

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# Grievances Regarding Access to Public Buildings, Programs, Services and Employment

### **15-6-1** Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

#### **Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.**

(a) **Statement of Purpose.**

- (1) The Village of Combined Locks, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Administrator. The Village Board shall serve as the ADA Compliance Committee. An ADA Coordinator will be appointed by the ADA Compliance Committee. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Village Administrator.
- (2) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (3) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the Village Administrator.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.

- (6) The Village Administrator shall maintain the files and records of the Village relating to the complaints filed.
- (c) **Appeals.** If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the Village Board acting as the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.
- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

## Chapter 7

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# Historic Preservation

- 15-7-1** Declaration of Public Policy and Property
- 15-7-2** Definitions
- 15-7-3** Power and Duties of Historic Preservation Committee;  
Procedure for Designation of Sites, Structures,  
Landmarks and Districts
- 15-7-4** Criteria for Determining Eligibility
- 15-7-5** Register of Historic Sites, Structures, Landmarks and  
Districts
- 15-7-6** External Alteration of Designated Property
- 15-7-7** Transfer of Historically Designated Property
- 15-7-8** Review of Permits
- 15-7-9** Designation of Repository for Documents

### **Sec. 15-7-1 Declaration of Public Policy and Property.**

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the Village of Combined Locks by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the Village.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village.

## **Sec. 15-7-2 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Committee.** The Historic Preservation Committee created hereunder.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

## **Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.**

- (a) **Composition.**
  - (1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Plan Commission in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village.
  - (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
    - a. Active interest in the historic preservation of the Village of Combined Locks.
    - b. Knowledge of the history of the Village and its environs.
    - c. Expertise and knowledge concerning architecture and archeology.
    - d. Ability to utilize authoritative resources concerning historic preservation.

- (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
  - (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
  - (5) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
  - (6) The Plan Commission and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
  - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
  - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
  - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.
  - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.

- (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

#### **Sec. 15-7-4 Criteria for Determining Eligibility.**

In determining the eligibility of any area, site, place, building, structure or district within the Village as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

#### **Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Districts.**

The Village of Combined Locks shall maintain a register of historic sites, structures, landmarks and districts.

#### **Sec. 15-7-6 External Alteration of Designated Property.**

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

**Sec. 15-7-7 Transfer of Historically Designated Property.**

- (a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

**Sec. 15-7-8 Review of Permits.**

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within thirty (30) days. The Plan Commission shall consider this review and make their recommendations to the Village Board. The Village Board, will vote to decide if the permit will be issued or denied.
- (c) The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
  - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
  - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

**Sec. 15-7-9 Designation of Repository for Documents.**

The Village of Combined Locks Municipal Building is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.





## Chapter 8

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# Illicit Discharge and Connection to Storm Water Utility

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### **Sec. 15-8-1 Purpose and Intent.**

The purpose of this Chapter is to provide for the health, safety, environment and general welfare of the citizens of the Village of Combined Locks through the regulation of non-storm water discharges into waters of the state or the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into waters of the state or the MS4 in order

to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this Chapter are:

- (a) To regulate the contribution of pollutants into waters of the state or the MS4 by storm water discharges by any user.
- (b) To prohibit illicit connections and discharges into waters of the State of Wisconsin or the MS4.
- (c) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter.

## Sec. 15-8-2 Definitions.

- (a) **Definitions Established.** For the purposes of this Chapter, the following shall mean:
  - (1) **Authorized Enforcement Agency.** Employees or designees of the Director of Public Works of the municipal agency designated to enforce this Chapter.
  - (2) **Best Management Practices (BMP's).** 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 of Wisconsin.
  - (3) **Construction Activity.** Activities subject to Village of Combined Locks construction permits per erosion control and stormwater management ordinances or WPDES construction permits per NR 216, Wis. Adm. Code, and Chapter 283, Wis. Stats.
  - (4) **Contaminated Storm Water.** Storm water that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216, Wis. Adm. Code.
  - (5) **Department (DNR).** The Wisconsin Department of Natural Resources.
  - (6) **Discharge.** As defined in Chapter 283, Wis. Stats., when used without qualification includes a discharge of any pollutant.
  - (7) **Discharge of Pollutant or Discharge of Pollutants.** As defined in Chapter 282, Wis. Stats., means any addition of any pollutant to the waters of this state from any point source.
  - (8) **Hazardous Materials.** 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.
  - (9) **Illicit Discharge.** Any discharge into waters of the state or a municipal separate storm sewer system that is not composed entirely of storm sewer. Non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration,

- uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire fighting, and discharges authorized under a WPDES permit unless identified by the Director of Public Works as a significant source of pollutants to waters of the state.
- (10) **Illicit Connections.** An illicit connection is defined as either of the following:
- a. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter waters of the state or the MS4 including, but not limited to, any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter waters of the state or the MS4 and any connections to waters of the state or the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
  - b. Any drain or conveyance connected from a commercial or industrial land use to waters of the state or the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (11) **Industrial Activity.** Activities subject to WPDES Industrial Permits per NR 216, Wis. Adm. Code and Chapter 283, Wis. Stats.
- (12) **Maximum Extent Practicable (MEP).** A level of implementing management practices in order to achieve a performance standard or other goal which takes into account the best available technology, cost-effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.
- (13) **Municipality.** Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes.
- (14) **Municipal Separate Storm Sewer System (MS4).** As defined in NR 216, Wis. Adm. Code, means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, construction channels or storm drains, which meets all of the following criteria:
- a. Owned or operated by a municipality.
  - b. Designed or used for collecting or conveying storm water.
  - c. Which is not a combined sewer conveying both sanitary and storm water.
  - d. Which is not part of a publicly-owned wastewater treatment works that provides secondary or more stringent treatment.
- (15) **Non-Storm Water Discharge.** Any discharge to the MS4 that is not composed entirely of storm water.
- (16) **Owner.** Any person holding fee title, an easement or other interest in property.
- (17) **Outfall.** The point at which storm water is discharged to waters of the state or to a storm sewer.
- (18) **Person.** An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

- (19) **Pollutant.** As defined in Ch. 283, Wis. Stats., means 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.
- (20) **Pollution.** As defined in Ch. 283, Wis. Stats., means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (21) **Pollution Prevention.** Taking measures to eliminate or reduce pollution.
- (22) **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (23) **Storm Water.** Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (24) **Storm Water Management Plan/Storm Water Pollution Prevention Plan.** 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 waters of the state or the MS4 to the maximum extent practicable.
- (25) **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- (26) **Watercourse.** A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Outagamie County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.
- (27) **Waters of the State.** As defined in Ch. 283, Wis. Stats., means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- (28) **Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit.** A Wisconsin pollutant discharge elimination system permit issued pursuant to Chapter 283, Wis. Stats.

### **Sec. 15-8-3 Applicability.**

This Chapter shall apply to all water and discharges entering waters of the state or the MS4 generated on any lands unless explicitly exempted by the Director of Public Works.

#### **Sec. 15-8-4 Responsibility for Administration.**

The Director of Public Works shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works 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.

#### **Sec. 15-8-5 Compatibility With Other Regulations.**

This Chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

#### **Sec. 15-8-6 Severability.**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter 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 Chapter.

#### **Sec. 15-8-7 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

#### **Sec. 15-8-8 Discharge Prohibitions.**

- (a) **Prohibition of Illicit Discharges.** No person shall throw, dump, spill, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, spill, drain, or otherwise discharge into waters of the state or the MS4 any pollutants or waters containing any pollutants, other than storm water.
- (b) **Allowed Discharges.**
  - (1) Water line flushing, landscape irrigation, diverted stream flows, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from

potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and discharges authorized under a WPDES permit unless identified by the Director of Public Works as a significant source of pollutants to waters of the state.

- (2) Discharges or flow from firefighting, and other discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing; however, this activity requires a verbal notification to the Director of Public Works and the Wisconsin Department of Natural Resources a minimum of one (1) business day prior to the time of the test.
- (4) Any non-storm water discharges permitted under a construction activity permit, industrial activity permit, or WPDES 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 allowing discharges to waters of the state or the MS4.

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

- (1) The construction, use, maintenance or continued existence of illicit connections to waters of the state or the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection are permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to waters of the state or the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Director of Public Works.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to waters of the state or the MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Director of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director of Public Works.

## **Sec. 15-8-9 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 soil erosion, trash,

debris, 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.

### **Sec. 15-8-10 Compliance Monitoring.**

- (a) **Right of Entry; Inspecting and Sampling.** The Director of Public Works shall be permitted to enter and inspect properties and facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter:
- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Director of Public Works.
  - (2) Facility owners and 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.
  - (3) The Director of Public Works shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Director of Public Works, 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 owner or operator to install monitoring equipment as necessary, and make the monitoring data available to the Director of Public Works. 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 storm water flow and quality shall be calibrated to ensure their accuracy.
  - (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or 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 owner or operator.
  - (6) Unreasonable delays in allowing the Director of Public Works access to a facility is a violation of this Chapter. A person who is the operator of a facility commits an offense if the person denies the Director of Public Works reasonable access to the facility for the purpose of conducting any activity authorized or required by this Chapter.
- (b) **Special Inspection Warrant.** If the Director of Public Works has been refused access to any part of the premises from which storm water is discharged, and the Director of Public Works is able to demonstrate probable cause to believe that there may be a violation of this Chapter, 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 Chapter or any order issued

hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director of Public Works may seek issuance of a special inspection warrant per Section 66.0119, Wis. Stats.

### **Sec. 15-8-11 Requirement to Prevent, Control and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into waters of the state or the MS4 through the use of structural and non-structural BMP's. Further, any person responsible for a property or premise, that 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 BMP's to prevent the further discharge of pollutants to waters of the state or the MS4. Compliance with all terms and conditions of a valid permit authorizing the discharge of storm water associated with industrial activity or construction activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this Section.

### **Sec. 15-8-12 Notification of Spills.**

- (a) 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 illicit discharges or pollutants discharging into storm water, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, so as to minimize the impacts of the discharge.
- (b) 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, and shall also notify the Director of Public Works. In the event of a release of non-hazardous materials, said person shall notify the Director of Public Works in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Director of Public Works within forty-eight (48) hours of the telephone 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 record of the discharge and the actions taken to prevent it recurrence. Such records shall be retained for at least five (5) years.
- (c) Failure to provide notification of a release as provided above is a violation of this Chapter.



## Sec. 15-8-13 Violations; Enforcement; Penalties.

(a) **Violations.**

- (1) **Violations of Chapter.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this Chapter, may be subject to the enforcement actions outlined in this Section, or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) **Emergency Abatement.** In the event the violation constitutes an immediate danger to public health or public safety, the Director of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Director of Public Works is authorized to seek costs of the abatement as outlined in Section 15-8-16.

- (b) **Warning Notice.** When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, the Director of Public Works may serve upon that person a verbal or written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this Subsection shall limit the authority of the Director of Public Works to take action, including emergency action or any other enforcement action without first issuing a Warning Notice.

(c) **Notice of Violation.**

- (1) **Compliance Order.** Whenever the Director of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director of Public Works may order compliance by written notice of violation to the responsible person.
- (2) **Notice of Violation.** The Notice of Violation shall contain:
  - a. The name and address of the alleged violator;
  - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - f. A statement that the determination of violation may be appealed to the Director of Public Works by filing a written notice of appeal within three (3) business days of service of notice of violation; and

- g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, representatives of the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Chapter. The Director of Public Works may go on the land and commence the work after issuing the notice of intent. The Director of Public Works is authorized to seek costs of the abatement as outlined in Section 15-8-16.

(3) **Notice Requirements.** 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 BMP's.

(d) **Suspension of MS4 Access.**

(1) **Emergency Cease and Desist Orders.**

- a. When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
  1. Immediately comply with all ordinance requirements; and
  2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Director of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Director of Public Works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless

further termination proceedings are initiated against the discharger under this Chapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director of Public Works within thirty (30) days of receipt of the prerequisite for, taking any other action against the violator.

- (2) **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 Director of Public Works 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.
- (3) **Suspension Due to the Detection of Illicit Discharge.**
  - a. Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director of Public Works will notify a violator of the proposed termination of its MS4 access.
  - b. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director of Public Works.
- (e) **Prosecution and Penalties.**
  - (1) **Forfeitures.** Any person violating any provision of this Chapter shall be subject to a forfeiture of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
  - (2) **Injunction.** Compliance with the provisions of this Chapter 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.

## **Sec. 15-8-14 Appeals.**

- (a) **Board of Appeals Authority.**
  - (1) The Board of Appeals created pursuant to Section 2-4-2 of the Village of Combined Locks Code of Ordinances pursuant to Section 62.23(7)(e), Wis. Stats.:
    - 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 in administering this Chapter except for cease and desist orders obtained under Sec. 15-8-13(e);

- b. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Chapter will result in unnecessary hardship; and
  - c. Shall use rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) This Section does not apply to determinations made regarding this Chapter in either municipal court or circuit court. In such circumstances, the appeals procedure shall be that set forth for appealing municipal court decisions and/or circuit court decisions as applicable.
- (b) **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 Combined Locks affected by any decision of the Director of Public Works.

### **Sec. 15-8-15 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, the appropriate authority upheld the decision of the Director of Public Works, then representatives of the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Chapter. The Director of Public Works may go on the land and commence the work after issuing the notice of intent. The Director of Public Works is authorized to seek costs of abatement as outlined in Section 15-8-16. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

### **Sec. 15-8-16 Cost of Abatement of the Violation.**

The costs of the work performed by the Director of Public Works pursuant to this Chapter, plus interest at the rate authorized by the Director of Public Works 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 Subch. VII of Chapter 66, Wis. Stats.

### **Sec. 15-8-17 Violations Deemed A Public Nuisance.**

Any condition in violation of any of the provisions of this Chapter, and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

**Sec. 15-8-18 Remedies Not Exclusive.**

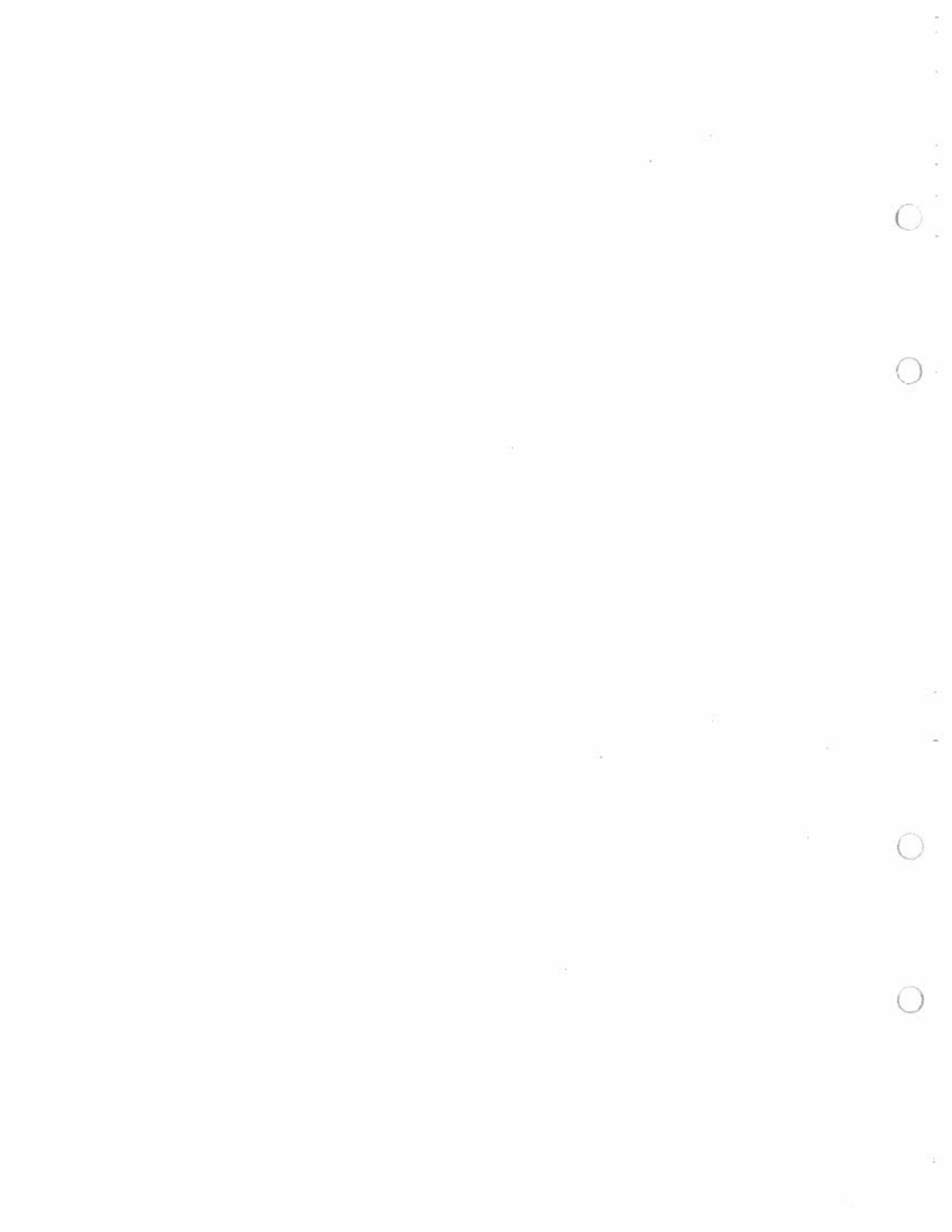
- (a) The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Director of Public Works to seek cumulative remedies.
- (b) The Director of Public Works may recover all attorney's fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

**Sec. 15-8-19 Adoption of Chapter.**

This Chapter shall be in force and effect from and after its adoption and publication. The above and foregoing Chapter was duly adopted by the Village Board of the Village of Combined Locks on the 18th day of December, 2007.

**Sec. 15-8-20 Limitation on Municipality Responsibility.**

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village than those minimum requirements specifically required by the Wisconsin Statutes and Wisconsin Department of Natural Resources' regulations.



## Chapter 9

# Post-Construction Storm Water Management

<b>15-9-1</b>	Authority
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<b>15-9-5</b>	Definitions
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<b>15-9-16</b>	Effective Date
<b>15-9-17</b>	Limitations on Municipal Responsibility

### **Sec. 15-9-1 Authority.**

- (a) **Statutory Authority.** This Chapter is adopted by the Combined Locks Village Board under the authority granted by Sec. 61.354, Wis. Stats. This Chapter supersedes all provisions of ordinance(s) previously enacted under Sec. 61.35, Wis. Stats., that relate to storm water management regulations, except as otherwise specified in Sec. 61.354, Wis. Stats.
- (b) **Applicability of Statutes.** Section 61.35, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (c) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (d) **Administration.** The Village Board hereby designates the Director of Public Works to administer and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works may be delegated in writing by the Director

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of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency.

- (e) **Applicability of Requirements.** The requirements of this Chapter do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
  - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

### **Sec. 15-9-2 Findings of Fact.**

The Combined Locks Village 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:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.
- (b) 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.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

### **Sec. 15-9-3 Purpose and Intent.**

- (a) **Purpose.** The general purpose of this Chapter 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:
- (1) Further the maintenance of safe and healthful conditions.
  - (2) 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.
- (3) 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.
- (b) **Intent.** It is the intent of the Village Board that this Chapter regulates post-construction storm water discharges to waters of the state. This Chapter may be applied on a site-by-site basis. The Village Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this Chapter 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 (1) site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Village Board, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

#### **Sec. 15-9-4 Applicability and Jurisdiction.**

- (a) **Applicability.**
- (1) Where not otherwise limited by law, this Chapter applies to all post-construction sites, unless the site is otherwise exempt under Subsection (a)(2).
- (2) A post-construction site that meets any of the criteria in this Subsection is exempt from the requirements of this Chapter:
- One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one (1) acre of disturbance.
  - Non-point discharges from agricultural activity areas.
  - Non-point discharges from silviculture activities.
  - Mill and crush operations.
- (3) Notwithstanding the applicability requirements in Subsection (a)(1), this Chapter applies to post-construction sites of any size that, in the opinion of the Director of Public Works, 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.
- (b) **Jurisdiction.** This Chapter applies to post-construction sites within the boundaries and jurisdiction of the Village of Combined Locks.

- (c) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

## Sec. 15-9-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
- (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 61.354, Wis. Stats., that is designated by the Village Board to administer this Chapter.
  - (2) **Agricultural Activity Area.** The part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
  - (3) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
  - (4) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical. For purposes of this Chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin, between March 29 and November 25, 1969.
  - (5) **Best Management Practice ("BMP").** 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.
  - (6) **Business Day.** A day the Office of Director of Public Works is routinely and customarily open for business.
  - (7) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
  - (8) **Combined Sewer System.** A system for conveying both sanitary and storm water runoff.
  - (9) **Common Plan of Development or Sale.** A 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 common plan of

development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

- (10) **Connected Imperviousness.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (11) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (12) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the Village of Combined Locks are:
  - a. 1-year: 2.2 inches.
  - b. 2-year: 2.5 inches.
  - c. 5-year: 3.3 inches.
  - d. 10-year: 3.8 inches.
  - e. 25-year: 4.4 inches.
  - f. 100-year: 5.3 inches.
- (13) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (14) **Division of Land.** The creation from one (1) or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five (5) year period.
- (15) **Effective Infiltration Area.** 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.
- (16) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (17) **Exceptional Resource Waters.** Waters listed in NR 102.11, Wis. Adm. Code.
- (18) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (19) **Final Stabilization.** 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 seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (20) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works by the responsible party to assure that requirements of the Chapter are carried out in compliance with the storm water management plan.
- (21) **Governing Body.** Town board of supervisors, county board of supervisors, city council, or village board of trustees.

- (22) **Highway.** Has the meaning given in Section 340.01(22), Wis. Stats.
- (23) **Highway Reconditioning.** Has the meaning given in Section 84.013(1)(b), Wis. Stats.
- (24) **Highway Reconstruction** Has the meaning given in Section 84.013(1)(c), Wis. Stats.
- (25) **Highway Resurfacing.** Has the meaning given in Section 84.013(1)(d), Wis. Stats.
- (26) **Impervious Surface.** 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, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.
- (27) **In-Fill Area.** A new development area less than five (5) acres in size that is located within existing urban service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur.
- (28) **Infiltration.** The entry of precipitation or runoff into or through the soil.
- (29) **Infiltration System.** 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.
- (30) **Karst Feature.** 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.
- (31) **Land Disturbing Construction Activity (Disturbance).** 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, and soil stockpiling.
- (32) **Maintenance Agreement.** A legal document that provides for long-term maintenance of storm water management and best management practices.
- (33) **Maximum Extent Practicable (MEP).** 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 and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (34) **Minor Reconstruction of a Highway.** Reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed one hundred (100) feet in width of roadbed widening.
- (35) **New Development.** That portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this Chapter, a post-construction site is classified

as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.

- (36) **Off-Site.** Located outside the property boundary described in the permit application.
- (37) **On-Site.** Located within the property boundary described in the permit application.
- (38) **Ordinary High-Water Mark.** Has the meaning given in NR 115.03(6), Wis. Adm. Code.
- (39) **Outstanding Resource Waters.** Waters listed in NR 102.10, Wis. Adm. Code.
- (40) **Percent Fines.** The percentage of a given sample of soil, which passes through a #200 sieve.
- (41) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (42) **Permit.** Written authorization made by the Director of Public Works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (43) **Permit Administration Fee.** A sum of money paid to the Village of Combined Locks by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (44) **Pervious Surface.** 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.
- (45) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (46) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (47) **Post-Construction Site.** A construction site following the completion of land disturbing construction activity and final site stabilization.
- (48) **Post-Development.** The extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.
- (49) **Pre-Development.** 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.
- (50) **Preventive Action Limit.** Has the meaning given in NR 140.05(17), Wis. Adm. Code.
- (51) **Redevelopment.** That portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this Chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.
- (52) **Responsible Party.** 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 BMP's.
- (53) **Routine Maintenance.** That portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the

facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half (1/2) of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half (1/2) of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this Chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.

- (54) **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (55) **Separate Storm Sewer.** 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 draining to a storm water treatment device or system.
  - d. Discharges directly or indirectly to waters of the state.
- (56) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (57) **Stop Work Order.** An order issued by the Director of Public Works which requires that all construction activity on the site be stopped.
- (58) **Storm Water Management Plan.** 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.
- (59) **Storm Water Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (60) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (61) **Top of the Channel.** 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 twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (62) **TR-55.** 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.
- (63) **Transportation Facility.** A public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for

transportation purposes such as harbor improvements under Section 85.095(1)(b), Wis. Stats.

- (64) **Type II Distribution.** 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.
- (65) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.

## Sec. 15-9-6 Technical Standards.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of storm water practices needed to meet the water quality standards of this Chapter:

- (a) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subchapter V of NR 151, Wis. Adm. Code.
- (b) Technical standards and guidance identified within the "Village of Combined Locks Storm Water Reference Guide".
- (c) 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 Village of Combined Locks.
- (d) In this Chapter, the following year(s) and location(s) have been selected as average annual rainfall(s):
- (1) Green Bay, 1969 (March 29-November 25).

## Sec. 15-9-7 Performance Standards.

- (a) **Responsible Party.** The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this Section.
- (b) **Plan.** A written storm water management plan in accordance with Section 15-9-9 shall be developed and implemented for each post-construction site.
- (c) **Requirements.** The storm water management plan shall meet the following minimum requirements to the maximum extent practicable:
- (1) **Total Suspended Solids.** BMP's shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls:
- a. For post-construction sites with twenty thousand (20,000) square feet or more of impervious surface disturbance and post-construction sites with one (1) acre or more of land disturbance, the following is required:

1. Reduce the total suspended solids load by eighty percent (80%) for new development.
  2. Reduce the total suspended solids load by forty percent (40%) for redevelopment.
  3. No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.
- b. For post-construction sites with less than twenty thousand (20,000) square feet of impervious surface disturbance, reduce the total suspended solids load using BMP's from the "Village of Combined Locks Storm Water Reference Guide". These sites are not required to satisfy a numeric performance standard.
  - c. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter are required to satisfy the performance standards within Subsection (c)(1)a.
  - d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
  - e. Notwithstanding Subsection (c)(1)a-d, if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
- (2) **Peak Discharge.** BMP's shall be designed, installed and maintained to control peak discharges from the post-construction site as follows:
- a. For post-construction sites with twenty thousand (20,000) square feet or more of impervious surface disturbance and post-construction site with one (1) acre or more of land disturbance, the following is required:
    1. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the 2-year, 10-year, and 100-year, 24-hor design storms. These peak discharge requirements apply to new development and redevelopment areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
    2. TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined using the following "meadow" runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers – Meadow				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	30	58	71	78



- b. For post-construction sites with less than twenty thousand (20,000) square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMP's from the "Village of Combined Locks Storm Water Reference Guide". These sites are not required to satisfy a numeric performance standard.
  - c. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter (12-18-07) are required to satisfy the performance standards within Subsection (c)(2)a1-2.
  - d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
  - e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
  - f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of this Subsection (c)(2) provided the transportation facility is not part of a larger common plan of development or sale:
    - 1. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the 2-year, 24-hour storm event.
    - 2. A highway reconstruction site.
    - 3. A transportation facility that is part of a redevelopment project.
- (3) **Infiltration.** BMP's shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in Subsection (c)(3)a-h:
- a. For residential developments with twenty thousand (20,000) square feet or more of impervious surface disturbance and residential developments with one (1) acre or more of land disturbance, one of the following shall be met:
    - 1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) 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 (1%) of the project site is required as an effective infiltration area.
    - 2. Infiltrate twenty-five percent (25%) of the post-development runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.
  - b. For non-residential developments with twenty thousand (20,000) square feet or more of impervious surface disturbance and non-residential developments with

one (1) acre or more of land disturbance, including commercial, industrial and institutional development, one of the following shall be met:

1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) 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 two percent (2%) of the project site is required as an effective infiltration area.
  2. Infiltrate ten percent (10%) of the runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.
- c. Pre-development condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers – Cropland				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

- d. For residential and non-residential developments with less than twenty thousand (20,000) square feet of new impervious surfaces, infiltrate runoff volume using BMP's from the "Village of Combined Locks Storm Water Reference Guide". These sites are not required to satisfy a numeric performance standard.
- e. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter are required to satisfy the performance standards within Subsection (c)(2)a-c.
- f. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- g. 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 Subsection (c)(3)k.

Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

- h. Exclusions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this Subsection (c)(3):
1. Areas associated with Tier 1 industrial facilities identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
  2. Storage and loading areas of Tier 2 industrial facilities identified in NR 216(2)(b), Wis. Adm. Code.
  3. Fueling and vehicle maintenance areas.
  4. Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of karst features.
  5. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this Subsection (c)(3)h.5 does not prohibit infiltration of roof runoff.
  6. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
  7. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wis. Adm. Code, or within one hundred (100) feet of a private well as specified in NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
  8. Areas where contaminants of concern, as defined in NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
  9. Any area where the soil does not exhibit one (1) of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three (3) foot soil layer with twenty percent (20%) fines or greater; or at least a five (5) foot soil layer with ten percent (10%) fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This Subsection (c)(3)h.9 does not prohibit infiltration of roof runoff.
- i. Exemptions. Infiltration of runoff from the following areas are not required to meet the infiltration requirements of this Subsection (c)(3):
1. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
  2. Parking areas and access roads less than five thousand (5,000) square feet for commercial and industrial development.

3. Redevelopment and routine maintenance areas.
  4. In-fill areas less than five (5) acres.
  5. Infiltration areas during periods when the soil on the site is frozen.
  6. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
  7. Highways provided the transportation facility is not part of a larger common plan of development or sale.
- j. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Subsection.
- k. Infiltration systems designed in accordance with this Subsection 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 NR 140, Wis. Adm. Code. 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. Notwithstanding the above statements, the discharge from BMP's shall remain below the enforcement standard at the point of standards application.
- (4) **Protective Areas.**
- a. "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 Subsection, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location:
1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wis. Adm. Code: Seventy-five (75) feet.
  2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current: Fifty (50) feet.
  3. For lakes: Fifty (50) feet.
  4. For highly susceptible wetlands: Fifty (50) feet. "Highly susceptible wetlands" include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.
  5. For less susceptible wetlands: Ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less

- susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
6. In Subsections (c)(4)a.1,4 and 5, 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 NR 103.03, Wis. Adm. Code.
  7. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres: Ten (10) feet.
- b. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with NR 103.08(1m), Wis. Adm. Code. This Subsection (c)(4) does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
  - c. This Subsection (c)(4) applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subsection (c)(4)f below.
  - d. The following requirements shall be met:
    1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
    2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of seventy percent (70%) or greater shall be established and maintained. 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.
    3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.
  - e. A protective area established or created after the adoption date of this Chapter shall not be eliminated or reduced, except as allowed in Subsection (c)(4)f.2, 3 or 4 below.
  - f. Exemptions. The following areas are not required to meet the protective area requirements of this Subsection (c)(4):
    1. Redevelopment and routine maintenance areas provided the minimum requirements within Subsection (c)(4)e above are satisfied.

2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
  3. Structures constructed in accordance with Section 59.692(1v), Wis. Stats.
  4. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (5) **Fueling and Vehicle Maintenance Areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMP's designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.
- (6) **Swale Treatment for Transportation Facilities.** This Subsection is not applicable to transportation facilities that are part of a larger common plan of development or sale:
- a. Applicability. Except as provided in Subsection (c)(6)b, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this Section, if the swales are designed to the maximum extent practicable to do all of the following:
    1. 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.
    2. Carry runoff through a swale for two hundred (200) feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200) feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.
  - b. Exemptions. The Village of Combined Locks may, consistent with water quality standards, require other provisions of this Section be met on a transportation facility with an average daily travel of vehicles greater than two thousand five hundred (2,500) and where the initial surface water of the state that the runoff directly enters is any of the following:
    1. An outstanding resource water.
    2. An exceptional resource water.
    3. Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
    4. Waters where targeted performance standards are developed under NR 151.004, Wis. Adm. Code, to meet water quality standards.
- (7) **Exemptions.** The following areas are not required to meet the performance standards of Subsection (c):
- a. Agricultural production areas with less than one hundred thousand (100,000) square feet of impervious surface disturbance.

- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale:
  1. Reconditioning or resurfacing of a highway.
  2. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within NR 151.24(6), Wis. Adm. Code, apply to minor reconstruction of a highway.
  3. A redevelopment transportation facility with no increase in exposed parking lots or roads.
  4. A transportation facility with less than ten percent (10%) connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one (1) acre.
  5. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (d) **General Considerations for On-Site and Off-Site Storm Water Management Measures.** The following considerations shall be observed in managing runoff:
  - (1) **Use of Natural Topography.** 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.
  - (2) **Emergency Overland Flow.** 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.
- (e) **Location and Regional Treatment Options.**
  - (1) **BMP Use.** The BMP's may be located on-site or off-site as part of a regional storm water device, practice or system.
  - (2) **Post-Construction BMP's.** 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 Chapter. Post-construction BMP's may be located in non-navigable surface waters.
  - (3) **Post-Construction Runoff Standard.** Except as allowed under Subsection (d)(4) below, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
  - (4) **Exceptions to Post-Construction Runoff Standard.** 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 Chapter if:
    - a. The BMP was constructed prior to the effective date of this Chapter and the BMP either received a permit issued under Chapter 30, Wis. Stats., or the BMP did not require a Chapter 30, Wis. Stats., permit; and

- b. The BMP is designed to provide runoff treatment from future upland development.
- (5) **Runoff From Existing Development.** Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this Subsection:
  - a. To the maximum extent practicable, BMP's shall be located to treat runoff prior to discharge to navigable surface waters.
  - b. Post-construction BMP's for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code, and Chapter 30, Wis. Stats.
- (6) **Runoff Discharge.** The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMP's is subject to this Chapter.
- (7) **Public Works Director Approval.** The Public Works Director may approve off-site management measures provided that all of the following conditions are met:
  - a. The Director of Public Works determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Village of Combined Locks and that contains management requirements consistent with the purpose and intent of this Chapter.
  - b. The off-site facility meets all of the following conditions:
    - 1. The facility is in place.
    - 2. 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 Chapter.
    - 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (8) **Regional Treatment Option.** Where a regional treatment option exists such that the Village of Combined Locks 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 Village of Combined Locks. In determining the fee for post-construction runoff, the Village of Combined Locks shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (f) **Alternate Requirements.** The Director of Public Works may establish storm water management requirements more stringent than those set forth in this Section if the Director of Public Works determines that an added level of protection is needed to protect sensitive resources. Also, the Public Works Director may establish storm water management requirements less stringent than those set forth in this Section if the Public Works Director determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the Wisconsin Department of Natural Resources under NR 151, Wis. Adm. Code.



**Sec. 15-9-8 Permitting Requirements, Procedures and Fees.**

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village of Combined Locks prior to commencing the proposed activity.
- (b) **Permit Application and Fees.**
- (1) Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Office of Village Clerk a permit application made on a form provided by the Village of Combined Locks for that purpose.
  - (2) Unless otherwise excepted by this Chapter, a permit application must be accompanied by a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee.
  - (3) The storm water management fee shall be prepared to meet the requirements of Sections 15-9-7 and 15-9-9, the maintenance agreement shall be prepared to meet the requirements of Section 15-9-10, the financial guarantee shall meet the requirements of Section 15-9-11, and fees shall be those established by the Village Board as set forth in Section 15-9-12.
- (c) **Review and Approval of Permit Application(s).** The Director of Public Works 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:
- (1) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Subsection (b), the Director of Public Works shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.
  - (2) 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 shall issue the permit.
  - (3) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works shall detail in writing the reasons for disapproval.
  - (4) The Director of Public Works may request additional information from the applicant. If additional information is submitted, the Director of Public Works shall have twenty (20) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
  - (5) Failure by the Director of Public Works to inform the permit applicant of a decision within twenty (20) 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.
- (d) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to

have accepted these conditions. The Director of Public Works 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 to suspend or revoke this permit may be appealed in accordance with Section 15-9-14:

- (1) 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.
- (2) 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.
- (3) The responsible party shall notify the Director of Public Works at least ten (10) business days before commencing any work in conjunction with the storm water management plan, and within ten (10) business days upon completion of the storm water management practices. If required as a special condition under Subsection (e), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works so that practice installation can be inspected during construction.
- (4) Practice installations required as part of this Chapter 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 his/her designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Public Works Director or his/her 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.
- (5) The responsible party shall notify the Director of Public Works of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works 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.
- (6) 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 Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Director of Public Works 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 Subchapter VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-9-11.
- (8) If so directed by the Director of Public Works, 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.
- (9) The responsible party shall permit property access to the Public Works Director or his/her designed for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
  - (10) 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 may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
  - (11) The responsible party is subject to the enforcement actions and penalties detailed in Section 15-9-13, if the responsible party fails to comply with the terms of this permit.
  - (12) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (e) **Permit Conditions.** Permits issued under this Subsection may include conditions established by the Director of Public Works in addition to the requirements needed to meet the performance standards in Section 15-9-7 or a financial guarantee as provided for in Section 15-9-11.
  - (f) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Director of Public Works notifies the responsible party that all storm water management practices have passed the final inspection required under Subsection (d)(4).
  - (g) **Alternate Requirements.** The Director of Public Works may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 1598-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

## **Sec. 15-9-9 Storm Water Management Plan.**

- (a) **Plan Requirements.** The storm water management plan required under Section 15-9-8(b) shall comply with the Village of Combined Locks' "Storm Water Reference Guide" and contain at a minimum the following information:
  - (1) Name, address, and telephone number of the landowner and responsible parties.
  - (2) A legal description of the property proposed to be developed.
  - (3) Pre-development site map with property lines, disturbed limits, and drainage patterns.
  - (4) Post-development site map with property lines, disturbed limits, and drainage patterns:
    - a. Total area of disturbed impervious surfaces within the site.
    - b. Total area of new impervious surfaces within the site.

- c. Performance standards applicable to the site.
  - d. Proposed best management practices.
  - e. Groundwater, bedrock, and soil limitations.
  - f. Separation distances. Storm water management practices shall be adequately separated from wells to prevent contamination of drinking water.
- (b) **Alternate Requirements.** The Director of Public Works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 15-9-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

### **Sec. 15-9-10 Maintenance Agreement.**

- (a) **Maintenance Agreement Required.** The maintenance agreement required under Section 15-9-8(b) for storm water management practices shall be an agreement between the Village of Combined Locks 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 to that it is binding upon all subsequent owners of the land served by the storm water management practices.
- (b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-9-9(a)(6):
- (1) Identification of the storm water facilities and designation of the drainage area served by the facilities.
  - (2) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Section 15-9-8(b).
  - (3) 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 15-9-8(b).
  - (4) 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 Subsection (b)(2).
  - (5) Authorization for the Director of Public Works 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.
  - (6) A requirement on the Director of Public Works 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.

- (7) Agreement that the party designated under Subsection (b)(3), as responsible for long-term maintenance of the storm water management practices, shall be notified by the Director of Public Works of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Director of Public Works.
  - (8) Authorization of the Director of Public Works to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Village of Combined Locks shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.
- (c) **Alternate Requirements.** The Director of Public Works may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 1598-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

### **Sec. 15-9-11 Financial Guarantee.**

- (a) **Establishment of the Guarantee.** The Director of Public Works may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works. The financial guarantee shall be in an amount determined by the Director of Public Works 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 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 that the requirements of this Chapter have not been met.
- (b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
  - (1) The Director of Public Works shall release the portion of the financial guarantee established under this Section, less any costs incurred by the Village of Combined Locks to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

- (2) The Director of Public Works 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 Village of Combined Locks, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (c) **Alternate Requirements.** The Director of Public Works may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 15-9-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

### **Sec. 15-9-12 Fee Schedule.**

The fees referred to in other sections of this Chapter shall be established by the Combined Locks Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Village shall be available for review in the Village Clerk's office.

### **Sec. 15-9-13 Enforcement.**

- (a) Any land disturbing construction activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association, or corporation subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.
- (b) The Director of Public Works 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.
- (c) Upon receipt of written notification from the Director of Public Works under Subsection (b), 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 in the notice.
- (d) If the violations to a permit issued pursuant to the Chapter are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works plus interest and legal costs shall be billed to the responsible party.
- (e) The Director of Public Works is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

- (f) The Director of Public Works may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.
- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or by a court with jurisdiction.
- (h) The Director of Public Works is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order issued pursuant to this Chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Five Hundred Dollars (\$500.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (j) Compliance with the provisions of this Chapter 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.
- (k) When the Director of Public Works determines that the holder of a permit issued pursuant to this Chapter 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 a party designated by the Director of Public Works 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 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 15-9-11. 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.

### **Sec. 15-9-14 Appeals.**

- (a) **Board of Appeals.** The Board of Appeals, created pursuant to Section 2-4-2 of the Village of Combined Locks Code of Ordinances pursuant to Section 61.354(4)(b), Wis. Stats., 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 in administering this Chapter. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship.
- (b) **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 Combined Locks affected by any decision of the Director of Public Works.

**Sec. 15-9-15 Severability.**

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

**Sec. 15-9-16 Effective Date.**

This Chapter shall be in force and effect from and after its adoption and posting. The above and foregoing Chapter was duly adopted by the Board of Trustees of the Village of Combined Locks on the 18th day of December, 2007.

**Sec. 15-9-17 Limitations on Municipal Responsibility.**

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village which has adopted this Chapter than those minimum requirements specifically required by the Wisconsin State Statutes and Wisconsin Department of Natural Resources regulations.