

## **Ordinance No. 2017-05**

Town of West Bend Washington County

### **11.1014 ILLICIT DISCHARGES.**

#### **(1) Prohibitions.**

(a) Discharges. Except for stormwater and other discharges specifically exempted under sub. (b) below, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.

(b) Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

(2) Exemptions. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:

(a) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.

(b) Discharges resulting from official firefighting activities, excluding training and practice activities.

(c) Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(3) Notice of Violation. Whenever the Administering Authority finds a violation of this section, the Administering Authority may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

(a) The elimination of illicit connections or discharges;

(b) That violating discharges, practices, or operations shall cease and desist;

(c) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property;

(d) Any responsible party that fails to comply with a notice of violation under this section shall be subject to further enforcement action under the provisions of sec. 11.1015 below.

### **11.1015 ENFORCEMENT.**

(1) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### **11.1016 APPEAL OF NOTICE OF VIOLATION.**

(1) Any person receiving a Notice of Violation may appeal to the Town Board the determination of the Town of West Bend. The notice of appeal must be received within ten (10) working days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) working days from the date of receipt of the notice of appeal. The decision of the Town Board or their designee shall be final.

(2) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal within ten (10) working days of the decision of the Town Board upholding the decision, the representatives of the Town of West Bend shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation

and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town of West Bend or designated contractor to enter upon the premises for the purposes set forth above.

(3) Within sixty (60) working days after abatement of the violation, the owner of . the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) working days. If the amount due is not paid within a timely manner as determined by the decision of the Town Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**11.1017 VIOLATIONS DEEMED A PUBLIC NUISANCE.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

This ordinance is effective on November 8, 2017.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Julie Ihlenfeld, Clerk

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Jim Heipp, Chairman

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Jeff Geib, Supervisor

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Frank Carr, Supervisor