

## ORDINANCE 2009-01

### AN ORDINANCE TO AMEND SECTION 21.16 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT RELATING TO ILLICIT DISCHARGES AND CONNECTIONS

The Village Board of the Village of Sturtevant, Racine County, Wisconsin,  
does ordain as follows:

1. That Section 21.16 of the Municipal Code of the Village of Sturtevant  
be, and hereby is, amended to read as follows:

#### **“21.16 ILLICIT DISCHARGES AND CONNECTIONS**

(1) DEFINITIONS. The following definitions shall be applicable in this  
Section:

(a) Illicit Connection: Any drain or conveyance, whether on the  
surface or subsurface, which allows an Illicit Discharge to enter the  
Municipal Separate Storm Sewer System and any connections to a  
Municipal Separate Storm Sewer from indoor drains and sinks, regardless  
of whether said drain or connection had been allowed, permitted, or  
approved by a government agency, prior to the adoption of this ordinance.

(b) Illicit Discharge. Any discharge to a Municipal Separate  
Storm Sewer or the Waters of the State that is not composed entirely of  
storm water, unless exempted below. Any such Illicit Discharge is a public  
nuisance.

(c) Municipal Separate Storm Sewer System: A conveyance or  
system of conveyances including roads with drainage systems, municipal  
streets, catch basins, curbs, gutters, piped storm drains, pumping facilities,  
ditches, retention or detention basins, reservoirs, constructed channels or  
storm drains, which meets the following criteria:

1. Owned or operated by a municipality.
2. Designed or used for collecting or conveying storm water.
3. Which is not a combined sewer conveying both sanitary or storm  
water.
4. Which is not part of a publicly owned wastewater treatment  
works which provides secondary or more stringent treatment.

(d) Person: Any owner, operator, individual, association,  
organization, partnership, firm, corporation, municipality, interstate agency,  
state agency, federal agency or other entity recognized by law and acting as  
either the owner or as the owner's agent.

- (e) Storm Water: Storm water runoff, snow or ice melt runoff, and surface runoff and drainage.
  - (f) WPDES: Wisconsin pollutant discharge elimination system.
  - (g) Waters of the State: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, 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.
- (2) DISCHARGES PROHIBITED. No person shall cause an Illicit Discharge to a Municipal Separate Storm Sewer or the Waters of the State.
- (3) CONNECTIONS PROHIBITED. The construction, use, maintenance or continued existence of an Illicit Connection to the Municipal Separate Storm Sewer is prohibited. This prohibition expressly includes, without limitation, an Illicit Connection 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.
- (4) EXEMPTIONS. The following discharges and flows are not considered Illicit Discharges:
- (a) Discharges authorized by a WPDES permit issued by the Wisconsin Department of Natural Resources.
  - (b) Discharges resulting from fire fighting activities.
  - (c) Water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, roof drains, sump pumps, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool water and street wash water.
- (5) ENFORCEMENT. Whenever the Department of Public Works finds a person has violated a prohibition or failed to meet a requirement of this Section, the Department of Public Works Director or his designee may order compliance by written notice of violation to the responsible person. Enforcement action under this subsection may be in addition to prosecution under subsection (6) below. Such notice shall set forth a deadline and may require without limitation:
- (a) The performance of monitoring, analyses, and reporting;
  - (b) The elimination of an Illicit Connection or Discharge;
  - (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;

- (6) **PENALTY.** In the event the person fails to perform monitoring, analyses and reporting, fails to eliminate an Illicit Connection or Discharge, fails to cease and desist in discharges, practices or operations in violation of this Section, or fails to abate or remediate the storm water pollution or contamination hazards, as required by the Department of Public Works Director or his designee that person may be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense, together with the cost of prosecution. Each day that the violation exists shall constitute a separate offense.
- (7) In the event that an Illicit Discharge is identified, and emergency clean up action is undertaken by the Village, WDNR, or other authority having jurisdiction, the persons may be responsible for payment or reimbursement of all associated clean up costs incurred.
- (8) If the violator fails to remediate or restore within the established deadline, the work may be done by the Village of Sturtevant or by a contractor chosen by the Village of Sturtevant and the expense thereof shall be charged to the violator. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Department of Public Works or designated contractor to enter upon the premises for the purposes set forth above.
- (9) **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 chapter is a threat to public health, safety, and welfare, and is declared and deemed to be a public nuisance, and may be summarily abated or restored at the violator's expense in accordance with Chapter 10 of the Village's Code of Ordinances, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance."

2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 3<sup>rd</sup> day of February, 2009.

**VILLAGE OF STURTEVANT**

By: \_\_\_\_\_  
Steven Jansen, President

Attest: \_\_\_\_\_  
Mary Hanstad, Clerk