

Title 15

BUILDINGS AND CONSTRUCTION<sup>1</sup>

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<sup>1</sup> The power to regulate construction activities and related activities, see § 62.11(5), Wis. Stats.

Chapter 15.04

BUILDING INSPECTION DEPARTMENT

Sections:

- 15.04.010 Created.
- 15.04.020 Building advisory board membership.
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- 15.04.080 Appeals.
- 15.04.090 Quorum.
- 15.04.100 Building inspector.
- 15.04.110 Heating and ventilating inspector.

15.04.010 Created. There is created a building inspection department, consisting of a building advisory board, a building inspector, a heating and ventilating inspector and such other personnel as may be necessary for the operation of the department. The department shall be responsible for the enforcement of this chapter, the laws of the state, the applicable orders, rules and regulations of the Wisconsin Department of Safety and Professional Services, and the applicable ordinances, resolutions and orders of the city. Additionally, the chief of police and any employee within the table of organization of the police department specifically delegated authority by the chief of police may enforce the provisions of sections 15.48.030 and 15.48.120 and issue citations or notices related thereto. (Ord. 61-5616 §14(part), 2014; Ord. 61-5503 §1(part), 2012, File No. 77-0941; Ord. 61-5396 §1(part), 2009, File No. 77-0942; Prior code §13.01(1).)

15.04.020 Building advisory board membership. The building advisory board shall consist of the following:

- (a) Ex officio members:
  - Public works director,
  - Fire chief.
- (b) Members appointed by the mayor, confirmed by the council:
  - Two members of the common council,
  - Two citizen architects,
  - One citizen master electrician,
  - One citizen master plumber,

One citizen general contractor.

(Ord. 61-4494 §1, 1982; prior code §13.01(2)(a).)

15.04.030 Terms of office. The terms of ex officio members shall be concurrent with the terms for which appointed, and the terms of the appointed members shall be for five years, expiring on the first day of November, next following the regular city election. (Ord. 61-4735 §1, 1991; prior code §13.01(2)(b).)

15.04.040 Public works director to be secretary. The public works director shall be the secretary of the building advisory board, and a record shall be kept of all the proceedings and transactions of the board. (Prior code §13.01(2)(c).)

15.04.050 Powers. The building advisory board shall have full power to pass upon any and every question arising on the provisions of this code. The building advisory board shall hold regular meetings and all questions of interpretation, application or appeal from the provisions of this code or the decision of the building inspector shall be referred to the board in writing and the decision of the board in such matters shall be final. Appeals to the board shall be in writing by the city or any person or party aggrieved by any decision of the building inspector. The city or any department thereof may appeal. In addition the building advisory board shall have such powers as are outlined in Chapter 15.40. (Ord. 61-4137 §3, 1969; prior code §13.01(2)(d).)

15.04.060 Recommendations by majority vote. The building advisory board may also by a majority vote, recommend to the common council changes needed in the building code or ordinances, with respect to materials and methods of building, and methods of administration of the building code and ordinance. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.01(2)(e).)

15.04.070 Approval of certain materials. Any person desiring to obtain approval for use in a building in the city of any material or methods not approved by the existing code, may make application therefor to the building advisory board, and such board may by a vote of three-fourths of the members, approve any materials or methods by a written order clearly specifying the same, and filed with the clerk where it shall be made available for inspection and review by all interested persons. (Prior code §13.01(2)(f).)

(Ord. 61-5396 §1(part), File No. 77-0941; Ord. 61-4431 §1, 1979.)

15.04.073 Smoke detection devices. In every building containing one or more residential occupancies or dwelling units, each occupancy or unit shall be provided with the minimum smoke detectors required by Wisconsin State Statutes 101.145 and 101.645. (Ord. 61-5396 §1, 2009, File No. 77-0941; Ord. 61-4451 §1, 1980.)

15.04.080 Appeals. When any appeal is made to the building advisory board, the board shall set such appeal for public hearing and shall publish a class 1 notice thereof in accordance with

Chapter 985 of the Wisconsin Statutes. The fee for publication shall be as specified in section 3.40.010(a). At such hearing the appellant shall be entitled to present such evidence as may be pertinent to the issue, and all interested parties shall be heard. An affirmative vote of two-thirds of the members of the building advisory board shall be necessary to reverse the building inspector. Upon reversal the building advisory board shall render its decision in writing and shall make written findings with respect thereto. (Ord. 61-5553 §24 (part), 2013, File No. 13-0309; Ord. 61-5095 §1(part), 2000, File No. 00-1135; Ord. 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4811 §1(part), 1993; Ord. 61-4757 §1(part), 1991; Ord. 61-4654 §1(part), 1988; Ord. 61-4550 §1, 1984.)

15.04.090 Quorum. A majority of such members of the building advisory board shall constitute a quorum, excepting where a larger vote is required in any matter, in which case a quorum shall be the number of members equal to the number of votes required in order to pass upon such question. (Prior code §13.01(2)(i).)

15.04.100 Building inspector. The building inspector shall be a journeyman carpenter with at least ten years' experience, or may be a person with architectural training and experience recommended by the building advisory board. (Prior code §13.01(3).)

15.04.110 Heating and ventilating inspector. The fire chief shall be ex officio the heating and ventilating inspector or the fire chief shall designate in writing a member of the department for that purpose. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Ord. 61-4966 §1, 1996; prior code §13.01(4).)

Chapter 15.08

DEFINITIONS

Sections:

15.08.010	Generally.
15.08.020	Alley.
15.08.030	Alteration.
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15.08.100	Building.
15.08.110	Curtain wall.
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15.08.240	Interior wall.
15.08.250	Lintel.
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15.08.270	Masonry.
15.08.280	Nonbearing wall.
15.08.290	Panel wall.
15.08.300	Parapet wall.
15.08.310	Party wall.
15.08.320	Private garage.
15.08.330	Repair.
15.08.340	Retaining wall.
15.08.350	Shaft.
15.08.360	Solid masonry.

- 15.08.370 Story.
- 15.08.380 Structure.
- 15.08.390 Veneer.

15.08.010 Generally. Unless the context requires otherwise, the words and phrases defined in this chapter shall have the meanings ascribed to them. (Prior code §13.02 (1)(part).)

15.08.020 Alley. “Alley” means any public space or thoroughfare not less than ten feet nor more than twenty feet in width. (Prior code §13.02(1)(a).)

15.08.030 Alteration. “Alteration” means any change, addition, or modification in construction or occupancy. (Prior code §13.02(1)(b).)

15.08.040 Accessory building. “Accessory building” means any building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. The building shall be made of wood or metal utilizing accepted construction methods. (Ord. 61-4772 §1(part), 1992; prior code §13.02(1)(c).)

15.08.050 Approved. “Approved” means approval by the building inspector as the result of investigation and tests conducted by him or by reason of accepted principles or tests by national authorities, technical or scientific organizations, or by the State Department of Safety and Professional Services. (Ord. 61-5503 §1(part), 2012, File No. 77-0941; Prior code §13.02(1)(d).)

15.08.060 Attic or attic story. “Attic or attic story” means any story situated wholly or partly in the roof and so designated, arranged, or built as to be used for storage or habitation. (Prior code §13.02(1)(e).)

15.08.062 Awnings. “Awnings” means a retractable shade or roof-like cover usually over a store window or door, supported by and/or attached to a framework which raises, lowers, withdraws or extends the awning. (Ord. 61-4361 §1(part), 1978.)

15.08.070 Basement. “Basement” is that portion of a building between floor and ceiling which is all or partly below grade and where the story above is entirely above grade. Any stories below the basement story shall be designated as sub-basements. (Prior code §13.02(1)(f).)

15.08.080 Bay window. “Bay window” is a rectangular, curved or polygonal window, supported on a foundation extending beyond the main wall of the building. (Prior code §13.02(1)(g).)

15.08.090 Bearing wall. “Bearing wall” is a wall which supports any load other than its own weight. (Prior code §13.02.(1)(h).)

15.08.100 Building. “Building” is any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind; and, when separated by a fire wall,

each portion of such building so separated shall be deemed a separate building. (Prior code §13.02(1)(i).)

15.08.110 Curtain wall. “Curtain wall” is a nonbearing wall between columns or piers which is not supported by girders or beams. (Prior code §13.02(1)(j).)

15.08.120 Dead load. “Dead load” in a building includes the weight of the walls, permanent partitions, framing, floors, roof, and all other permanent stationary construction forming a part of the building. (Prior code §13.02(1)(k).)

15.08.130 Enclosure wall. “Enclosure wall” is an exterior nonbearing or skeleton construction anchored to columns, piers, or floors but not necessarily built between columns or piers. (Prior code §13.02(1)(l).)

15.08.140 Existing building. “Existing building” is a building already erected or one for which a legal permit has been issued prior to the adoption of this code. (Prior code §13.02(1)(m).)

15.08.150 Family. “Family” consists of one person living individually or a group of persons living as a single household unit, using common housekeeping facilities, not to include, however, more than three persons unrelated by blood, marriage or adoption. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.02(1)(n).)

15.08.160 Fire division wall. “Fire division wall” is a wall of masonry or reinforced concrete, which subdivides a building to restrict the spread of fire but is not necessarily continuous to all stories or extended to the roof. (Prior code §13.02(1)(o).)

15.08.170 Fire wall. “Fire wall” is a wall of masonry or reinforced concrete which subdivides a building to prevent the spread of fire, by starting at the foundation and extending continuously through all stories to and above the roof. (Prior code §13.02(1)(p).)

15.08.180 Floor area. “Floor area” is the area inside the exterior or fire wall of a building exclusive of vent shafts and courts. (Prior code §13.02(1)(q).)

15.08.190 Floor area, net. “Net floor area” is a net area of all floors measured between the finished walls of the individual rooms. (Prior code §13.02(1)(r).)

15.08.200 Footing or foundation. “Footing or foundation” is the spreading course at the base or bottom of a foundation wall, column, or pier. (Prior code §13.02(1)(s).)

15.08.210 Front of lot. “Front of lot” means the front boundary line of a lot bordering on the street which, in the case of a corner lot, may be either frontage. (Prior code §13.02(1)(t).)

15.08.220 Grade. “Grade” means the elevation of the street at the sidewalk at any point on the lot line. The average grade shall be the mean between the highest and lowest elevation of the sidewalk on the property line abutting the street. (Prior code §13.02(1)(u).)

15.08.230 Height of building. “Height of building” is the vertical distance from the average grade to the highest point of the coping of a flat roof or to the ridge of a pitched roof. (Prior code §13.02(1)(v).)

15.08.240 Interior wall. “Interior wall” is a wall which is entirely surrounded by the exterior walls of the building. (Prior code §13.02(1)(w).)

15.08.250 Lintel. “Lintel” is the beam or girder placed over an opening in a wall and which supports the wall construction above. (Prior code §13.02(1)(x).)

15.08.260 Live loads. “Live loads” are all imposed, fixed or transient loads other than dead loads. (Prior code §13.02(1)(y).)

15.08.262 Marquee. “Marquee” means a nonretractable shade or roof-like cover usually over the entrance to a door and extending more than eighteen inches from a wall of the building. (Ord. 61-4361 §1(part). 1978.)

15.08.270 Masonry. “Masonry” is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete blocks or tile, or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar. (Prior code §13.02(1)(z).)

15.08.280 Nonbearing wall. “Nonbearing wall” is a wall which supports no load other than its own weight. (Prior code §13.02(1)(aa).)

15.08.290 Panel wall. “Panel wall” is a nonbearing wall in skeleton construction, built between columns or piers and wholly supported at each story. (Prior code §13.02(1)(bb).)

15.08.300 Parapet wall. “Parapet wall” is that part of any wall entirely above the roof line. (Prior code §13.02(1)(cc).)

15.08.310 Party wall. “Party wall” is a wall used or adapted for joint service between two buildings. (Prior code §13.02(1)(dd).)

15.08.320 Private garage. “Private garage” means an attached portion of a dwelling or a detached building used for the storage of motorized vehicles.

(a) Total of all garage areas, attached and/or detached for dwellings containing less than three thousand two hundred square feet of total floor area shall not exceed nine hundred square feet.

(b) Total of all garage areas, attached and/or detached for dwellings containing three thousand two hundred square feet or more of total floor area shall not exceed one thousand two hundred square feet.

(c) Total area of detached garages shall not exceed nine hundred square feet.

The construction of said garages must be architecturally compatible with that of the principal building. Private garages in excess of the above mentioned square footage may be constructed with prior approval of the building advisory board. (Ord. 61-5396 §1(part), 2009, File No. 77-0941;Ord. 61-4772 §2, 1992.)

15.08.330 Repair. “Repair” means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word repair or repairs shall not apply to any change of construction. Nor shall it apply to painting or decorating. (Prior code §13.02(1)(ff).)

15.08.340 Retaining wall. “Retaining wall” is any wall used to resist the lateral displacement of any material. (Prior code §13.02(1)(gg).)

15.08.350 Shaft. “Shaft” means a vertical opening through a building for elevators, dumb waiter, light, ventilation, piping, wiring or similar purposes. (Prior code §13.02(1)(hh).)

15.08.360 Solid masonry. “Solid masonry” means masonry built without hollow space. (Prior code §13.02(1)(ii).)

15.08.370 Story. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that portion between the topmost floor and the ceiling or roof above. A basement shall not be considered as a story unless the ceiling thereof is more than five feet above the grade. (Prior code §13.02(1)(jj).)

15.08.380 Structure. “Structure” is that which is built or constructed, an edifice or a building of any kind, or a piece of work built up or composed of parts joined together. (Prior code §13.02(1)(kk).)

15.08.390 Veneer. “Veneer” is the outer casing of brick, stone, concrete or tile attached to an enclosing wall for the purpose of providing ornamentation, protection or insulation, but not counted as adding to the strength of the wall. (Prior code §13.02(1)(ll).)

Chapter 15.12

CODES ADOPTED

Sections:

- 15.12.010 State code adopted.
- 15.12.020 Violations—References.
- 15.12.030 Effective date.

15.12.010 State code adopted. The following provisions of the Wisconsin Administrative Code, so far as applicable, are adopted by reference and incorporated in this chapter as though fully set forth:

WAC SPS 360-366 (Building and Heating, Ventilating and Air Conditioning Code);  
WAC SPS 310 (Flammable and Combustible Liquids Code); and  
WAC SPS 320-323 (Uniform Dwelling Code).

(Ord. 61-5503 §1(part), 2012, File No. 77-0941; Ord. 61-5112 §1, 2001, File No. 01-0517; Ord. 61-4444 §1, 1980; 61-4391 §1, 1978; Ord. 61-4378 §1(part), 1978.)

15.12.020 Violations—References. A violation of any applicable provisions thereof shall constitute a violation of this code. In case of conflict between the provisions of the Administrative Code and any other part of this code, the most restrictive requirements shall apply. (Ord. 61-4378 §1(part), 1978.)

15.12.030 Effective date. The administrative rules and regulations referred to in this chapter shall be those in full force and effect on July 11, 1978. (Ord. 61-4378 §1(part), 1978.)

Chapter 15.16

APPLICATION AND SCOPE

Sections:

- 15.16.010 New buildings.
- 15.16.020 Existing buildings.
- 15.16.025 Accessory buildings.
- 15.16.030 Major alterations and repairs.
- 15.16.040 Minor alterations and repairs.
- 15.16.050 Change of use or occupancy.
- 15.16.060 Maintenance of buildings and structures.
- 15.16.070 Trailers.

15.16.010 New buildings. This code shall apply to all new buildings and structures hereafter erected in the city. (Prior code §13.04(1).)

15.16.020 Existing buildings. This code shall apply to all alterations, remodeling and repairs to existing buildings and structures in the city. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.04(2)(part).)

15.16.025 Accessory buildings. This code shall apply to all accessory buildings in excess of one hundred and sixty square feet. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Ord. 61-4772 §1(part), 1992; Ord. 61-4707 §3, 1990.)

15.16.030 Major alterations and repairs. If alterations or repairs in excess of fifty percent of the current assessed value of an existing building or structure which for any reason does not comply with the provisions of this code are made within a period of twelve months, the entire building or structure shall be made to conform to the requirements given herein for new buildings. Any existing buildings or structures which for any reason may require repairs at any one time in excess of fifty percent of the current assessed value thereof and not deducting from any such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this code for new buildings or shall be entirely demolished. The amount or extent of damages that may be done to any building or structure for fire, flood, storm, or by any other cause may be determined by the building inspector, or on appeal, by the building advisory board and the decision so made in writing and signed by the board and filed with the city clerk shall be final. No person or persons owning or having an interest in any such building or structure damaged by fire, flood, storm or by any other cause shall rebuild, as hereinbefore provided, until such person or persons shall have obtained in writing a certified copy of the decision from the city clerk to the effect that such building or structure is damaged less than fifty percent of the current assessed value. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.04(2)(a).)

15.16.040 Minor alterations and repairs. Any alterations or repairs to any part or portion of any existing building or structure shall, when deemed necessary in the opinion of the building

inspector, be made to conform to the requirements of this code for new buildings. Minor alterations, repairs and changes which are not specifically covered in this code may at the discretion of the building inspector be made with the same materials of which the building or structure is constructed provided that no more than twenty-five percent of the roof covering of any building shall be replaced in any period of twelve months unless the entire roof covering is made to conform with the requirements of this code for a new building. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.04(2)(b).)

15.16.050 Change of use or occupancy. A permit for a change of use or occupancy of an existing building shall be obtained from the building inspector. If the existing use or occupancy of an existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected the entire building shall be made to conform with the requirements given herein for new buildings. If the use or occupancy of only a portion of an existing building is changed, then only such portion or portions of the building need be made to comply with said requirements. The building inspector may approve any change in use or occupancy of any existing building even though such building is not made to fully conform with the requirements of this code where such a change in the use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building. (Prior code §13.04(2)(c).)

15.16.060 Maintenance of buildings and structures. The requirements contained in this code covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices or safeguards which are required by this code at the erection, alteration, or repair of any building or structure shall be maintained and in working order. This section shall not be construed as permitting the removal or nonmaintenance of any existing devices or safeguards unless authorized in writing by the building inspector. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.04(3).)

15.16.070 Trailers. No person shall occupy a trailer, mobile home or other structure for dwelling purposes which does not comply with the provisions of this title. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.04(5).)

Chapter 15.20

BUILDING PERMITS

Sections:

- 15.20.010 Required.
- 15.20.020 Fee schedule.
- 15.20.030 Plans and specifications.
- 15.20.040 Street grades—Sewer and water mains.

15.20.010 Required. A building permit signed by the building inspector shall be obtained before footing and foundation excavation or the commencement of construction, alteration or remodeling or moving of any building or structure within the city. The building permit may be obtained by the owner or contractor or by the party by whom the work is to be performed; any or all of the foregoing may be prosecuted for failure to obtain the permit. The fees payable to the city treasurer for building permits shall be as set forth in section 3.40.010(a). (Ord. 61-5553 §25 (part), 2013, File No. 13-0309; Ord. 61-4917 §1, 1995; Ord. 61-4265 §1, 1970; prior code §13.07(1) (part).)

15.20.020 Fee schedule. Fees charged under this chapter shall be as specified in section 3.40.010(a).

(Ord. 61-5553 §26 (part), 2013, File No. 13-0309; Ord. 61-5547 §2 (part), 2013, File No. 00-1134; Ord. 61-5496 §2 (part), 2011, File No. 00-1134; Ord. 61-5471 §2 (part), 2011, File No. 00-1134; Ord. 61-5424 §1 part, 2010, File No. 10-0210; Ord. 61-5418 §1(part), 2010, File No. 00-1134; Ord. 61-5384 §2, 2008, File No. 00-1134; Ord. 61-5353 §2, 2007, File No. 00-1134; Ord. 61-5314 §2, 2006, File No. 00-1134; Ord. 61-5276 §2, 2005, File No. 00-1134; Ord. 61-5243 §1(part), 2004, File No. 00-1134; Ord. 61-5218 §1(part), 2003, File No. 00-1134; Ord. 61-5197 §1(part), 2002, File No. 02-1206; Ord. 61-5159 §1(part), 2002, File No. 02-0131; Ord. 61-5094 §1(part), 2000, File No. 00-1134; (Ord. 61-5018 §1(part), 1998; Ord. 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4790 §1, 1993; Ord. 61-4787 §1, 1992.)

15.20.030 Plans and specifications. No building permit shall be issued for any new building or structure until plans and specifications are approved by the building inspector. Such plans shall consist of a neat and legible approximate sketch showing the builder's intention and the exact outside dimensions of the building and indicating the type and nature of construction. Specifications shall clearly set forth the manner of construction and the type and nature of the materials to be used. Plans shall be in sufficient detail to show the exact nature of the work to be done and shall include a plot plan showing the location of the building with respect to property lines and they shall remain on file in the files of the building inspector. (Prior code §13.07(2).)

15.20.040 Street grades—Sewer and water mains. No permit for the construction or erection of any building except a private garage or accessory building shall be issued unless:

(a) The street grade abutting the premises has been approved by the common council, except where curb and gutter are in place and at a grade acceptable to the city engineering department as suitable for recommendation to the common council;

(b) Water and sewer mains are in the abutting street or their installation has been programmed for the following year. No occupancy permit shall be issued until the building has been connected to the sewer and water main and the installations and connections have been inspected and approved. (Prior code §13.07(3).)

Chapter 15.24

FIRE LIMITS

Sections:

- 15.24.010 Boundaries.
- 15.24.020 Definitions.
- 15.24.030 Regulations within fire districts.
- 15.24.040 Bulk oil tanks prohibited.
- 15.24.050 Razing old or damaged building.
- 15.24.060 Fire retardant roofing.

15.24.010 Boundaries. All that part of the city included within the following described territory shall be known as the fire district:

(a) Commencing at the intersection of the Easterly line of the Wisconsin River and the South right-of-way of Forest Street extended Westerly, the point of beginning; Thence East, along said South right-of-way extended Westerly, to the West right-of-way of North 1<sup>st</sup> Street; thence North, along said West right-of-way, to the North right-of-way of Washington Street; thence East, along said North right-of-way, to the West right-of-way of North 5<sup>th</sup> Street; thence North, along said West right-of-way, to the South right-of-way of McClellan Street; thence West, along said South right-of-way, to the West right-of-way of North 4<sup>th</sup> Street; thence North, along said West right-of-way, to the South right-of-way of Grant Street; thence West, along said South right-of-way and along said South right-of-way extended Westerly, to said Easterly line of the Wisconsin River; thence Southerly, along said Easterly line, to said South right-of-way of Forest Street extended Westerly, the point of beginning.

(b) Commencing at the intersection of the Westerly line of the Wisconsin River and the Northerly railroad right-of-way of the Union Pacific Railroad Company, said railroad right-of-way lying immediately South of East Stewart Avenue, the point of beginning; Thence Westerly and Southwesterly, along said Northerly railroad right-of-way, to the East right-of-way of South 3<sup>rd</sup> Avenue; thence North, along said East right-of-way, to the South right-of-way of Alexander Street; thence East, along said South right-of-way, to the East right-of-way of South 1<sup>st</sup> Avenue; thence North, along said East right-of-way and along the East right-of-way of North 1<sup>st</sup> Avenue, to the South right-of-way of Maple Street extended Easterly; thence East, along said South right-of-way extended Easterly, to said Westerly line of the Wisconsin River; thence Southerly, along said Westerly line, to said Northerly railroad right-of-way, the point of beginning.

(c) All of the island in the Wisconsin River known as Clark Island, said island lying mostly in the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 26, and the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 35, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin. (Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.05(1).)

15.24.020 Definitions. The classes of construction Type I, Type II, Type III, Type IV, and Type V construction have the meanings as defined in the Wisconsin Administrative Code, SPS 360-

366, and any amendments thereto. (Ord. 61-5503 §1(part), 2012, File No. 77-0941; Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.05(2).)

15.24.030 Regulations within fire districts. (a) Requirements. Every building or structure hereafter erected, enlarged or moved within or into the fire district shall be of Type I, Type II, Type III, or Type IV construction, except as otherwise provided by this title. Enclosing walls, division walls and party walls shall be of four-hour, fire resistive walls of a construction as provided in SPS 360-366, Wisconsin Administrative Code, which is hereby made a part of this title with respect to all buildings and structures within the fire district.

(b) Exceptions. No building or structure of Type V construction shall be constructed within or moved within or into the fire district except the following:

- (1) Buildings occupied as a private garage, not more than one story in height nor more than seven hundred fifty square feet in area, located on the same lot with a dwelling; provided that any such building shall be placed at least three feet from the lot lines of adjoining property;
- (2) Buildings, except when used for a high hazard occupancy, not exceeding two thousand five hundred square feet in area when used for a business occupancy or one thousand square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than ten feet on all sides, walls having a horizontal separation of less than ten feet shall have a fire resistance rating of not less than one hour;
- (3) Greenhouses not more than fifteen feet in height;
- (4) Shades open on the long side, not more than fifteen feet in height nor more than five hundred square feet in area, located at least five feet from buildings and from adjoining lot lines;
- (5) Builders' shanties for use only in connection with a duly authorized building operation. (Ord. 61-5503 §1(part), 2012, File No. 77-0941; Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.05(3).)

15.24.040 Bulk oil tanks prohibited. The storage of Class I and Class II flammable liquids, as defined in Wisconsin Administrative Code SPS 310, in above ground tanks outside of buildings is prohibited within the fire district without prior Fire Department approval. (Ord. 61-5503 §1(part), 2012, File No. 77-0941; Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.05(4).)

15.24.050 Razing old or damaged buildings. Any existing buildings of Type V construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-fourth of its current assessed value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be ordered removed by the building inspector under the provisions of

Section 66.0413 of the Wisconsin Statutes. ((Ord. 61-5396 §1(part), 2009, File No. 77-0941; Prior code §13.05(5).)

15.24.060 Fire retardant roofing. (a) Every roof hereafter constructed within the fire district, including buildings listed in subsection 15.24.030(b) shall be covered with a roofing having a fire resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc. classification in their "List of Inspected Materials," which is hereby adopted by reference and incorporated in this section as if fully set forth herein.

(b) No roofing on an existing roof shall be renewed or repaired to a greater extent than one-tenth of the roof surface, except in conformity with the requirements of subsection (a). (Prior code §13.05(6).)

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Chapter 15.30

RETAINING WALL

Sections:

- 15.30.010 Construction of retaining walls.
- 15.30.020 Maintenance and repair of existing retaining walls.
- 15.30.030 Fee.

15.30.010 Construction of retaining walls. (a) A building permit shall be obtained whenever a retaining wall is to be constructed or reconstructed.

(b) Prior to issuance of such permit, construction or reconstruction plans and design data of the proposed structure shall be submitted to and approved by the building inspector, who may require that the plans be approved by a registered professional engineer or architect. The applicant may appeal the building inspector's decision to the building advisory board. (Ord. 61-4311 §1(part), 1976.)

15.30.020 Maintenance and repair of existing retaining walls. (a) The property owner shall maintain and keep existing retaining walls in reasonably safe and aesthetic repair.

(b) If, in the opinion of the building inspector, an existing retaining wall is beyond safe repair or is creating a hazard to the public, the inspector shall order the removal or reconstruction of the retaining wall and set a reasonable time limit for compliance.

(c) If the property owner refuses to maintain, repair or replace as ordered within the time limit specified, the city may accomplish the necessary work or contract the necessary work to others, and all costs therefor shall be charged against the property. (Ord. 61-4311 §1(part), 1976.)

15.30.030 Fee. The building permit fee shall be the same as specified in section 3.40.010(a). (Ord. 61-5553 §27 (part), 2013, File No. 13-0309; Ord. 61-4311 §1 (part), 1976.)

Chapter 15.32

UNSAFE BUILDINGS<sup>2</sup>

Sections:

15.32.010 Razing, removing or repairing.

15.32.010 Razing, removing or repairing. Whenever the building inspector finds any building or part thereof within the city to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he 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 Section 66.0413 of the Wisconsin Statutes. (Ord. 61-4605 §1, 1987; prior code §13.06.)

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<sup>2</sup> For statutory provisions authorizing the razing of old and dilapidated buildings, see § 66.0413, Wis. Stats.

Chapter 15.36

STREET OCCUPANCY<sup>3</sup>

Sections:

- 15.36.010 Permit required.
- 15.36.020 Guards and lighting.
- 15.36.030 Cleaning street.
- 15.36.040 Removal notice.

15.36.010 Permit required. No person shall place any stone, bricks, sand, earth, gravel, cement, lumber, metal product and any and all materials used in and about the erection and construction or repair or wrecking of any building or part thereof, machinery of every nature whatsoever, used or capable of being used in the construction and erection, repair or wrecking of any building or any barrel or barrels or mortar box placed upon any street, alley or public grounds without first having secured a permit issued by the board of public works authorizing the same to be done. (Prior code §13.09(1).)

15.36.020 Guards and lighting. The persons or person to whom any permit shall be granted as aforesaid shall cause the machinery or material placed in the street, alley or public grounds to be properly guarded in the day times. Lighted lanterns, displaying a red light, shall be attached to each separate pile of material or machine during the period from thirty minutes after sunset until thirty minutes before sunrise and in every case lighted lanterns or flares shall not be placed farther apart than fifteen feet. (Prior code §13.09(2).)

15.36.030 Cleaning street. All accumulations or rubbish upon the sidewalk, street, alley or public grounds shall be cleaned away every day at the close of working hours and also upon the expiration of the permit. If the work of construction be completed before the permit expires then, on the completion of the work, all materials and rubbish and accumulations of every kind shall be removed and the sidewalks, streets, alleys or public grounds shall be left free and clear of any such object as aforesaid and in good condition. (Prior code §13.09(3).)

15.36.040 Removal notice. Any such material, machinery or other objects placed in a street, alley or public grounds as aforesaid, shall be removed upon twenty-four hours notice given by the board of public works in every case where such removal is necessary in order to repair or improve such street, alley or public grounds or lay water, sewer or other service pipes therein, as public safety shall require. If the owner of the premises for whose benefits a permit was issued and the person obtaining such permit shall fail to remove the machinery, material or other objects from the street,

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<sup>3</sup> For statutory provisions requiring contractors doing work in streets to put up barriers, etc., see § 62.15(11), Wis. Stats. As to street privileges, see § 66.0425, Wis. Stats.

alley or public grounds forthwith upon receiving the aforesaid notice, then the board of public works shall cause the machinery, material or other objects to be removed and the costs of removal thereof shall be charged against and collected from the owner of the premises for whose benefit such permit was issued. (Prior code §13.09(4).)

Chapter 15.40

MOVING BUILDINGS<sup>4</sup>

Sections:

- 15.40.010 Fee for permit.
- 15.40.020 Application—Denial—Appeal.
- 15.40.030 Bond required.
- 15.40.040 Insurance required.
- 15.40.050 Permit to specify.
- 15.40.060 General conditions.
- 15.40.070 Building advisory board approval required.

15.40.010 Fee for permit. (a) No person shall move any building from one place or location to another within the city, or into the city, without first obtaining approval from the building advisory board and obtaining both a “moving permit” and “street privilege permit” from the board of public works. Any building moved out of the city does not require building advisory board approval. The fee for the moving permit shall be as specified in section 15.20.020.

(b) No moving permit for the moving of buildings shall be issued by the board of public works until it has reviewed the opinion of the city forester and the city building inspector thereon or if there is no city forester, one acting in his place or stead.

(c) Any person moving a building within or into the city as provided herein shall obtain a building permit only after both the moving permit and street privilege permit have been approved.

(d) Holders of current permits issued them pursuant to Section 348.27 of the Wisconsin Statutes may exercise the privileges granted therein without obtaining a street privilege permit. (Ord. 61-5605 §23(part), File No. 13-1109; Ord. 61-4549 §1(part), 1984; Ord. 61-4448 §2, 1980; Ord. 61-4258 §1(part), 1974.)

15.40.020 Application—Denial—Appeal. The board of public works requires a written application for a moving permit in addition to an application for a street privilege permit, and requires the applicant (firm moving building) file full and complete information and plan signed by himself and by the owner or either specifying the type of building, present location, place to which it is intended to move the same, and streets to be crossed or traversed in moving the same. The board of public works may refuse to grant such permits under any conditions, if, in the judgment of the board, damage to the streets, shrubbery, trees, boulevards, wires, pipes or utilities or other facilities may result. Any such denial of the board of public works may be appealed to the common council

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<sup>4</sup> For statutory provisions requiring a permit for the moving of a building, see § 62.14(6)(b), Wis. Stats.

which shall give ten days' notice of a hearing thereon. However, the board of public works may approve the permits providing the applicant agrees to pay all expenses for damages under such conditions as may be set forth by the board of public works. (Ord. 61-4258 §1(part), 1974.)

15.40.030 Bond required. (a) The board of public works shall require a bond to be filed by the applicant or owner as prescribed under section 12.44.050 (b) for a street privilege permit. The board of public works may require an additional bond or an additional amount to be included for a moving permit under such special conditions as the board of public works may prescribe. Said bond to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the municipality 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 municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

(b) Unless the board of public works, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall 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 years of age unlikely, the bond required by (a) shall be further conditioned upon the applicant or owner erecting adequate barriers and within forty-eight hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the board of public works and reasonably adopted or calculated to prevent the occurrences set forth herein. (Ord. 61-4258 §1(part), 1974.)

15.40.040 Insurance required. The board of public works shall require the applicant or owner to file proof of public liability insurance as prescribed under section 12.44.050(c) for a street privilege permit. (Ord. 61-4258 §1(part), 1974.)

15.40.050 Permit to specify. Such moving permit shall specify the present location of the building, the location to which it is permitted to be moved, and the streets to be traversed, and may specify any other conditions imposed by the board of public works, including the right to stop the moving operations if it becomes apparent that damage, with reasonable probability, will ensue if the operations are continued. (Ord. 61-4258 §1(part), 1974.)

15.40.060 General conditions. (a) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of 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. Lighted warning flashers shall be kept in conspicuous places at each end of the building during the night.

(b) Street Repair. Every person receiving a permit to move a building shall within one day after said building reaches its destination, report that fact to the board of public works who shall thereupon inspect the streets and highways 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 days thereafter to the satisfaction of the governing body, said body 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 as required under section 12.44.050.

(c) Conformance with Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the said municipality 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 the building code in all respects. Should any repairs, improvements or remodeling be contemplated or required with respect to said building, the same shall be made insofar as possible before the said building is taken from the premises from which it is to be moved. 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 the building code, and that when same are completed, the building as such will so comply with said building code. The building inspector shall report these facts to the board of public works and the building advisory board prior to issuance of a moving permit. In the event a building is to be moved from the municipality 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. (Ord. 61-4258 §1(part), 1974.)

15.40.070 Building advisory board approval required. (a) No moving permit shall be issued by the board of public works unless it has been found as a fact by the building advisory board of the municipality by at least a majority vote, after an examination of the application for the moving permit which shall include exterior elevations of the building and accurate photographs of all side 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 if after a view of the building proposed to be moved the exterior architectural appeal and functional plan of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plant of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances of the municipality, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood with said applicable district. In case the owner proposes to alter the exterior of said building after moving the same, he shall submit with his application papers, complete plans and specifications of the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the owner shall give a bond to the municipality's building advisory board, which shall not be less than one thousand dollars to be executed in the manner provided in section 15.40.030 hereof to the effect that he will within a time to be set by the building advisory

board, complete the proposed exterior alterations to said building in the manner set forth in his 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 municipality. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(b) Upon application being made for a moving permit, the building advisory board shall schedule a public hearing and shall publish a class 1 notice thereof in accordance with Chapter 985 of the Wisconsin Statutes. The fee for publication shall be as specified in section 3.40.010(a). Such hearing may be adjourned for a reasonable length of time, and within forty-eight hours after the close of the hearing, the building advisory board shall make the finding required by this section.

The board of public works may meet jointly with the building advisory board to act on the moving permit and the street privilege permit, or it may reserve its decision for a separate meeting of that body. (Ord. 61-5553 §28 (part), 2013, File No. 13-0309; Ord. 61-5095 Ord. §1(part), 200, File No. 00-1135); 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4811 §1(part), 1993; Ord. 61-4757 §1(part), 1991; Ord. 61-4654 §1(part), 1988; Ord. 61-4549 §1(part), 1984; Ord. 61-4258 §1(part), 1974.)

Chapter 15.44

HOUSE NUMBERING

Sections:

- 15.44.010 Duty of owner or occupant.
- 15.44.020 Numbering by board of public works—Tax.
- 15.44.030 Numbering system.
- 15.44.040 Forest Street base line.
- 15.44.050 First Street base line.
- 15.44.060 Elm Street base line.
- 15.44.070 First Avenue base line.

15.44.010 Duty of owner or occupant. The owner or occupant of any store building and of every residence in the city shall procure and set up in a conspicuous place on the front of such building or residence, the appropriate number thereof according to the terms of this chapter. (Prior code §7.16(1).)

15.44.020 Numbering by board of public works—Tax. If any such owner or occupant shall fail or neglect to number such building or residence within ten days after being notified so to do by the board of public works, the board of public works shall cause the same to be numbered and the expense thereof shall be entered by the clerk in the tax roll as a special tax against the lot or parcel of land upon which said building or residence is situated, and the same shall be collected in all respects like any other city taxes upon real estate. (Prior code §7.16(2).)

15.44.030 Numbering system. In numbering buildings and houses pursuant to this chapter, a number is hereby assigned to each thirty feet and one hundred to each block or square, starting from the base line as hereinafter fixed, and on all streets running north and south the even numbers shall be placed on the buildings facing east and the odd numbers on the buildings facing west, and on the streets running east and west the even numbers shall be placed on the buildings facing south and odd numbers on the buildings facing north. (Prior code §7.16(3).)

15.44.040 Forest Street base line. Forest Street on the east side of the Wisconsin River in the city is hereby fixed upon as a base line, and all stores, buildings and houses in the first block north of Forest Street facing on the streets running north and south, shall be numbered commencing on the south side of each block, as “100,” and the next row of blocks north shall commence with 200; the next block with 300, and so on through all the blocks north to the city limits. In blocks south of Forest Street the first block shall commence with 100, beginning on the north side with 200 and so on through each block south to the city limits, and for the purpose of designating or locating buildings or houses on streets running south of Forest Street the word “South” shall be used in connection with the appropriate street and number. (Prior code §7.16(4).)

15.44.050 First Street base line. First Street on the east side of the Wisconsin River in the city is hereby fixed upon as a base line and all stores, buildings or houses in the first row of blocks east of First Street facing on streets running east and west, shall be numbered commencing on the west side of each block with 100, the next block 200, and so on east to the city limits. On the blocks west of First Street and east of the Wisconsin River, the first block shall be numbered beginning on the east side, with 100; and for the purpose of designating or locating buildings or houses on streets running west of First Street, the word "West" shall be used in connection with the appropriate street and number. (Prior code §7.16(5).)

15.44.060 Elm Street base line. Elm Street, on the west side of the Wisconsin River, is hereby fixed upon as a base line, and all stores, buildings and houses in the first row of blocks north of Elm Street, facing on the streets running north and south, shall be numbered, commencing on the south side of each block with 100, the next block with 200, and so on north to the city limits; and for the purpose of locating and designating houses and buildings on said streets, the word "North" shall be used in connection with the appropriate street and number. On blocks south of Elm Street, buildings in the first row of blocks shall be numbered commencing with 100, beginning on the north side of each block, next block 200, and so on through each block south to the city limits. (Prior code §7.16(6).)

15.44.070 First Avenue base line. First Avenue on the west side of the Wisconsin River is hereby fixed upon as a base line, and all buildings or houses in the first row of blocks west of First Avenue facing on the streets running east and west shall be numbered commencing on the east side of each block with 100; and for the purpose of designating houses and buildings on said streets east of said First Avenue, the word "East" shall be used in connection with the appropriate street and number. (Prior code §7.16(7).)

Chapter 15.48

SIGNS

Sections:

- 15.48.010 Scope.
- 15.48.020 Definitions.
- 15.48.030 Permit required.
- 15.48.035 Permit required—Temporary signs.
- 15.48.040 Application.
- 15.48.050 Fees.
- 15.48.070 Exemptions.
- 15.48.080 Relieving owner is not function of exemption.
- 15.48.090 Relocating or rebuilding existing signs.
- 15.48.100 Inspection.
- 15.48.110 Maintenance.
- 15.48.120 Location.
- 15.48.130 Use of approved combustible plastics.
- 15.48.140 Limitations on use of approved combustible plastics.
- 15.48.150 Intensity of wind pressure.
- 15.48.160 Projected exposed area.
- 15.48.170 Allowable stresses and materials.
- GROUND SIGNS**
- 15.48.180 Materials.
- 15.48.200 Projection.
- 15.48.210 Support and anchorage.
- 15.48.220 Maintenance.
- ROOF SIGNS**
- 15.48.230 Materials.
- 15.48.240 Projection.
- 15.48.250 Supports and anchorage.
- WALL SIGNS**
- 15.48.260 Supports and attachment.
- 15.48.270 Materials.
- PROJECTING SIGNS**
- 15.48.280 Materials.
- 15.48.290 Projection.
- 15.48.300 Supports and attachment.
- MARQUEE SIGNS**
- 15.48.310 Location.
- 15.48.320 Conformity to electrical code.
- 15.48.330 Limitations on use of approved combustible plastics.

- 15.48.340 Facings.
- 15.48.350 Temporary signs.

15.48.010 Scope. This chapter covers construction, erection, maintenance and alteration requirements for signs and outdoor display structures with respect to safety, size and attachment or anchorage, but not with respect to appearance, geographical location, or zoning. (Prior code §13.45.)

15.48.020 Definitions. The following words shall have the meanings given to them by this section:

- (a) “Inspector of buildings” means the duly appointed building inspector of the city.
- (b) “Advertising sign” means a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where the sign is located or to which it is affixed.
- (c) “Business sign” means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where the sign is located or to which it is affixed.
- (d) “Outdoor advertising display sign,” hereinafter referred to as a sign, means any fabricated sign, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture, stroke, stripe line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever out doors for recognized advertising purposes.
- (e) “Ground sign” means a sign which is supported by one or more uprights or braces in or upon the ground.
- (f) “Roof sign” means a sign located on, above or attached to the roof of any building.
- (g) “Wall sign” means a sign mounted on the wall of a building with the face parallel to the building wall. For building walls abutting public lands, wall signs and their enclosures may project into the airspace over public lands as follows:
  - (1) A maximum of four inches where mounted less than eight feet above the public lands.
  - (2) A maximum of eighteen inches where mounted eight feet or more above the public lands, except that if the public lands are used as travelway for motor vehicles, the minimum elevation shall be fourteen feet.

(h) "Projecting sign" means a sign the face(s) of which are not parallel to the wall of the building, and which is attached directly or indirectly to any building wall and extends beyond the building wall or parts thereof.

(i) "Marquee sign" means a sign attached to, or hung from, a marquee.

(j) "Location" means a lot, premises, building, wall, or any place whatsoever upon which a sign is erected, constructed and maintained.

(k) "Sandwich board sign" means an A-frame portable sign which is hinged or unhinged and generally temporary in nature. Such a sign is also considered to be a ground sign.

(l) "Structure" means the supports, uprights, bracing and framework of the sign or outdoor display.

(m) "Structural trim" means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

(n) "Display surface" means the surface made available by the structure, either for the direct mounting of letters and decoration, or for the mounting of facing material intended to carry the entire advertising message.

(o) "Facing" means the surface of the sign upon, against, or through which the message of the sign is exhibited.

(p) "Letters and decorations" means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.

(q) "Approved combustible plastics" means only those combustible plastic materials which, when tested in accordance with American Society for Testing Materials Standard Method of Test for Flammability of Plastics over 0.050 inch in Thickness (D 635-44), burn no faster than two and one-half inches per minute in sheets of six-hundredths-inch thickness. (Ord. 61-5146 §1(part), 2001, File No. 01-1227 Ord. 61-4514 §1, 1983; Ord. 61-4361 §1(part), 1978; prior code §13.46.)

15.48.030 Permit required. Except as otherwise provided in sections 15.48.070 through 15.48.090, no sign shall hereafter be constructed, erected, altered, maintained, or permitted to be constructed, erected, altered, or maintained except as provided in this chapter nor until a permit for same has been obtained and the fee for such permit paid. The property owner, occupant of the property, or other person in charge of the property shall be responsible for violations of this section. (Ord. 61-5616 §15(part), 2014; Prior code §13.47(1).)

15.48.035 Permit required—Temporary signs. (a) A permit shall be obtained and paid for prior to the placement, erection, construction, alteration, maintenance or change in location of any “temporary sign” as defined in section 15.48.350.

(b) The time period for which this permit shall be valid shall not exceed thirty days.

(c) The permit fee for a temporary sign shall be as provided in section 15.48.050. (Ord. 61-4536 §2, 1983.)

15.48.040 Application. An application for a permit shall be submitted to the building inspector in such form as he may prescribe and shall include such information as may be required by him for a complete understanding of the proposed work. (Prior code §13.47(2).)

15.48.050 Fees. (a) The fees charged for sign permits shall be as specified in section 3.40.010(a).

(b) Where signs have two or more faces, the permit fee shall be computed on each face of such sign. (Ord. 61-5553 §29 (part), 2013, File No. 13-0309; Ord. 61-5095 §1(part), 2000, File No. 00-1135; Ord. 61-4962 §1(part), 1996; Ord. 61-4924 §1(part), 1995; Ord. 61-4875 §1(part), 1994; Ord. 61-4757 §2, 1991; Ord. 61-4515 §1, 1983; prior code §13.47(3).)

15.48.070 Exemptions. No permit shall be required for the following:

(a) A wall sign not more than ten square feet in area;

(b) A ground sign advertising either the sale or rental of the premises upon which it is maintained when such sign does not exceed twenty-five square feet of display surface;

(c) To maintain any sign or outdoor display structure which had been legally erected prior to, and which is structurally sound and in a good and safe condition on April 24, 1959; but such sign or outdoor display structure shall be deemed, held and treated as though a permit therefor had been issued on said date, and reinspection of any such sign or outdoor display structure shall be required on the second anniversary of the taking effect of this chapter and biennially thereafter, in accordance with the provisions of section 15.48.100. The fee for such reinspection shall be computed at one-half of the original permit fee which would have been charged for such sign or outdoor display structure had it been erected after April 24, 1959. (Prior code §13.48(1).)

15.48.080 Relieving owner is not function of exemptions. The exemptions provided in section 15.48.070 shall apply only to the requirement of a permit and shall not be construed as relieving the owner of the sign from responsibility for its erection and maintenance in a good and safe condition, or from the construction requirements of this chapter. (Prior code §13.48(2).)

15.48.090 Relocating or rebuilding existing signs. The exemption from the permit requirements of this chapter for the maintenance of signs and outdoor display structures erected prior

to the taking effect of this chapter shall not be construed to exempt them from the permit requirements in the event they are rebuilt, relocated or altered after the taking effect of this chapter. (Prior code §13.48(3).)

15.48.100 Inspection. It shall be the duty of the building inspector to inspect every sign and outdoor display structure for which a permit is required, at the time of its erection and to reinspect such sign and outdoor display structure every two years. Upon completion of erection, the permit holder shall make application to the building inspector and shall make application for reinspection thereafter, prior to the second anniversary of the issuance of the permit and biennially thereafter. No fee other than the permit fee shall be charged for the original inspection but for each reinspection, the building inspector shall charge, and the permit holder shall pay, a fee equal to one half of the original permit fee. After each inspection and reinspection, the building inspector shall make, in duplicate, a certificate of inspection, one copy of which shall be issued to the permit holder and one copy of which shall be retained by the building inspector. (Prior code §13.49.)

15.48.110 Maintenance. All signs, together with all their supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation. The building inspector may order the removal, by the person maintaining any sign, of any signs that are not maintained in accordance with the provisions of this chapter and if such order is not complied with, may effect such removal and collect the cost thereof from the person maintaining such sign. (Prior code §13.50.)

15.48.120 Location. No sign shall be placed within the limits of any street or highway except such as are necessary for guidance or warning of traffic or as provided by Section 66.0429 of the Wisconsin Statutes. The authorities charged with the maintenance of street or highways shall cause the removal therefrom and the disposal of all other signs.

No sign shall be erected, constructed and maintained so as to obstruct any fire escape, or any window, or door, or opening used as a means of egress or for fire fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required for legal ventilation. (Prior code §13.51.)

15.48.130 Use of approved combustible plastics. Notwithstanding any other provisions of this chapter, approved combustible plastics may be used as facing material and as letters and decoration on signs and outdoor display structures as provided in section 15.48.330. (Prior code §13.52 (part).)

15.48.140 Limitations on use of approved combustible plastics. The building inspector may permit an increase in the area occupied or covered by plastics, provided the construction or location of the sign is such that the use of a greater amount of plastic than is authorized in section 15.48.330 is consistent with public safety. (Prior code §13.52 (part).)

15.48.150 Intensity of wind pressure. (a) For the purpose of determining wind pressure, all signs shall be classified as either an open or a solid sign. Signs in which the projected area exposed to wind consists of seventy percent or more of the gross area as determined by the overall dimensions, shall be classified as solid signs; those in which the projected exposed area is derived from open letters, figures, strips, and structural framing members and aggregate total area of which is less than seventy percent of the gross area so determined, shall be classed as open signs.

(b) All signs shall be designed and constructed to withstand wind pressure of not less than the following intensities applied to the projected exposed area:

Height in feet from ground to top of sign	Wind pressure in pounds per square foot	
	Solid Signs All Types	Open Signs All Types
Less than 50 feet	25*	35**
50 to 99 feet	30	42
100 to 199 feet	35	49
200 to 299 feet	38	53
300 to 399 feet	40	56

\*Solid ground signs less than fifty feet in height shall be designed to resist a wind pressure of fifteen pounds per square foot.

\*\*Open ground signs less than fifty feet in height shall be designed to resist a wind pressure of twenty-five pounds per square foot. (Prior code §13.53.)

15.48.160 Projected exposed area. The exposed area subject to wind pressure shall be the total area of all parts of the sign including structural framing projected on a plane perpendicular to the direction of the wind. In determining the stress in any member of the wind shall be assumed to blow from that horizontal direction, and from that inclination from the vertical (but not to exceed twenty degrees above or below the horizontal) which produces the maximum stress in that member. No shielding effect of one element by another shall be considered where the distances between them exceeds four times the smaller projected dimensions of the windward element. (Prior code §13.54.)

15.48.170 Allowable stresses and materials. (a) In all signs the allowable stresses, materials and details of design shall be such as will render such signs reasonably safe to persons and property and in conformity with the provisions of this section and applicable statutes of the state; and all orders, rules and regulations issued by authority thereof. It shall be prima facie evidence that the

allowable stresses, materials, and details of design are reasonably safe to person and property if they conform to the following latest approved specifications:

(1) For Steel: American Standard Building Code Requirements for Structural Steel, A57-1-1943, approved by the American Standards Association, except that:

(A) Members in ground signs may be less than one-quarter inch thick if they conform to the provisions of section 15.

(B) Secondary members in contact with, or directly supporting the facing may, in all types of signs, be formed of light gage steel, provided such members are designed in accordance with the Light Gage Steel Design Manual of the American Iron and Steel Institute, January 1949, and are galvanized to comply with the American Standard Specifications for Zinc Coated (Galvanized) Iron or Steel Sheets (ASTM A93-46; ASA G8.2-1947). Although no minimum thickness for the facing of a sign is specified, secondary facing members when formed integrally with the facing shall be not less than 24 gage in thickness (0.024) inch; when not formed integrally with the facing, the minimum thickness of secondary members shall be 12 gage (0.015").

(2) For Wood: National Design Specifications for Stress Grade Lumber and its fastenings, 1944, recommended by National Lumber Manufacturer's Association.

Provided that it shall be the duty of the building inspector to obtain and file in the office of the clerk, not less than two copies of each of the latest edition of the foregoing specifications, which shall, at all times, be available for inspection by the public.

(b) The working stress of chains, wire ropes and steel guy rods and their fastenings shall not exceed one-quarter of their ultimate strength.

(c) Applications for permits to erect signs in which plastic materials will be employed shall set forth either the manufacturer's trade name for, or the common name of, the plastic material to be used; and shall certify either that the plastic material is noncombustible or that the plastic material is tested by a recognized testing laboratory and rated as an "approved combustible plastic" as defined in this chapter.

(d) If plastics are employed in any part of a sign, the finished plastic unit shall be identified with the manufacturer's trade name for the plastic material or with the common name of the plastic material. (Prior code §13.55.)

## GROUND SIGNS

15.48.180 Materials. (a) Within the fire zone, no ground sign for which a permit is required shall be erected of combustible materials, unless the face is constructed of sheet metal or other approved facing materials.

(b) The bottom of the facing of every ground sign shall be at least thirty inches above the ground, which space may be filled with platform or decorative trim of light wood or metal construction. (Prior code §13.56.)

15.48.200 Projection. No ground sign shall be required to be set back from the property line farther than the building line as established, but no ground sign shall be located on any public right-of-way. (Prior code §13.58.)

15.48.210 Support and anchorage. (a) Ground signs shall be adequately supported to resist dead load and the wind load specified in section 15.48.150 acting in any direction on the sign.

(b) Signs which do not exceed forty feet in height may have vertical cantilever supports driven into or set in the soil, or rigidly attached to bases embedded in the soil. There shall be two or more such vertical supports except that a sign which does not exceed fifty square feet in area per face and which does not exceed twenty-five feet in height may be supported by a single member.

(c) All signs over forty feet in height shall be braced by adequately supported inclined braces or trussed frames placed in vertical planes. At least two such braces shall be provided.

(d) The members (or bases for rigidly attached members) supporting unbraced signs shall be so proportioned that the bearing loads imposed upon the soil in either a horizontal or vertical direction shall not exceed safe values. Braced signs shall be anchored to resist the specified windload acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent greater than the required resistance to overturning.

(e) The soil used for backfill for the dug-in type of anchor or cantilever support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

(f) Portable signs supported by frames or posts rigidly attached to bases shall be so proportioned that the weight and size of the base is adequate to resist the wind pressure specified in section 15.48.150. Such signs shall not exceed six feet in height.

(g) Wherever anchors or supports consist of wood embedded in the soil, the wood shall be treated under pressure with creosote or other approved preservative before erection. This requirement shall not apply to temporary signs which will not remain in place for more than six months.

(h) The minimum thickness of hot-rolled, structural steel members furnishing structural support for signs shall be 1/4 inch, provided that, if galvanized, such members may be not less than 1/8 inch thick if the galvanizing complies with the American Standard Specifications for Zinc (Hot-Galvanized) Coatings on Structural Steel Shapes, Plates and Bars, and their Products (ASTM A123-47; ASA G8.1-1947) and provided further, that the galvanizing shall be applied after fabrication.

Members formed of light gage steel may be used for support of ground signs, provided that they are designed in accordance with Light Gage Steel Design Manual of the American Iron and Steel Institute, January, 1949; and provided that the thickness, exclusive of the facing, shall be not less than 12 gage (0.105) inch and they are galvanized to comply with American Standard Specifications for Zinc-Coated (Galvanized) Iron or Steel Sheets (ASTM A93-46; ASA G8.2-1947).

Steel members may be connected by one galvanized bolt, provided the connection is adequate to transfer the stresses to which the members are subjected. (Prior code §13.59.)

15.48.220 Maintenance. Any person occupying any vacant lot or premises by means of a ground sign shall be subject to the same duties and responsibilities as the owner of the lot and premises with respect to keeping the same clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign or said premises for which they may be responsible. (Prior code §13.60.)

## ROOF SIGNS

15.48.230 Materials. Every roof sign shall be constructed of noncombustible materials, including the uprights, supports, and braces, except that the ornamental molding, battens, cappings, and nailing strips, platforms, and the decorative trimmings may be constructed of combustible materials. (Prior code §13.61.)

15.48.240 Projection. (a) No roof sign shall project beyond the exterior wall or walls except by permission of the building inspector, but, if illuminated, lighting reflectors may project beyond the face of the sign.

(b) When necessary for fire protection, roof signs shall be so constructed as to leave a clear space, except for the structure supporting the sign, not less than four feet between the roof and the lowest part of such sign. (Prior code §13.62.)

15.48.250 Supports and anchorage. (a) Roof signs shall be thoroughly secured and anchored to the building over which they are constructed and erected. The dead and wind loads from the signs shall be distributed to the structural elements of the building in such a manner that no element shall be over stressed.

(b) Uplift due to overturning of roof signs shall be adequately restricted by proper anchorage to the building walls or structure or by sufficient concrete counterweights to resist uplift. Proper anchorage to the buildings, walls or structure shall include such alterations to the building or may be needed to integrate and adequately interconnect sufficient dead load to equal not less than ten percent in excess of the computed uplift applied to the building by the sign. Where uplift is resisted by counterweights, their weight shall exceed the amount of the uplift by ten percent. (Prior code §13.63.)

## WALL SIGNS

15.48.260 Supports and attachment. Wall signs attached to exterior walls or solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws of not less than three-eighths inch in diameter which shall be embedded at least five inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall. (Prior code §13.64(1).)

15.48.270 Materials. Within the fire zone, every wall sign shall be constructed of noncombustible materials, including the uprights, supports, and braces, except that the ornamental molding, battens, bappings and nailing strips, platforms, and the decorative trimmings may be constructed of combustible materials. (Prior code §13.64(2).)

## PROJECTING SIGNS

15.48.280 Materials. All projecting signs for which a permit is required shall be constructed of noncombustible materials approved by the building inspector for this purpose. (Prior code §13.65.)

15.48.290 Projection. No projecting sign shall at the lowest point be less than eight feet above sidewalk or ground level. (Ord. 61-4361 §1(part), 1978; prior code §13.66.)

15.48.300 Supports and attachment. (a) Projecting signs shall be securely attached to a building or structure by metal bolts, anchors, supports, chains, wire ropes or steel rods. No staples or nails shall be used to secure any projecting sign to any building or structure.

(b) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported by structural shapes, chains, wire ropes, or steel guy rods. When chains, wire rope, or steel guy rods are used, such supports shall be erected and maintained preferably at an angle of forty-five degrees or more with the horizontal to resist the dead load, and at an angle of forty-five degrees or more with the face of the sign in an approximately horizontal plane to resist wind pressure. The lateral supports shall be spaced not more than eight feet apart and shall be secured to a bolt or expansion screw capable of developing the strength of the supporting chain, wire rope or steel rods. The expansive device and details of the anchorage shall be

subject to the approval of the building inspector. Turn buckles or other approved means of adjustment shall be placed in all chains, wire ropes, or steel rods supporting or bracing projecting signs.

(c) Chains, wire ropes, or steel rods used to support the dead or wind load of projecting signs may be fastened to solid masonry walls with expansion bolts or other devices approved by the building inspector, but no such support shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting device must be fastened securely in a manner approved by the building inspector.

(d) All chains, wire ropes, and their attachments shall be galvanized or of corrosive resistant material. Other metal supports and braces shall be painted. (Prior code §13.67.)

MARQUEE SIGNS

15.48.310 Location. Marquee signs constructed of noncombustible material may be attached to the sides and front of a marquee, and such signs may extend the entire length and width of the marquee; provided, that such signs shall be at least eight feet at their lowest level above the sidewalk level. Such marquee signs may also be attached to or hung from a marquee and, when hung from a marquee, shall be at least eight feet at their lowest level above the sidewalk level, and further, no such sign shall extend outside the line of such marquee. (Ord. 61-4361 §1(part), 1978; prior code §13.68.)

15.48.320 Conformity to electrical code. All electrical equipment used in connection with outdoor advertising display signs shall, in the absence of specific requirements, be installed in accordance with the electrical code of the city. (Prior code §13.69.)

15.48.330 Limitations on use of approved combustible plastics. (a) If all parts of the sign other than the letters and decorations are made from noncombustible material, the area of the display surface or surfacing which may be occupied or covered by letters or decorations made from, or faced with, approved combustible plastics shall not exceed an approved total area calculated on the following basis:

Ground Signs and Wall Signs

Area of Facing or Display Surface	Area Occupied or Covered by Plastics
100 sq. ft. or less .....	100% of surface display area.
Over 100 sq. ft. but not over 2000 sq. ft. ....	100 sq. ft. plus 50% of the difference between 100 sq. ft. and the area of the display surface.

EXAMPLES:

300 sq. ft.....	200 square feet
500 sq. ft.....	300 square feet
1000 sq. ft.....	550 square feet
1500 sq. ft.....	850 square feet
2000 sq. ft.....	1050 square feet
Over 2000 sq. ft.....	Not over 1050 sq. feet without permission of the Building Inspector.

Roof Signs, Projecting Signs, and Marquee Signs

Area of Facing or Display Surface	Area Occupied or Covered by Plastics
300 sq. ft. or less .....	50% of display surface area.
Over 300 sq. ft. but not over 2000 sq. ft. ....	100 sq. ft. plus 25% of the difference between 100 sq. ft. and the total area of the display surface.

EXAMPLES:

500 sq. ft.....	200 square feet
1000 sq. ft.....	325 square feet
1500 sq. ft.....	450 square feet
2000 sq. ft.....	575 square feet
Over 2000 sq. ft.....	Not over 575 square feet without permission of the Building Inspector.

Roof Signs

Area of Facing or Display Surface	Area Occupied or Covered by Plastics
1000 sq. ft. or less .....	25% of display surface area.

EXAMPLES:

100 sq. ft.....	25 square feet
500 sq. ft.....	125 square feet
1000 sq. ft.....	250 square feet
Over 1000 sq. ft. but not over 2000 sq. ft. ....	250 sq. ft. plus 10% of the difference between 1000 sq. ft. and the total area

of the display surface.

EXAMPLES:

1500 sq. ft.....	300 square feet
2000 sq. ft.....	350 square feet
Over 2000 sq. ft.....	Not more than 350 sq. ft. without special permission of the Building Inspector.

(b) If combustible material is employed in the structure or structural trim, the area of the display surface of facing which may be occupied or covered by letters and decorations made from, or faced with, approved combustible plastic shall not exceed an approved total calculated on the basis given in the above tables. (Prior code §13.70.)

15.48.340 Facings. The facings of ground signs, roof signs, wall signs, marquee signs, and projecting signs for which a permit is required may be made of approved combustible plastics provided that the structure and structural trim of the sign is made from noncombustible material and provided that the surface area of each face is not in excess of one hundred square feet. The letters and decorations mounted upon such plastic facings may be made of plastics. (Prior code §13.71.)

15.48.350 Temporary signs. "Temporary signs" means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, wood, metal or other material, with or without frames, and any type of sign not permanently attached to the ground, to a wall, or to a building. Such sign shall be displayed for limited periods of time as provided in this chapter. No temporary signs shall be attached to any public utility poles or shall be located within a public right-of-way. All combustible materials used in temporary signs shall be fire-resistant treated materials. A temporary sign shall have no open light bulbs or flashing lights. (Ord. 61-4536 §1, 1983.)



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Chapter 15.52

PRIVATE PARKING LOTS

Sections:

- 15.52.010 Private motor vehicle parking lot defined.
- 15.52.020 Permit required.
- 15.52.030 Surfacing.
- 15.52.040 Screening.
- 15.52.050 Sidewalk required.
- 15.52.060 Driveways.

15.52.010 Private motor vehicle parking lot defined. “Private motor vehicle parking lot” is any area used for the off-street parking of motor vehicles on private property, which area is designed to accommodate five or more vehicles. (Prior code §13.442(1).)

15.52.020 Permit required. No person shall use or develop any premises as a private parking lot without first obtaining a permit therefor as outlined in this chapter. The permit fee shall be as specified in section 3.40.010(a). (Ord. 61-5553 §30 (part), 2013, File No. 13-0309; Ord. 61-5095, §1(part), 2000, File No. 00-1135; Prior code §13.442 (2).)

15.52.030 Surfacing. Any private parking lot as defined above shall be hard surfaced, at grades designated by the city engineer and maintained in a reasonably dustless condition if located within five hundred feet of a residence district. (Prior code §13.442(3).)

15.52.040 Screening. Any private parking lot as above defined which faces or abuts a residence district shall provide a planting screen, landscape fence or guardrail type fence at least two and one-half feet in height along the side abutting or fronting on a residence district and public right-of-way. Plans for such screen or fence shall be first approved by the building inspector before installation. (Prior code §13.442(4).)

15.52.050 Sidewalk required. If the private parking lot abuts a public street, the sidewalk shall be constructed in place within six months of granting of the permit for the parking lot, unless waived by the board of public works. (Prior code §13.442(5).)

15.52.060 Driveways. Driveways shall be placed at such intervals as the board of public works may require, subject to the requirements of Chapter 12.20 of this code. (Prior code §13.442(6).)

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CHAPTER 15.56

STORM WATER MANAGEMENT

Sections:

- 15.56.010 Authority
- 15.56.020 Findings of Fact
- 15.56.030 Purpose and Intent
- 15.56.040 Applicability and Jurisdiction
- 15.56.050 Definitions
- 15.56.060 Technical Standards
- 15.56.065 Construction Site Erosion.
- 15.56.070 Performance Standards
- 15.56.080 Permitting Requirements, Procedures and Fees
- 15.56.090 Storm Water Management Plan
- 15.56.100 Maintenance Agreement
- 15.56.110 Financial Guarantee
- 15.56.120 Fee Schedule
- 15.56.130 Enforcement
- 15.56.140 Appeals
- 15.56.150 Severability

15.56.010 Authority. (a) This ordinance is adopted by the common council under the authority granted by Section 62.234 of the Wisconsin Statutes. This ordinance supersedes all provisions of an ordinance previously enacted under Section 62.23 of the Wisconsin Statutes, relating to storm water management regulations. Except as otherwise specified in Section 62.234 of the Wisconsin Statutes, Section 62.23 of the Wisconsin Statutes, applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the common council.

(c) The common council hereby designates the storm water management administrator or appointee, to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance 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 of the Wisconsin Statutes.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Section NR 151.004 of the Wisconsin Administrative Code.

15.56.020 Findings of Fact. The common council finds that uncontrolled 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. Uncontrolled 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 temperature.

(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.

Section 15.56.030 Purpose and Intent.

(a) Purpose. The general purpose of this ordinance is to establish 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 common council that this ordinance regulates post-construction storm water discharges to waters of the state and construction site erosion control. This ordinance may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16 of the Wisconsin Statutes, for regional storm water management measures and have been approved by the common council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

Section 15.56.040 Applicability and Jurisdiction.

(a) Applicability.

(1) Where not otherwise limited by law, this ordinance applies to land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (2).

(A) A post-construction site that had one or more acres of land disturbing construction activity.

(2) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

(A) A redevelopment post-construction site with no increase in impervious surface.

(B) A post-construction site with less than 10 percent connected imperviousness (which is an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path) based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

(C) Nonpoint discharges from agricultural facilities and practices. (Agricultural facilities and practices has the meaning given in Section 281.16 of the Wisconsin Statutes.)

(D) Nonpoint discharges from silviculture activities.

(E) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(F) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(3) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the storm water management administrator 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 ordinance applies to land disturbing construction activities within the boundaries of the city of Wausau and to the platting of subdivisions within the city of Wausau extraterritorial plat approval jurisdiction area and to land disturbing construction activities which may take place within said subdivisions unless the storm water runoff from the extraterritorial area does not enter the city of Wausau at any point.

(c) Exclusions. This ordinance is not applicable to activities conducted by a state agency, as defined under Section 227.01(1) of the Wisconsin Statutes, 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) of the Wisconsin Statutes.

#### 15.56.050 Definitions.

(a) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

(b) “Business day” means a day the office of the storm water management administrator is routinely and customarily open for business.

(c) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(d) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(e) “Development” means residential, commercial, industrial or institutional land uses and associated roads.

(f) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(g) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(h) “Extraterritorial” means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(i) ”Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

(j) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the storm water management administrator by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(k) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

(l) “Infiltration” means the entry of precipitation or runoff into or through the soil.

(m) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(n) “Maintenance agreement” means a legal document that is recorded with the county register of deeds as a property deed restriction and which provides for long-term maintenance of storm water management practices.

(o) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance 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.

(p) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(q) “Off-site” means located outside the property boundary described in the permit application.

(r) “On-site” means located within the property boundary described in the permit application.

(s) “Ordinary high-water mark” has the meaning given in Section NR 115.03(6) of the Wisconsin Administrative Code.

(t) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(u) “Permit” means a written authorization made by the storm water management administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(v) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(w) “Pollutant” has the meaning given in Section 283.01(13) of the Wisconsin Statutes.

(x) “Pollution” has the meaning given in Section 281.01(10) of the Wisconsin Statutes.

(y) “Post-construction site” means a construction site following the completion of land disturbing construction activity and final site stabilization.

(z) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(aa) “Redevelopment” means areas where development is replacing older development.

(bb) “Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

(cc) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(dd) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(ee) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system, which is a system for conveying both sanitary sewage and storm water runoff.
- (3) Is not draining to a storm water treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

(ff) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(gg) “Stop work order” means an order issued by the storm water management administrator which requires that all construction activity on the site be stopped.

(hh) “Storm water management administrator” means a city employee that is designated by the director of public works and utilities to administer this ordinance.

(ii) “Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.

(jj) “Technical standard” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(kk) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(ll) “Waters of the state” has the meaning given in Section 281.01 (18) of the Wisconsin Statutes.

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

(a) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of Chapter NR 151 of the Wisconsin Administrative Code.

(b) 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 storm water management administrator.

(c) In this ordinance, the following year and location has been selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29–Nov. 25). “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.

(d) Total suspended solids calculations shall utilize the United States Environmental Protection Agency (USEPA) National Urban Runoff Program (NURP) particle size distribution.

15.56.065 Construction Site Erosion.

(a) Performance Standards.

(1) Responsible Party. The responsible party shall implement an erosion and sediment control plan, developed in accordance with paragraph (c) that incorporates the requirements of this section.

(2) Plan. A written plan shall be developed in accordance with paragraph (c) and implemented for each construction site.

(3) Erosion and Other Pollutant Control Requirements. The plan required under sub. (2) shall include the following:

(A) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, 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 an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. 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) Notwithstanding par. (A), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(C) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

- (i) Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
- (ii) Prevent the discharge of sediment as part of site de-watering.
- (iii) Protect the separate storm drain inlet structure from receiving sediment.

(D) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into 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 paragraph.

(4) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) Alternate Requirements. The storm water management administrator may establish storm water management requirements more stringent than those set forth in this section if the storm water management administrator determines that an added level of protection is needed for sensitive resources.

(b) Permitting Requirements, Procedures and Fees.

(1) Permit Required. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the storm water management administrator.

(2) Permit Application and Fees. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of paragraph (c) and shall pay an application fee to the city as provided in section 3.40.010(a). By submitting an application, the applicant is authorizing the storm water management administrator to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) Review and approval of Permit Application. The storm water management administrator shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(A) Within 15 business days of the receipt of a complete permit application, as required by sub. (2), the storm water management administrator shall inform the

applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(B) If the permit application and plan are approved, the storm water management administrator shall issue the permit.

(C) If the permit application or plan is disapproved, the storm water management administrator shall state in writing the reasons for disapproval.

(D) The storm water management administrator may request additional information from the applicant. If additional information is submitted, the storm water management administrator shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(4) Surety Bond. As a condition of approval and issuance of the permit, the storm water management administrator may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(5) Permit Requirements. All permits shall require the responsible party to:

(A) Notify the storm water management administrator within 48 hours of commencing any land disturbing construction activity.

(B) Notify the storm water management administrator of completion of any BMPs within 14 days after their installation.

(C) Obtain permission in writing from the storm water management administrator prior to any modification pursuant to paragraph (c)(3) of the erosion and sediment control plan.

(D) Install all BMPs as identified in the approved erosion and sediment control plan.

(E) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(F) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

(G) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each

week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(H) Allow the storm water management administrator to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(6) Permit Conditions. Permits issued under this section may include conditions established by the storm water management administrator in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in paragraph (a).

(7) Permit Duration. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The storm water management administrator may extend the period one or more times for up to an additional 180 days. The storm water management administrator may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(8) Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization. Upon final stabilization the responsible party shall remove all temporary erosion control measures.

(c) Erosion and Sediment Control Plan, Statement, and Amendments.

(1) Erosion and Sediment Control Plan.

(A) An erosion and sediment control plan shall be prepared and submitted to the storm water management administrator. The plan shall be prepared and sealed by a professional engineer or professional hydrologist registered in the State of Wisconsin.

(B) The erosion and sediment control plan shall be designed to meet the performance standards in paragraph (a) and other requirements of this ordinance.

(C) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

(i) The name(s) and address(es) of the owner or developer of the site,

and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

(ii) Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

(iii) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(iv) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

(v) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

(vi) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

(vii) Existing data describing the surface soil as well as subsoils.

(vii ) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

(ix) Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(D) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

(i) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

(ii) Boundaries of the construction site.

(iii) Drainage patterns and approximate slopes anticipated after major grading activities.

(iv) Areas of soil disturbance.

(v) Location of major structural and non-structural controls identified in the plan.

(vi) Location of areas where stabilization practices will be employed.

(vii) Areas which will be vegetated following construction.

(viii) Area extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

(ix) Locations of all surface waters and wetlands within one mile of the construction site.

(x) An alphanumeric or equivalent grid overlying the entire construction site map.

(E) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

(i) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(ii) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the storm water management administrator, structural measures shall be installed on upland soils.

(iii) Management of overland flow at all sites, unless otherwise controlled by outfall controls.

(iv) Trapping of sediment in channelized flow.

- (v) Staging construction to limit bare areas subject to erosion.
- (vi) Protection of downslope drainage inlets where they occur.
- (vii) Minimization of tracking at all sites.
- (viii) Clean up of off-site sediment deposits.
- (ix) Proper disposal of building and waste materials at all sites.
- (x) Stabilization of drainage ways.
- (xi) Control of soil erosion from dirt stockpiles.
- (xii) Installation of permanent stabilization practices as soon as possible after final grading.
- (xiii) Minimization of dust to the maximum extent practicable.

(F) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) Erosion and Sediment Control Plan Statement. For each construction site identified under paragraph (a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the storm water management administrator. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(3) Amendments. The applicant shall amend the plan if any of the following occur:

(A) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(B) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(C) The storm water management administrator notifies the applicant of changes needed in the plan.

(f) Inspection. If land disturbing construction activities are being carried out without a permit required by this ordinance, the storm water management administrator may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats. (Ord. 61-5605 §25(part), File No. 13-1109)

15.56.070 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 15.56.090 shall be developed and implemented for each post-construction site.

(c) Requirements. The plan required under sub. (b) shall include the following:

(1) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(2) Peak Discharge.

(A) For new developments, by design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment conditions for the 2-year, 24-hour; the 10-year, 24-hour; the 25-year, 24-hour and the 100-year, 24-hour design storm applicable to the post-construction site. BMPs shall be employed to safely pass the 100-year, 24-hour design storm applicable to the post-construction site. Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. 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 runoff curve numbers in Table 1 shall be used.

Design storms shall be SCS Type II distribution or, preferably, appropriate rainfall distributions taken from Floyd A. Huff and James R. Angel, Rainfall Frequency Atlas of the Midwest, Midwestern Climate Center, Illinois State Water Survey, 1992. (“Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.)

Table 1 – Maximum Pre-Development Runoff Curve Numbers for Cropland Areas				
Hydrologic Soil Group	A	B	C	D

Runoff Curve Number	56	70	79	83
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(B) For redevelopment, by design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, as compared to the pre-development conditions, at a minimum, for the 2-year, 24-hour design storm. Stricter standards may be applied if the area has a history of flooding issues or it is considered a safety issue for the public.

(3) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(4) Protective Areas.

(A) “Protective areas” are defined and managed in accordance with the most current standards identified in NR 151, Wis. Admin. Code.

(5) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to meet the most current standards identified in NR 151, Wis. Admin. Code.

(d) General Consideration for On-Site and Off-Site Storm Water Management Measures. The following considerations shall be observed in managing runoff:

(1) 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 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.

(3) Except as provided herein, all rainleader downspouts shall be placed so that drainage is to pervious surfaces. The owner is responsible for arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness to walls, ceilings, or floors in any portion of the building or in and adjacent building, structure, or property. Downspout placement shall be allowed so long as no conflicts exist with this section or any other applicable municipal codes.

(e) Location and Regional Treatment Option.

(1) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(3) Except as allowed under par. (iv), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

(4) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

(A) The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Chapter 30 of the Wisconsin Statutes, or the BMP did not require a Chapter 30, Wisconsin Statutes, permit; and

(B) The BMP is designed to provide runoff treatment from future upland development.

(5) Runoff from existing development shall meet the post-construction performance standards in accordance with this paragraph.

(A) To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

(B) Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Chapter NR 103 of the Wisconsin Administrative and Chapter 30 of the Wisconsin Statutes.

(6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(7) The storm water management administrator may approve off-site management measures provided that all of the following conditions are met:

(A) The storm water management administrator determines that the post-construction runoff is covered by a storm water management system plan that is approved by the city and that contains management requirements consistent with the purpose and intent of this ordinance. A storm water management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(B) The off-site facility meets all of the following conditions:

(i) The facility is in place.

(ii) The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

(iii) The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(8) Where a regional treatment option exists such that the storm water management administrator 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 storm water management administrator. In determining the fee for post-construction runoff, the storm water management administrator shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(f) Alternate Requirements. The storm water management administrator may establish storm water management requirements more stringent than those set forth in this section if the storm water management administrator determines that an added level of protection is needed to protect sensitive resources.

Section 15.56.080 Permitting Requirement, 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 storm water management administrator prior to commencing the proposed activity.

(b) Permit Application and Fee. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the storm water management administrator a permit application made on a form provided by the storm water management administrator for that purpose.

(1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee as provided in section 3.40.010(a) for the purpose of recouping the expenses incurred by the authority in administering the permit.

(2) The storm water management plan shall be prepared to meet the requirements of 15.56.070 and 15.56.090, the maintenance agreement shall be prepared to meet the requirements of Section 15.56.110, and the financial guarantee shall meet the requirements of Section 15.56.110.

(c) Review and Approval of Permit Application. The storm water management administrator

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 30 calendar days of the receipt of a complete permit application, including all items as required by sub. (2), the storm water management administrator shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(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 storm water management administrator shall issue the permit.

(3) If the storm water permit application, plan or maintenance agreement is disapproved, the storm water management administrator shall detail in writing the reasons for disapproval.

(4) The storm water management administrator may request additional information from the applicant. If additional information is submitted, the storm water management administrator shall have 30 calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(d) Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The storm water management administrator may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the storm water management administrator to suspend or revoke this permit may be appealed in accordance with Section 15.56.140.

(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. Copies of all applicable state, federal and local permits shall be submitted to storm water management administrator.

(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 storm water management administrator at least seven business days before commencing any work in conjunction with the storm water management plan, and within seven business days upon completion of the storm water management practices. If required as a special condition under sub. (e), the responsible party shall make additional notification according to a schedule set forth by the storm water management administrator so that practice installations can be inspected during construction.

(4) Practice installations required as part of this ordinance shall be surveyed by a registered land surveyor or professional engineer and certified "as built" by a licensed professional engineer or hydrologist. Completed storm water management practices must pass a final inspection by the storm water management administrator or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The storm water management administrator or its 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 storm water management administrator of any significant modifications it intends to make to an approved storm water management plan. The storm water management administrator 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 city, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(7) The responsible party authorizes the storm water management administrator 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 subch. VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15.56.110.

(8) If so directed by the storm water management administrator 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 storm water management administrator or its designee 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 storm water management administrator will 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 15.56.130, if the responsible party fails to comply with the terms of this permit.

(e) Permit Conditions. Permits issued under this subsection may include conditions established by storm water management administrator in addition to the requirements needed to meet the performance standards in Section 15.56.070 or a financial guarantee as provided for in Section 15.56.110.

(f) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the storm water management administrator notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (d)(4). (Ord. 61-5605 §26(part), File No. 13-1109)

Section 15.56.090 Storm Water Management Plan.

(a) Plan Requirements. The storm water management plan required under Section 15.56.080(2) shall contain at a minimum the following information:

(1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(3) Pre-development site conditions, including:

(A) One or more site maps at a scale of not less than 1 inch equals 40 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, Wisconsin Department of Natural Resources and Army Corps of Engineers certified wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the

project area and delineated pursuant to Section NR 811.16 of the Wisconsin Administrative Code.

(B) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(4) Post-development site conditions, including:

(A) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

(B) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

(C) One or more site maps at a scale of not less than 1 inch equals 40 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(D) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(E) Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(5) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 15.56.070.

(6) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(7) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(8) Other information requested in writing by the storm water management administrator to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(9) All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer or hydrologist licensed in the State of Wisconsin to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(b) Alternate Requirements. The storm water management administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 15.56.070 (e).

Section 15.56.100 Maintenance Agreement.

(a) Maintenance Agreement Required. The maintenance agreement required under Section 15.56.080(b) for storm water management practices shall be an agreement between the city and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be recorded with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(b) Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15.56.090(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 15.56.080(b).

(3) Identification of the party(s) responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Section 15.56.080(b).

(4) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (2).

(5) Authorization for the city 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 storm water management administrator 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 par. (3), as responsible for long term maintenance of the storm water management practices, shall be notified by the Storm water management administrator of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the storm water management administrator.

(8) Authorization of the storm water management administrator to perform the corrected actions identified in the inspection report if the responsible party designated under par. (3) does not make the required corrections in the specified time period. The storm water management administrator shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of Chapter 66, Wis. Stats.

Section 15.56.110 Financial Guarantee. (a) Establishment of the Guarantee. The storm water management administrator may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the storm water management administrator. The financial guarantee shall be in an amount determined by the storm water management administrator 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 storm water management administrator 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 storm water management administrator that the requirements of this ordinance have not been met.

(b) Conditions for Release. Conditions for the release of the financial guarantee are as follows:

(1) The storm water management administrator shall release the portion of the

financial guarantee established under this section, less any costs incurred by the storm water management administrator to complete installation of practices, upon submission of “as built plans” by a licensed professional engineer. The storm water management administrator may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(2) The storm water management administrator 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 storm water management administrator at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Section 15.56.120 Fee Schedule. The fees referred to in other sections of this chapter shall be as provided in section 3.40.010(a). (Ord. 61-5605 §27(part), File No. 13-1109)

Section 15.56.130 Enforcement. (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The storm water management administrator 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 storm water management administrator under sub. (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 storm water management administrator in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the storm water management administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the storm water management administrator plus interest and legal costs shall be billed to the responsible party.

(e) The storm water management administrator is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.

(f) The storm water management administrator may revoke a permit issued under this ordinance 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 storm water management administrator or by a court with jurisdiction.

(h) The storm water management administrator is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the city 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 ordinance shall be subject to a forfeiture of not less than fifty dollars or more than five hundred dollars 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 ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the storm water management administrator determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the storm water management administrator or a party designated by the storm water management administrator 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 storm water management administrator 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 15.56.110 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Section 15.56.140 Appeals. (a) Board of Appeals. The board of appeals created pursuant to Section 23.82 of the Wausau Municipal Code shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the storm water management administrator in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(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 city affected by any decision of the storm water management administrator.

Section 15.56.150 Severability. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

(Ord.61-5392 §1, 2009, File 00-1120); (Prior Code: Ord. 61-5374 §5 (part), 2008; ord. 61-5260 §1, 2005, File No. 00-1120; Ord. 61-5199 §1, 2003, File No. 03-0305; Ord. 61-5105 §1, 2001, File No. 00-1120; Ord. 61-5093 §1, 2001, File No. 00-1120)

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Chapter 15.60

ILLCIT DISCHARGE DETECTION AND ELIMINATION REQUIREMENTS

Sections:

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15.60.020 Purpose and intent. The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Wausau through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. These requirements establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of these requirements are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.
- (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

(c) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with these requirements.

15.60.020 Definitions.

(a) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(c) “Construction activity” means activities subject to WPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(d) “Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(e) “Illegal discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 15.60.070 of these requirements.

(f) “Illicit connections” means an illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the system, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(g) “Industrial activity” means activities subject to WPDES Industrial Permits.

(h) “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

(i) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(j) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(k) “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(l) “Storm drainage system” means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

(m) “Storm water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) “Storm water management administrator” means a city employee that is designated by the director of public works and utilities to administer the ordinance.

(o) “Storm water pollution prevention plan” means a document which describes the BMPs 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 Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

(p) “Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(q) “Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit” means a permit issued by WDNR that authorizes discharges to the Waters of the State, whether the permit is applicable on an individual, group, or general area wide basis.

Section 15.60.030 Applicability. These requirements shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 15.60.040 Responsibility for administration. The storm water management administrator shall administer, implement, and enforce the provisions of these requirements. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 15.60.050 Severability. The provisions of these requirements are hereby declared to be severable. If any provision, clause, sentence, or paragraph of these requirements 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 these requirements.

Section 15.60.060 Ultimate responsibility. The standards set forth herein and promulgated pursuant to these requirements are minimum standards; therefore, these requirements does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 15.60.070 Discharge prohibitions. (a) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by these requirements: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

(2) Residential garage drains to lawns/ground surfaces are allowed.

(3) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(4) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(5) The prohibition shall not apply to any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of these requirements if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 15.60.080 Suspension of MS4 access.

(a) Suspension due to illicit discharges in emergency situations. The storm water management administrator 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 authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

(b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of these requirements may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 15.60.090 Industrial or construction activity discharge. Any person subject to an industrial or construction activity WPDES storm water discharge permit shall comply with all

provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the storm water management administrator prior to the allowing of discharges to the MS4.

Section 15.60.100 Monitoring of discharges.

(a) Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(b) Access to Facilities.

(1) The storm water management administrator shall be permitted to enter and inspect facilities subject to regulation under these requirements as often as may be necessary to determine compliance with these requirements. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the Storm water management administrator ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The storm water management administrator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The storm water management administrator has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure 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 facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the storm water management administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the storm water management administrator access to a permitted facility is a violation of a storm water discharge permit and of these requirements. A person who is the operator of a facility with a WPDES permit to discharge storm water associated with industrial activity commits an offense if the person

denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these requirements.

(7) If the storm water management administrator has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of these requirements, 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 these requirements or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 15.60.110 Requirements to prevent, control and reduce stormwater pollutants by the use of best management practices. Storm water management administrator will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the WPDES permit.

Section 15.60.120 Watercourse protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 15.60.130 Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous

materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the storm water management administrator within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 15.60.140 Enforcement.

(a) Notice of Violation. Whenever the storm water management administrator finds that a person has violated a prohibition or failed to meet a requirement of these requirements, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting.
- (2) The elimination of illicit connections or discharges.
- (3) That violating discharges, practices, or operations shall cease and desist.
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (5) Payment of a fine to cover administrative and remediation costs.
- (6) The implementation of source control or treatment BMPs.

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.

Section 15.60.150 Appeal of notice of violation. Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the board of public works shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 15.60.160 Enforcement measures after appeal. In the event of an appeal upheld by the municipal authority, the violation must be corrected within the timeframe as established by the municipal authority. If the violation is not corrected in said timeframe, then representatives of the city 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 government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 15.60.170 Cost of abatement of the violation. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. Interest at the rate of nine percent per annum shall be assessed on the balance beginning on the thirty-first day following discovery of the violation.

Section 15.60.180 Injunctive relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these requirements. If a person has violated or continues to violate the provisions of these requirements, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 15.60.190 Cost alternatives. In lieu of enforcement proceedings, penalties, and remedies authorized by these requirements, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 15.60.200 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 these requirements 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.

Section 15.60.210 Criminal prosecution. Any person that has violated or continues to violate these requirements shall be subject to a forfeiter of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation; each day such violation exists shall be deemed a separate violation.

The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of these requirements, including sampling and monitoring expenses.

Section 15.60.220 Remedies not exclusive. The remedies listed in these requirements are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. 61-5393 §1, 2009, File 09-0209)