

**§ 351-1. Surface water drainage regulations; administration.**

- A. Surface water drainage matters in the Town of Vinland shall be administered by the Winnebago County Land and Water Conservation Department (herein referred to as "LWCD"). The LWCD reviews and comments on said drainage plans.
- B. The LWCD or an agent thereof will in writing certify that each drainage plan is in compliance before the Town of Vinland Building Inspector will issue an occupancy permit.
- C. This section applies to residential and agricultural development in the Town of Vinland.
- D. Commercial and industrial applies to Winnebago County Planning and Zoning Department.

**§ 351-2. Illicit discharge control.**

- A. Purpose. The purpose of this article is to provide for health, safety and general welfare of the citizens of the Town of Vinland and protect waters of the state through the regulation of illicit discharges to the municipal separate storm sewer system as required by federal and state law. This article establishes methods of controlling the discharge of pollutants into the municipal separate storm sewer system owned or operated by the Town of Vinland in order to comply with the requirements of the Clean Water Act, § 281.33, Wis. Stats., and Wisconsin Pollutant Discharge Elimination System Municipal Stormwater Discharge Permit Program under Ch. NR 216, Wis. Adm. Code. The objectives of this article are:
  - (1) To regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system.
  - (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
  - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.
- B. Definitions. For the purpose of this article, the following definitions are applicable:
  - AUTHORIZED AGENCY — Employees or designees of the director or directors of the municipal agency or agencies of the Town of Vinland designated to administer or enforce this article.
  - ILLICIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows the discharge of sanitary waste to the municipal separate storm sewer system and any connections to the municipal separate storm sewer system from indoor drains and sinks.

**ILLCIT DISCHARGE** — Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges authorized by a WPDES permit or other discharges not requiring a WPDES permit.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4** — A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets the following criteria:

- (1) Owned or operated by the Town of Vinland.
- (2) Designed or used for collecting or conveying stormwater.
- (3) Which is not a combined sewer conveying both sanitary wastewater and stormwater.
- (4) Which is not part of publicly owned wastewater treatment works that provides secondary or more stringent treatment.

**NONSTORMWATER DISCHARGE** — Any discharge to the municipal separate stormwater system that is not composed entirely of stormwater.

**STORMWATER** — Surface runoff and drainage of rainfall and snow or ice melt.

**WATERS OF THE STATE** — Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin; all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

**§ 351-3. Applicability.**

This article shall apply to all discharges to the MS4 and to all activities that can reasonably be expected to result in a discharge to the MS4.

**§ 351-4. Responsibility for administration.**

The Town of Vinland shall administer, implement and enforce the provisions of this article. Any powers granted or duties imposed by this article upon the authorized agency may be delegated by the Town Board to persons or entities acting in the beneficial interest of or in the employ of the Town.

**§ 351-5. Ultimate responsibility.**

The standards set forth herein and promulgated to this article are minimum standards. Therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharges.

**§ 351-6. Discharge prohibitions.**

- A. Prohibition of illicit discharges. No person shall discharge or cause to be discharged into the MS4 or waters of the state 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 stormwater. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited. The following nonstormwater discharges or flows are generally not considered illicit discharges if done so in a nonpolluting manner: waterline flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool water, street wash water and firefighting.
- B. Prohibition of illicit connections.
- (1) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.
  - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (3) A person is considered to be in violation of this article if the person connects a line conveying sanitary waste to the MS4 or allows such a connection to continue.

**§ 351-7. Monitoring of discharges; access to facilities.**

The authorized agency shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. 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 agency.

**§ 351-8. 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 illicit discharges or pollutants discharging into stormwater, the MS4 or a water of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized 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 authorized agency within three business days of the phone notice.

**§ 351-9. Violations and penalties.**

- A. Violations. It shall be unlawful for any person to violate any provision of this article. Each and every day during which the violation continues shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin violations of this article.
- B. Penalties. Any person who fails to comply with the provisions of this article shall, upon conviction thereof, be punishable as set forth in § 1-4, General penalty, of the Code, including payment of the Town's reasonable and actual attorney's fees and disbursements incurred in the prosecution of such violations.<sup>1</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).