

**ADOPTED:**  
**PUBLISHED:**  
Office of the City Clerk

XX-20

**AN ORDINANCE AMENDING SECTION 20-401 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.**  
(Utilities Committee – XX-XX-XX (Date))

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 20-401 of Chapter 20 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended to read as follows:

**Sec. 20-401. Definitions.**

For the purposes of this ordinance, the following shall mean:

*Authorized enforcement agency.* City of Appleton Director of Public Works and/or designees thereof.

~~*Best Management Practices (BMPs).* Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or other pollutants carried in runoff to waters of the state.~~

*Contaminated stormwater.* Stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216 (effective August 1, 2004).

*Department (DNR).* The Wisconsin Department of Natural Resources.

*Discharge.* As defined in Wisconsin Statute 283 (November 1, 2005 or as subsequently amended), when used without qualification includes a discharge of any pollutant.

*Discharge of pollutants.* As defined in Wisconsin Statute 283 (November 1, 2005), means any addition of any pollutant to the waters of the state from any point source.

*Hazardous materials/substance.* 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.

~~***Illicit discharge.*** Any discharge to a municipal separate storm sewer system or waters of the state that is not composed entirely of stormwater except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.~~

***Illicit connections.*** An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4 or waters of the state including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, or wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

~~***Illicit discharge.*** Any discharge to a municipal separate storm sewer system or waters of the state that is not composed entirely of stormwater, except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.~~

***Industrial activity.*** Activities subject to WPDES Industrial Permits per NR 216 (effective August 1, 2004) and Wisconsin Statute 283 (November 1, 2005).

***Municipality.*** Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district, the Wisconsin Department of Transportation or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, stormwater or other wastes.

***Municipal Separate Storm Sewer System (MS4).*** As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means 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 all the following criteria:

- (1) Owned or operated by a municipality.

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

***Non-stormwater discharge.*** Any discharge to the MS4 that is not composed entirely of stormwater.

***Owner.*** Any person holding fee title, an easement or other interest in property.

***Outfall.*** The point at which stormwater is discharged to waters of the state or to a storm sewer or to an adjacent municipality.

***Person.*** An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

***Pollutant.*** As defined in Wisconsin Statute 283 (November 1, 2005), means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, yard waste and industrial, municipal and agricultural waste discharged into water.

***Pollution.*** As defined in Wisconsin Statute 283 (November 1, 2005), means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

***Pollution prevention.*** Taking measures to eliminate or reduce pollution.

***Premises.*** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks.

***Stormwater.*** Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface.

***Stormwater Management Plan/Stormwater Pollution Prevention Plan.*** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, MS4s, and/or waters of the State to the Maximum Extent Practicable.

***Stormwater Management Practices (SMPs).*** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or other pollutants carried in runoff to waters of the state.

**Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a property.

**Watercourse.** A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils map for Outagamie, Winnebago and Calumet Counties, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

**Waters of the state.** As defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

**Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit.** A Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 283 (November 1, 2005).

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**XX-20**

**AN ORDINANCE AMENDING SECTION 20-412 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ALLOWED DISCHARGES.**

(Utilities Committee – XX-XX-XX (Date))

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 20-412 of Chapter 20 of the Municipal Code of the City of Appleton, relating to allowed discharges, is hereby amended to read as follows:

**Sec. 20-412. Allowed discharges.**

(a) ~~Water line flushing, irrigation~~Irrigation, diverted stream flows, ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges.

(b) Discharges or flow from firefighting, and other discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Discharges associated with dye testing, provided verbal notification is given to the authorized enforcement agency and the Department of Natural Resources a minimum of three (3) days prior to the time of the test.

(d) Any non-stormwater discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources. Any person subject to such an WPDES stormwater discharge permit shall comply with all provisions of such permit.

(e) Notwithstanding (a) – (d), the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED:**  
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**AN ORDINANCE AMENDING SECTION 20-423 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST-STORMWATER MANAGEMENT PRACTICES.**

(Utilities Committee – XX-XX-XX (Date))

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 20-423 of Chapter 20 of the Municipal Code of the City of Appleton, relating to requirement to prevent, control and reduce stormwater pollutants by the use of best management practices, is hereby amended to read as follows:

**Sec. 20-423. Requirement to prevent, control and reduce stormwater pollutants by the use of best-stormwater management practices.**

The owner or operator of any activity, operation, or property which may cause or contribute to pollution or contamination of stormwater, the MS4, watercourses, or waters of the State shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of structural and non-structural BMPsSMPs. Further, any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs-SMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, shall be deemed compliance with the provisions of this section. These BMPs-SMPs shall be part of a Stormwater Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

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**Timothy M. Hanna, Mayor**

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**Kami Lynch, City Clerk**



**ADOPTED:  
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**AN ORDINANCE AMENDING SECTION 20-433 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NOTICE OF VIOLATION.**

(Utilities Committee – XX-XX-XX (Date))

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 20-433 of Chapter 20 of the Municipal Code of the City of Appleton, relating to notice of violation, is hereby amended to read as follows:

**Sec. 20-433. Notice of violation.**

(a) Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person.

(b) The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the authorized enforcement agency by filing a written notice of appeal within three (3) days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a

designated governmental agency or contractor and the expense thereof shall be charged to the violator.

(bc) 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 stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of ~~BMPs~~SMPs.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk