

CHAPTER 20
PROHIBITED DISCHARGE INTO PUBLIC SANITARY SEWER SYSTEM

20.01 **PURPOSE.** The purpose of this chapter is eliminate the unnecessary connection of clear water to the public sanitary sewer system, and thereby to reduce the occurrence of overflows and backups in the sanitary sewer conveyance system; to reduce the cost of operating the sanitary sewer system; to comply with applicable regulations, rules, stipulations and other laws and lawful orders of the State of Wisconsin, the federal government, and the Milwaukee Metropolitan Sewerage District; and to reduce the likelihood of failure of the sanitary sewer system. This purpose will serve to protect the health, safety and welfare of the Village of Fox Point and its environs.

20.02 **PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged any clear water into the public sanitary sewer system, except as described herein. Clear water includes, without limitation, stormwater, groundwater, rain water, street drainage, roof runoff, yard drainage, yard fountain, swimming pool, pond overflow, and sub-surface drainage. Prohibited discharges include, without limitation, any connection pipe or direct drainage channel carrying flow from a building foundation drain, sump pump, downspout, or any other means for connecting clear water to the public sanitary sewer system. This prohibition is subject to the following exceptions:

- (a) Existing Connections. Properties that have existing clear water connections to the sanitary sewer system on the date of adoption of this chapter shall remove the clear water connection from the sanitary sewer system in a manner approved by the Village Director of Public Works or Village Building Inspector. Such properties are allowed six (6) months to do so, as a grace period. The grace period shall be measured from the date the property owner first has actual knowledge of the clear water connection, or the date the property owner receives written notice of the clear water connection from the Village, whichever occurs first. The Village Director of Public Works and Village Building Inspector are, individually, authorized to extend this grace period for up to an additional six (6) months, in writing, upon a showing of extenuating circumstances which requires additional time to remove the illicit connection. Upon expiration of any such applicable grace period, any connection that remains in violation of this chapter is prohibited.

- (b) Waiver. Property owners may petition to the Village Board for a waiver of the requirements of this chapter. The Village Board may grant a waiver and allow the connection of clear water to the sanitary sewer system upon a showing that there is no reasonable alternative method of discharge of the clear water. Any waiver granted pursuant to this section may be granted subject to reasonable conditions which may include, without limitation, the following: limitations on the type of connection; limitations on the water source that may be connected; inspections by Village officials at all reasonable times; fees or charges related to the connection and inspection; and a requirement that the property owner enter an agreement in a form approved by the Village Board that is recorded with the Milwaukee County Register of Deeds. Any waiver granted under this section can be reviewed by the Village Board at a later date for any reason, and without cause. Upon such review, the Village Board can order the property owner to appear and show cause as to why the connection should not be removed, and after the property owner is heard, or if the property owner does not appear, the

Village Board can rescind the waiver in which case the connection must be removed within the time required by the Village Board. Any determination made by the Village Board pursuant to this Section is final and cannot be appealed to the Board of Appeals.

20.03 NO LIMITATION. Nothing in this chapter shall be interpreted as limiting or restricting the obligations described in other sections of the Fox Point Village Code or other applicable laws. In particular, and without limitation, the following requirements shall continue to apply as described therein: connection of surface water to the sanitary sewer (Section 30P.63, Fox Point Village Code); connection of stormwater to the sanitary sewer, whether above or below the surface of the ground (Section 30.05(5)(b), Fox Point Village Code); requiring sump pumps to discharge into a drainage ditch or into a storm sewer or into the ground (Section 12.11, Fox Point Village Code); and requiring compliance upon change of occupancy (Section 30P.62, Fox Point Village Code), in addition to such other regulations as may apply. In the event of conflict between the requirements of this chapter and the requirements of any other applicable ordinance or other law, the more restrictive shall apply as determined by the Village Director of Public Works.

20.04 PENALTIES. Any person violating any provision of this chapter shall be subject to the penalties and remedies as provided in Section 1.07 of the Village of Fox Point Village Code. Each day that a violation exists shall constitute a separate offense. Violation of this chapter is declared to be a public nuisance, and the Village Board may authorize all actions it deems to be necessary to abate and enjoin the public nuisance.