

Chapter 504

WATER, SEWERS AND STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Board of the Town of Buchanan as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Impact fees — See Ch. 330.
Subdivision of land — See Ch. 460.
Zoning — See Ch. 525.

ARTICLE I

Compulsory Connection

[Adopted 11-4-1997 as § 42-5 of the 1997 Code]

§ 504-1. Connection to sewer and water mains.

- A. Circumstances requiring. Whenever a sewer or water main becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his agent by registered mail addressed to the last known address of the owner or his agent, as required by law.
- B. Contents of notice. The notice required by this section shall direct the owner or his agent to connect the building to such main in the manner prescribed by the Building Inspector, to install such facilities as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewer system, and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance. Such connection shall be made within nine months from the date of the notice.
- C. Building Inspector may cause connection at expense of owner. If the owner or his agent fails to comply with the notice of the Building Inspector within the time specified in Subsection B of this section, he/she may cause the connection to be made, and the expense thereof shall be assessed as a special tax against the property.
- D. Privies; cesspools; waterless toilets prohibited after connection with sewer. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.
- E. Abandonment of wells. Abandonment of wells shall be executed as follows:
 - (1) Required; time limit. Pursuant to the provisions of § NR 11.26(4), Wis. Adm. Code, any premises within the Town connected to the Town water system shall, within 30 days of such connection, permanently abandon the existing well in accordance with the methods and procedures set forth in Chs. NR 811 and NR 812, Wis. Adm. Code.

- (2) Reports and inspections. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the municipality.

ARTICLE II

Illicit Discharge and Connection

[Adopted 3-18-2008 by Ord. No. 2008-07 (Ch. 34, Art III of the 1997 Code)]

§ 504-2. Purpose and intent.

The purpose of this article is to provide for the health, safety, environment and general welfare of the citizens of the Town of Buchanan through the regulation of nonstormwater discharges into waters of the state or the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into waters of the state or the MS4 in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this article are:

- A. To regulate the contribution of pollutants into waters of the state or the MS4 by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges into waters of the state or the MS4.
- C. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

§ 504-3. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated below:

AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the Town of Buchanan designated to administer and enforce this article.

BEST MANAGEMENT PRACTICES (BMPs) — Structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

CONSTRUCTION ACTIVITY — Activities subject to construction permits per the Town of Buchanan Construction Site Erosion Control Ordinance,¹ Outagamie County Erosion and Sediment Control Ordinance, or WPDES construction permits per Ch. NR 216, Wis. Adm. Code, and Ch. 283, Wis. Stats.

CONTAMINATED STORMWATER — Stormwater that comes into contact with material-handling equipment or activities, raw materials, intermediate products, final

¹. Editor's Note: The Town has adopted the County's ordinance by reference as its construction site erosion control ordinance.

products, waste materials, by-products or industrial machinery in the source areas listed in Ch. NR 216, Wis. Adm. Code.

DEPARTMENT (DNR) — The Wisconsin Department of Natural Resources.

DISCHARGE — As defined in Ch. 283, Wis. Stats; when used without qualification includes a discharge of any pollutant.

DISCHARGE OF POLLUTANT or DISCHARGE OF POLLUTANTS — As defined in Ch. 283, Wis. Stats., any addition of any pollutant to the waters of this state from any point source.

HAZARDOUS MATERIALS — 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 CONNECTION — An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter waters of the state or the MS4, including but not limited to any conveyances that allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter waters of the state or the MS4 and any connections to waters of the state or 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
- B. Any drain or conveyance connected from a commercial or industrial land use to waters of the state or the MS4 which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any discharge into waters of the state or a municipal separate storm sewer system that is not composed entirely of stormwater. Nonstormwater discharges that are not considered illicit discharges include 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, firefighting, and discharges authorized under a WPDES permit unless identified by the Town of Buchanan as a significant source of pollutants to waters of the state.

INDUSTRIAL ACTIVITY — Activities subject to WPDES industrial permits per Ch. NR 216, Wis. Adm. Code, and Ch. 283, Wis. Stats.

MAXIMUM EXTENT PRACTICABLE (MEP) — A level of implementing management practices in order to achieve a performance standard or other goal 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.

MUNICIPALITY — Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district 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 Ch. NR 216, Wis. Adm. Code, 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:

- A. Owned or operated by a municipality.
- B. Designed or used for collecting or conveying stormwater.
- C. Not a combined sewer conveying both sanitary and stormwater.
- D. Not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

OUTFALL — The point at which stormwater is discharged to waters of the state or to a storm sewer.

OWNER — Any person holding fee title, an easement or other interest in property.

PERSON — An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

POLLUTANT — As defined in Ch. 283, Wis. Stats., 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 and industrial, municipal and agricultural waste discharged into water.

POLLUTION — As defined in Ch. 283, Wis. Stats., 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 and parking strips.

STORMWATER — Runoff from precipitation, including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

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 waters of the state or the MS4 to the maximum extent practicable.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

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 book for Outagamie County, 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 Ch. 283, Wis. Stats., 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, 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.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) STORMWATER DISCHARGE PERMIT — A Wisconsin pollutant discharge elimination system permit issued pursuant to Ch. 283, Wis. Stats.

§ 504-4. Applicability.

This article shall apply to all water and discharges entering waters of the state or the MS4 generated on any lands unless explicitly exempted by the Town of Buchanan.

§ 504-5. Responsibility for administration.

The Town Board hereby designates the Town Administrator/Clerk to administer and enforce the provisions of this article. Any powers granted or duties imposed upon the Town Administrator/Clerk may be delegated in writing by the Town Administrator/Clerk to persons or entities acting in the beneficial interest of or in the employ of the Town of Buchanan.

§ 504-6. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§ 504-7. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants.

§ 504-8. Discharge prohibitions.

- A. Prohibition of illicit discharges. No person shall throw, dump, spill, drain or otherwise discharge, cause or allow others under his or her control to throw, dump, spill, drain or otherwise discharge into waters of the state or the MS4 any pollutants or waters containing any pollutants, other than stormwater.
- B. Allowed discharges.
 - (1) 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, and discharges authorized under a WPDES permit unless identified by the Town of Buchanan as a significant source of pollutants to waters of the state.
 - (2) Discharges or flow from firefighting, and other discharges specified in writing by the Town of Buchanan as being necessary to protect public health and safety.
 - (3) Discharges associated with dye testing; however, this activity requires a verbal notification to the Town of Buchanan and the Department of Natural Resources a minimum of one business day prior to the time of the test.
 - (4) Any nonstormwater discharges permitted under a construction activity permit, industrial activity permit, or WPDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town of Buchanan prior to allowing discharges to waters of the state or the MS4.
- C. Prohibition of illicit connections.
 - (1) The construction, use, maintenance or continued existence of illicit connections to waters of the state or 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 sewage to waters of the state or the MS4 or allows such a connection to continue.
 - (4) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system, upon approval of the Town of Buchanan.
 - (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to waters of the state or the MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Town of Buchanan requiring that such

locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined; that the drain or conveyance be identified as storm sewer, sanitary sewer or other; and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Town of Buchanan.

§ 504-9. 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 soil erosion, trash, debris 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.

§ 504-10. Compliance monitoring.

- A. Right of entry; inspecting and sampling. The Town of Buchanan shall be permitted to enter and inspect properties and facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.
- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Town of Buchanan.
 - (2) Facility owners and operators shall allow the Town of Buchanan ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
 - (3) The Town of Buchanan shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Town to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Town of Buchanan has the right to require the owner or operator to install monitoring equipment as necessary and make the monitoring data available to the Town of Buchanan. 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 stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Town of Buchanan and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

- (6) Unreasonable delays in allowing the Town of Buchanan access to a facility is a violation of this article. A person who is the operator of a facility commits an offense if the person denies the Town reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
- B. Special inspection warrant. If the Town of Buchanan has been refused access to any part of the premises from which stormwater is discharged, and the Town of Buchanan is able to demonstrate probable cause to believe that there may be a violation of this article 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 this article or any order issued hereunder or to protect the overall public health, safety, environment and welfare of the community, then the Town of Buchanan may seek issuance of a special inspection warrant per § 66.0119, Wis. Stats.

§ 504-11. Requirement to prevent, control and reduce stormwater pollutants by use of best management practices.

The owner or operator of any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into waters of the state or the MS4 through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises that is or may be the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to waters of the state or the MS4. Compliance with all terms and conditions of a valid permit authorizing the discharge of stormwater associated with industrial activity or construction activity to the maximum extent practicable shall be deemed compliance with the provisions of this section.

§ 504-12. Notification of spills.

- A. 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 waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the impacts of the discharge.
- B. 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 and shall also notify the Town of Buchanan. In the event of a release of nonhazardous materials, said person shall notify the Town of Buchanan 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 Town of Buchanan within five 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 five years.

- C. Failure to provide notification of a release as provided above is a violation of this article.

§ 504-13. Violations, enforcement and penalties.

A. Violations.

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate danger to public health or public safety, the Town of Buchanan is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Town of Buchanan is authorized to seek costs of the abatement as outlined in § 504-16.

- B. Warning notice. When the Town of Buchanan finds that any person has violated or continues to violate any provision of this article or any order issued hereunder, the Town of Buchanan may serve upon that person a verbal or written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in the subsection shall limit the authority of the Town of Buchanan to take action, including emergency action or any other enforcement action, without first issuing a warning notice.

- C. Notice of violation. Whenever the Town of Buchanan finds that a person has violated a prohibition or failed to meet a requirement of this article, the Town of Buchanan may order compliance by written notice of violation to the responsible person.

- (1) The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address, when available, or a description of the building, structure or land upon which violation is occurring or has occurred;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this article, and a time schedule for the completion of such remedial action;

- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (f) A statement that the determination of violation may be appealed to the Town of Buchanan by filing a written notice of appeal within five business days of service of notice of violation; and
 - (g) A statement specifying that, should the violator fail to restore compliance within the established time schedule, representatives of the Town of Buchanan may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. The Town of Buchanan may go on the land and commence the work after issuing the notice of intent. The Town of Buchanan is authorized to seek costs of the abatement as outlined in § 504-16.
- (2) Such notice may require, without limitation:
- (a) The performance of monitoring, analyses, and reporting;
 - (b) The elimination of illicit connections or discharges;
 - (c) That violating discharges, practices or operations shall cease and desist;
 - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of a fine to cover administrative and remediation costs; and
 - (f) The implementation of BMPs.
- D. Suspension of MS4 access.
- (1) Emergency cease and desist orders.
- (a) When the Town of Buchanan finds that any person has violated or continues to violate any provision of this article or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town of Buchanan may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
 - [1] Immediately comply with all ordinance requirements; and
 - [2] Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
 - (b) Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to

immediately comply voluntarily with the emergency order, the Town of Buchanan may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Town of Buchanan may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town of Buchanan within 15 days of receipt of the emergency order. Issuance of an emergency order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- (2) Suspension due to illicit discharges in emergency situations. The Town of Buchanan 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 Town of Buchanan 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.
- (3) Suspension due to the detection of illicit discharge. Any persons discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town of Buchanan will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the Town of Buchanan.

E. Prosecution and penalties.

- (1) Any person violating any provision of this article shall be subject to forfeiture as provided in Chapter 1, § 1-7 of this Code and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense. [Amended 8-17-2010 by Ord. No. 2010-03]
- (2) Compliance with the provisions of this article 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.

§ 504-14. Appeals. [Amended 8-17-2010 by Ord. No. 2010-03]

A. Board of Adjustment.

- (1) The Board of Adjustment created pursuant to Chapter 525, Zoning, Article XIV of this Code and pursuant to § 60.65 Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town of Buchanan in administering this article, except for cease and desist orders obtained under § 504-13D(1);
 - (b) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the article will result in unnecessary hardship; and
 - (c) Shall use rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) This section does not apply to determinations made regarding this article in either municipal court or circuit court. In such circumstances, the appeal procedure shall be that set forth for appealing municipal court decisions and/or circuit court decisions, as applicable.

B. Who may appeal. Appeals to the Board of Adjustment may be taken by any aggrieved person or by any office, department, board or bureau affected by any decision of the Town of Buchanan.

§ 504-15. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, the appropriate authority upheld the decision of the Town of Buchanan, then representatives of the Town of Buchanan may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. The Town of Buchanan may go on the land and commence the work after issuing the notice of intent. The Town of Buchanan is authorized to seek costs of abatement as outlined in § 504-16. 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.

§ 504-16. Cost of abatement of the violation.

The costs of the work performed by the Town of Buchanan pursuant to this article, plus interest and an administrative fee at a rate authorized by the Town Board shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Administrator/Clerk shall enter the amount due on the tax rolls and collect it as a special assessment against the property pursuant to Subchapter VII of Ch. 66, Wis. Stats.

§ 504-17. Violations deemed a public nuisance.

Any condition in violation of any of the provisions of this article and declared and deemed a nuisance may be summarily abated or restored at the violator's expense.

§ 504-18. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Town of Buchanan to seek cumulative remedies. The Town of Buchanan may recover all attorneys' fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

§ 504-19. Limitations on municipal responsibility.

Nothing in this article creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the municipality which has adopted this article than those minimum requirements specifically required by State of Wisconsin Statutes and Department of Natural Resources regulations.

ARTICLE III
Stormwater Management
[Adopted 8-17-2010 by Ord. No. 2010-03]

§ 504-20. Adoption of agreement.

The Agreement to Establish a Stormwater Utility for the Garners Creek Basin Communities (attached hereto as Exhibit A),² pursuant to §§ 66.0301 and 66.0821, Wis. Stats., is hereby adopted as an ordinance of the Town, and all applicable regulations contained therein pursuant to the Town's authority under § 66.0103, Wis. Stats., and the enforcement of said regulations is hereby authorized by citation pursuant to § 66.0113, Wis. Stats.

§ 504-21. Adoption of Utility ordinance by reference.

The Stormwater Management Services Ordinance of the Garners Creek Communities Stormwater Utility, Outagamie and Calumet Counties, Wisconsin, adopted November 13, 1998 (attached hereto as Exhibit B),³ is hereby adopted as an ordinance of the Town, and all applicable regulations contained therein pursuant to the Town's authority under § 66.0103, Wis. Stats., and the enforcement of said regulations is hereby authorized by citation pursuant to § 66.0113, Wis. Stats.

§ 504-22. Applicability of regulations.

The regulations established pursuant to §§ 504-20 and 504-21 above shall be applicable to all portions of the Garners Creek Drainage Basins, as established, described and mapped by said ordinance and regulations and located within the Town of Buchanan, Outagamie County, Wisconsin.

². Editor's Note: Exhibit A is on file at the office of the Town Administrator/Clerk.

³. Editor's Note: Exhibit B is on file at the office of the Town Administrator/Clerk.

§ 504-23. Citations.

The issuance of citations shall be under the authority of the Town upon complaint to the Town and shall be prosecuted in the Circuit Court for Outagamie County.

§ 504-24. Schedule of cash deposits.

The schedule of cash deposits for violations of said regulations shall be as specified within the ordinances, and said schedule shall be as currently established or hereinafter amended by Garners Creek.