



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Ordinance

File Number: O-2007-0047

Final Action:

Sponsor(s): Safety & Development Committee

An Ordinance to Repeal and Recreate Chapter 16 of the City of West Allis Revised Municipal Code, relating to the Plumbing Code.

The Common Council of the City of West Allis do ordain as follows:

Part 1. Chapter 16 of the Revised Municipal Code is hereby repealed and recreated to read as follows:

Subchapter 1

Title, Scope and Code Adopted

16.01 Title.

This chapter shall be known as the “Plumbing Code of the City of West Allis” and referred to herein as “this Code”.

16.02 Purpose.

The purpose of this Code is to safeguard life, health, and property by regulating the proper installation, maintenance and use of plumbing system installations that include domestic water, sanitary sewer and storm sewer systems on private property, by issuing permits for plumbing work, by the inspection of existing and newly installed plumbing equipment, devices and systems and fixing fees and penalties for enforcing this Code.

16.03 Applicability.

- (1) **Application.** This Code is applicable to all new installations, reconstructions, alterations, and replacements from the public water main, the public sanitary sewer main, or the public storm sewer main to all points serviced beyond the public mains on the property served. The Code also applies to private water and sewage disposal systems.
- (2) **Existing Installation.** An existing installation may be required to be brought into compliance with this Code and within a specified time period if the Plumbing Inspector determines there is a risk to life or the installation is unsafe, unsanitary or not being used as originally installed.
- (3) **Change of Occupancy, Alterations or Damage.** If the type of occupancy of an existing premises is changed the plumbing system shall be made to conform to the requirements of this Code for the new type of occupancy. Any alterations to the plumbing systems shall conform to the requirements for the new installation. Any

plumbing system damaged by fire, lack of maintenance, or other shall be repaired/replaced to the requirements for a new installation.

16.04 Code Adopted.

(1) The provisions of this Code shall adopt and supplement all the laws and regulations of the State of Wisconsin relating to plumbing system installations and include any future amendments, revisions or modifications thereto. By this section the laws and regulations are made apart of this Code as if fully set forth herein. Where the requirements of the referenced Code and the provisions of this Code conflict, the stricter requirement shall govern. The following referenced specific Codes are adopted and included in this Code.

(a) Wisconsin Department of Commerce Administrative Codes Chapters Sections COMM 82 through 87.

(b) Wisconsin Department of Commerce Administrative Code Chapter COMM 25 Uniform Dwelling Code.

(c) Wisconsin Department of Commerce Administrative Code Chapter COMM 5.

(d) Applicable provisions of the Milwaukee Metropolitan Sewage District of Milwaukee County.

16.05 to 16.19 Reserved.

Subchapter II Administration, Compliance, Liability

16.20 Administration. The Plumbing Inspection Division of the Department of Building Inspections and Zoning shall be under the Supervision of the Director, Department of Building Inspections and Zoning. The Director may employ qualified persons who shall bear the title of Plumbing Inspector and shall hold office for an indeterminate term subject to removal only for cause. The Director shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to plumbing inspections and shall enforce all State laws and City ordinances.

16.21 Plumbing Inspector.

(1) Duties. The Plumbing Inspector shall perform inspections as the Director of Building and Zoning Inspections may direct and shall perform other duties as assigned from time to time.

(2) Authority. The Plumbing Inspector is authorized, directed and empowered to inspect all buildings, structures and premises, public and private, and as herein provided, condemn and order removed or remodeled and put into proper, safe and sanitary condition.

16.22 Records. There shall be kept in the division of plumbing inspection, a complete record of all applications and permits, regularly numbered in the order of their issue, and also a record of all inspections made and other official work performed under the provisions of this Code, so arranged as to afford prompt information concerning plumbing installations.

16.23 Interpretation by the Plumbing Inspector. The Plumbing Inspector shall have full authority to exercise judgment in a reasonable and proper manner and rule accordingly on all special cases in regard to any matters in this Code.

16.24 Right of Entry. Whenever necessary to make an inspection to enforce any provisions of this Code, or whenever the Plumbing Inspector or authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the Plumbing Inspector or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon by this Code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry, and if such building or premises be unoccupied shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Plumbing Inspector or authorized representative shall have recourse to the remedies provided by law to secure entry.

16.25 Periodic Inspection. The Plumbing Inspector may periodically inspect all buildings, structures and all parts thereof, in order to examine and to judge the condition of the plumbing systems. When such system is found to be dangerous, unsafe or in an unsanitary condition the

Plumbing Inspector shall notify the person, firm or corporation owning, using and/or operating the plumbing system, or portion thereof, to place it in a code complaint condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be in violation of this Code.

16.26 Illegal Plumbing – Compliance Procedures.

- (1) Deemed Illegal. All plumbing installations which are unsafe, unsanitary, or otherwise dangerous to life or property by reason of inadequate maintenance, overload, obsolescence, defect or failure to conform to this Code are hereby declared illegal and shall be abated by removal, repair or replacement in accordance with the following procedure.
- (2) Whenever the Plumbing Inspector shall find any plumbing installation as to be illegal as defined in this section, said inspector shall give to the owner, person in control of the premises and/or other persons responsible for the unsafe installation, written notice stating the defects thereof. Said notice shall require the owner or those responsible to place the installation in a safe condition in accordance with provisions of this Code within a stated time.
- (3) Upon failure to comply with such written notice, the Plumbing Inspector shall have the authority to order the plumbing service, or portion thereof, disconnected and said service shall not be reconnected until written permission is obtained from the Plumbing Inspector or his Supervisor.

16.27 Order to Discontinue Occupancy. The Plumbing Inspector is authorized to Order the discontinued occupancy or use of a building, structure, dwelling, or equipment if, in the inspectors judgment, the building, structure, dwelling, or equipment is unsafe, dangerous, unsanitary, or unfit for human habitation. An Order is to be issued upon the owner and persons occupying or using the building, structure, dwelling unit, or equipment. An Order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit, or equipment to be unsafe, dangerous, unsanitary, or unfit for human habitation. If the building, structure, dwelling unit, or equipment can be made safe or fit for human habitation by repairs, the Order shall specify a time to make repairs. The Order may also order the installation of temporary safeguards and upon installation of such safeguards, may permit the occupancy or use to continue or resume on a limited basis until code violations have been corrected.

16.28 Owner Responsibility. The owner of the property is responsible for the correction of violations in the Notices or Orders issued by the Plumbing Inspector and is subject to penalties pursuant to Section 16.99 of this Chapter. The Plumbing Inspector is authorized and may commence legal action in municipal or circuit court.

16.29 Unlawful Connection. It shall be unlawful for any person, firm, or corporation to make a connection to any plumbing system or add equipment to a plumbing system that does not comply with this Code. Any plumbing system or equipment ordered disconnected by the Plumbing Inspector shall not be connected until approved by the Plumbing Inspector. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.30 Unlawful Installation by Unqualified Person. It shall be unlawful to install, alter existing, or repair any plumbing system or to do any plumbing work unless the person, firm or corporation doing the work is duly qualified, excepting work not requiring a plumbing permit as stated in Section 16.51. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.31 Unlawful to Interfere. It shall be unlawful for any person, firm or corporation to interfere with the Plumbing Inspector or authorized representative while in the performance of his or her duties imposed by this Code by giving false information, denying legal entry, obstructing, impeding, delaying, encumbering, occluding, restricting, circumventing, covering, failing or refusing to comply with a lawful order, or doing any act construed to interfere with the Plumbing Inspector. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.32 Identification, Unlawful to Deface. It shall be unlawful to remove, alter, change or deface the manufacturers name plate, identification mark, label or marking label of any recognized testing laboratory on any plumbing equipment or materials to which has been attached a label, symbol or other identifying mark by whose labeling the manufacturer indicates compliance with appropriate standards or other information listing performance specifications. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.33 Discharge of Unauthorized Sewage Into Public Storm Sewer. No person, firm, or corporation shall permit any unauthorized non storm water, sewage, noxious, explosive, or odorous liquids, substances or other illegal matter from a building, structure, or premises to discharge onto or into any public storm waterway, storm sewer, gutter, street, alley or sidewalk. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.34 Illegal to Discharge Waste in Sanitary Sewer. No person, firm, or corporation shall deposit or permit to be deposited in any public sanitary sewer or drain or in any sewer or drain connecting with such public sewer or drain any garbage, gas, tar, grease, rags or any other substance likely to cause any obstruction, nuisance or explosion therein or do any act which may cause injury thereto. Any person who shall violate this section shall, in addition to other penalties, be liable at the suit of the City for the cost of removing such obstruction and of repairing any injury resulting therefrom. This section, however, shall not prohibit the installation and operation of a garbage disposal system or any similar system used for grinding and pulverizing kitchen garbage and refuse and the disposal of the remnants thereof in the City sanitary sewerage system, provided such installation is approved by the Plumbing Inspector.

16.35 Illegal to Connect Storm Sewer with Sanitary Sewer. No person shall connect or be permitted to connect downspouts of any building or water cooled air conditioning unit with any sanitary sewer or in any manner cause or permit rain or surface water to drain directly or indirectly into any sanitary sewer. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.36 Damage to Installation. No person, firm or corporation shall intentionally, willfully or maliciously injure or obstruct any sanitary sewer, storm sewer or water pipe, building drain, catch basin or any plumbing fixture or plumbing apparatus. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.37 Plumbing Permit Required Before Work. No person, firm or corporation may install, alter, extend, move, or remove any plumbing, plumbing system, lay any drain pipe, make any attachment to any drain, sewer, or manhole, or do any work whatsoever in connection with any sewer leading into any public sanitary or storm sewer without first obtaining a permit from the Plumbing Inspector. Any person, firm or corporation violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.38 Liability. This chapter shall not be construed to relieve from or lessen the responsibility or liability of any person supplying, selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any plumbing equipment, from damages to persons or property caused by any defect therein or therefrom; nor shall the City be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or reinspection authorized by this Code, or by reason of the approval or disapproval of any plumbing equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. Nor shall the City be held liable for any damages resulting from the enforcement of this Chapter.

16.39 – 16.49 Reserved.

Subchapter III Plumbing Permits, Inspections and Fees

16.50 Plumbing Permit Required. No person, firm or corporation shall perform or permit the performance of any plumbing of any kind without first making application for and being issued a plumbing permit by the Plumbing Inspector and it shall be unlawful to do any plumbing without a permit, with the exception as otherwise regulated in Section 16.51.

16.51 Permit Exception. Nothing contained in this Chapter will prohibit the elimination of leaks; the removal of obstructions in soil, waste, and supply piping; or the restoration or minor repair of defective valves, faucets or similar appliances to an efficient operating condition by persons other than licensed plumbers. This exception does not include the installation of vertical or horizontal lines of soil, waste, vent, supply or interior leader (conductor) pipes. Pipes involving replacement of a single faucet or water closet ballcock, or not involving the extension or replacement of a supply, waste, or vent system may be made without a permit. All work allowed without a permit shall be installed in compliance with the Code.

16.52 Plumbing Permit by Master Licensed Plumber. Only a Master Plumber licensed by the State of Wisconsin Department of Commerce may apply for and be issued a plumbing permit except as otherwise stated in this Code. A plumbing contracting firm applying for a permit shall have a properly licensed State of Wisconsin Master Plumber employed by the firm. The Master Plumber shall be responsible for code compliance regarding all plumbing work and shall submit a plumbing permit that includes the signature of the Master Plumber responsible for code compliance.

16.53 Emergency Work. In the case of emergency work, the plumbing contractor doing or causing such work to be done shall report the same to the Plumbing Inspector immediately after beginning work; and, such work shall be done in accordance with the provisions of this Code.

16.54 Issuance of Permit.

- (1) No plumbing work shall be performed until a Plumbing permit has been issued by the validation of the permit by the Plumbing Inspector and proper fees have been paid in the amount required by the fee schedule.
- (2) If upon examination it is found that the information on the application is complete, the Plumbing Inspector shall issue a plumbing permit, provided that the permit holder agrees and expressly states that (s)he has been employed to perform the installation, is fully capable and in possession of knowledge and ability to design, lay out, install, alter or replace the work designated in the application, in accordance with the regulations of this Code, and with all other ordinances and laws pertinent thereto, and will install plumbing equipment as described in the application for a plumbing permit in a safe, legal and workmanlike manner.

- (3) Non one and two family use properties require submittal of plans for installation in accordance with the State of Wisconsin Plumbing Code. Plans submitted and approved by the Department of Commerce shall be submitted to the inspector. The inspector may require the applicant to submit additional plans, drawings, specifications, schedules, literature or other materials, such as samples or test reports, as may be necessary to determine code compliance.
- (4) The Plumbing Inspector may require submittal of plans and other information for plumbing work for one and two family properties.
- (5) A fee may be assigned for plan review in accordance with the fee schedule.
- (6) No other plumbing work shall be done except work as described in the application for permit. Additional work not listed on the original permit shall require a new plumbing permit to be secured prior to starting the new work.

16.55 Plumbing Permit Voided. The plumbing permit shall have lapsed and be void unless plumbing work is commenced within one hundred twenty (120) days of the date of issuing of the permit or if work authorized by the permit is suspended at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall first be obtained. A written request from the permit holder may extend the plumbing permit up to an additional one hundred twenty (120) days. A permit that has lapsed and become void shall not relieve the permit holder from securing another permit and completion of the plumbing work to a safe condition.

16.56 Plumbing Permit Revoked. The Plumbing Inspector may revoke a permit or approval issued under the provisions of this Code in case of false statements or misrepresentation as to a material fact in the application or plans on which a permit or approval was based. A permit that has been revoked shall not relieve the permit holder from securing another permit and completion of the work to a safe condition.

16.57 Approval of Other Permit. The approval or conditional approval of a building, electrical, HVAC, City permit or other permit shall not be considered as approval of a plumbing permit.

16.58 Working Without a Permit.

- (1) Penalty. When obtaining a plumbing permit after the work has commenced, the total fee may be increased in accordance with the fee schedule.
- (2) Compliance. The payment of the increased fee shall not relieve the permit holder or property owner from fully complying with all the regulations of this Code or from any other penalties prescribed by the Code.
- (3) Emergency. The determination as to the existence of an emergency shall be made by the Plumbing Inspector.

16.59 Stop Work Order.

(1) When it is found that any plumbing installation is being made, or that any plumbing device, equipment, or fixture is being installed contrary to the provisions of this code, or that such plumbing installations, device, equipment or fixture is dangerous, unsanitary or unsafe, the Plumbing Inspector may issue or cause to be issued a stop work order. Any person violating this regulation shall be subject to penalty pursuant to Section 16.99 of this Chapter.

(2) Such stop work order shall be in writing and shall be served upon the owner of such property, a duly authorized agent or the person responsible for such work. The stop work order shall set forth the reasons why such work is being stopped and the provisions of the code being violated.

(3) A stop work order shall be posted in a conspicuous place upon the premises and it shall be unlawful for any person to remove such order or to perform any work on the plumbing installation, device, equipment, or fixtures, so long as the stop work order shall remain.

16.60 Issuance of Permit to Licensed Plumber. To obtain a plumbing permit, a State of Wisconsin Licensed Master Plumber shall first file an application for permit with the Plumbing Inspector. The application form shall be provided by the Department of Building Inspections. The application shall state the name of the owner of the property, the address of the premises where the work is proposed, a description of all work proposed and other information as may be requested by the Plumbing Inspector. Required fees, as prescribed by the Code, shall accompany the applications.

16.61 Inspection of Plumbing. Upon the completion of any installation, alteration, or replacement of plumbing equipment for which a permit has been issued, it shall be the duty of the permit holder of the installation, alteration, or replacement to notify the Plumbing Inspector who may inspect the installation, alteration, or replacement as soon thereafter as practicable. When any plumbing work requiring a permit is to be concealed by the permanent placement of parts of the building, the permit holder installing the plumbing shall notify the Plumbing Inspector to that effect, and such work shall not be concealed until after it has been inspected and approved by the Plumbing Inspector. On installations where the concealment of plumbing proceeds continuously, the permit holder installing the plumbing work shall give the Plumbing Inspector due notice and inspection may be made periodically during the progress of the work as directed by the inspector.

16.62 Schedule of Plumbing Permit Fees.

(a) Sanitary or storm sewer laterals or private mains (includes 1st inspection and test):

- (1) New connection at public main.....each \$ 75.00
- (2) From public main or curb to termination, building, or portion thereof.
per 100 l.f. or fraction thereof \$ 75.00

- (3) Repair to or termination of each \$ 75.00
- (b) Water Lateral or private water main (includes 1st inspection and test)
 - (1) New connection at public main –each \$ 75.00
 - (2) From public main or curb to termination, building
 or portion thereof – per 100 l.f. or fraction thereof \$ 75.00
 - (3) Repair to or termination ofeach \$ 75.00
- (c) Interior building sanitary or storm underground drain systems
 (includes 1st inspection and test): each 100 l.f. or fraction thereof \$ 75.00
- (d) Fixture outlets; new, remodeled and/or capping,per outlet* \$ 15.00
 * This schedule shall apply to the following list of fixtures or appliances and
 includes 1st inspection: sinks, dishwashers, garbage disposers, bath tubs,
 showers, wash basins, wash fountains, laundry tubs, automatic washer
 valves, water closets, urinals, refrigerators, counters, deep freeze cases,
 drink fountains, bars, soda fountains, funnel connections, water softeners,
 water filters, sill cocks, water cooled air conditioners, or any other
 appliances connected with the water supply or drainage systems, floor
 drains, area drains, catch basins, oil separators, grease traps, manholes,
 sampling manholes, sumps, ejectors, drain tile receivers, roof drains,
 conductors, or any receptacle discharging waste into sanitary or storm sewer
 systems and any other fixture or plumbing device not listed herewith.
- (e) Affidavit Permit. 1 or 2 family use properties only; for single fixture or
 appliance replacement installation. No inspection required..... each \$ 45.00
- (f) Replacement of building water piping, sewer piping, etc.
 (includes 1st inspection)..... ea. 100 l.f. or fraction thereof \$ 75.00
- (g) Well abandonment (includes 1st inspection).....per well \$ 75.00
- (h) Septic system abandonment (includes 1st insp.).....ea. system \$ 75.00
- (i) Cross-connection (includes inspection)..... \$ 75.00
- (j) Inspections:
 - (1) Inspection or reinspection.....each \$ 75.00
 - (2) Inspection or other request for non-working hours
 (overtime)..... per hr \$ 100.00
minimum \$ 200.00
- (k) Plan Review..... per half hr. or fraction thereof \$ 20.00

- (l) Special inspection in response to written inquiries..... per property \$ 150.00
- (m) Special inspection and written report for work installed without permit and/or inspection.....per property \$150.00
- (n) Written report request in response to a written information request.....per property \$150.00
- (o) Work started before permit issued (except emergencies)...
- Triple Permit Fee – Minimum \$225.00
- (p) Minimum permit fee for any permit except affidavit permit..... \$ 75.00
- (q) Permit refund. Excepting plan review, initiation, or special fees, that portion of a plumbing permit in excess of \$100.00 is eligible to be refunded to the permit holder for work not yet started. A refund request is to be made in writing to cancel the permit within 120 days of the issuance of the permit. Requests received after 120 days may be referred to the City Council.

16.63 Affidavit Permit. A plumbing permit for the installation of a single fixture or appliance in a one or two family use property only, may be excepted from inspections with the signature of the master plumber on the permit application. For this type of permit, the master plumber certifies that the installation conforms to all applicable regulations and will be performed in a safe, legal and workmanlike manner. The Plumbing Inspector may periodically inspect certain affidavit permits to insure code compliance.

16.64 Reinspection Fee. When additional inspections are required because of failure to comply with code requirements, additional fees may be assessed as listed in the fee schedule.

16.65 Plumbing Contractor Forfeiture and No Permit Status. An additional fee may be assessed for failure of the plumbing contractor to call for an inspection, allowing use of an installation prior to inspection, concealing work prior to approval, or failing to comply with the Notice or Order of the Plumbing Inspector. Additionally, a plumbing contractor may be placed in a “no permit status” for failure to secure permits, failure to call for inspections, return of permit fee checks for insufficient funds, or failure to conform to the Orders of the Plumbing Inspector.

16.66 Refund of Fees. A request may be made in writing by the permit holder for a refund of permit fees, if the request is made within one hundred and twenty (120) days of the issuance of the permit. Requests received after one hundred and twenty (120) days may be referred to the Common Council for approval. The amount of refund eligible for refund shall be in accordance with the fee schedule.

16.67 Payment of Fees to the City Treasurer. All permit fees shall become property of the City of West Allis and shall be delivered to the City Treasurer and credited to the general fund.

16.68 – 16.74 Reserved.

Subchapter IV Special Requirements

16.75 Sanitary Sewer and Water Connection.

- (1) **Connection to Public Sanitary Sewer.** Every building with installed plumbing fixtures and intended for human occupancy, located adjacent to a street or easement in which there is public sewer service, shall be connected to the public sanitary sewer by means of an individual connection or private interceptor sanitary sewer main.
- (2) **Connection to Public Water Supply.** Every building intended for human occupancy, located adjacent to a street or easement in which there is public water supply, shall be connected to the public water supply by means of individual connection or private interceptor water main.
- (3) **Definition.** For the purpose of this Section, “connected” shall mean a plumbing connection from the public water supply (water main) or sanitary sewer to the interior of the building/structure being served.
- (4) **Private Sewer System.** Private sewage holding tanks or sewer septic systems are not permitted by this code unless approved by the Plumbing Inspector.
- (5) **Failing Private Sewage Systems.** When an existing private sewage disposal system fails to meet the requirements of Chapter 145, Wis. Stats and Chapter COMM 83, Wis. Adm. Code, and amendments thereto, the system shall not be replaced when public sanitary sewer is adjacent to the property. A failed septic tank shall be removed or pumped and filled with proper materials as allowed by the Plumbing Inspector.

16.76 Private Well Abandonment and Well Operation Permit.

- (1) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water systems are properly abandoned.
- (2) **Coverage.** This Section shall apply to all wells located on any premises where the premises is connected to the municipal water system.
- (3) **Definitions.** The following definitions shall be applicable in this Section:
 - (a) **Municipal Water System.** A community water system owned by a city, village, county, or town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(b) Non-Complying. A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

(c) Pump Installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

(d) Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chs. NR 109 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(e) Unused. A well or pump installation which is not in use or does not have a functioning pumping system.

(f) Well. An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

(g) Well Abandonment. The filling and sealing of a well according to the provisions of Ch. NR 112 and NR 811, Wis. Adm. Code, and any future amendments or modifications thereto.

(4) **Abandonment Required.** All wells located on premises connected to the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 811, Wis. Adm. Code by August 23, 1993, or within sixty (60) days after notification, whichever occurs last, unless a well permit has been obtained by the well owner from the Plumbing Inspector.

(5) **Well Operation Permit.** Well Operation Permit is required for each well within the City of West Allis.

(a) The fee for each Well Operation Permit is seventy-five dollars (\$75) for the initial application and permit and seventy-five dollars (\$75) for the renewal of the permit.

(b) The permit shall be renewed every five (5) years.

(c) The permit and/or renewal permit shall be properly displayed near the well for which the permit is issued.

(d) The permit is transferable to successive owners.

(e) The following conditions must be met for issuance or renewal of a Well Operation Permit.

1. A Well Contractors Report is filed with the Plumbing Inspector, certifying the well and pump installation is installed and maintained in accordance with the standards of NR 112.
2. The well construction and pump installation have a history of producing bacteriologically safe water, as evidenced by at least two (2) samples taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well. Water test reports shall be submitted with renewals.
3. There are no physical cross-connections between the well and pump installation and the municipal water system. There shall be a physical space between the pipes of each system. A gate valve is an unacceptable separation. One (1) outside hose bibb is permitted from a residential structure serviced by a well system.
4. The use of the well and pump installation can be justified as being necessary, in addition to water provided by the municipal water system.
5. The well poses no hazard to health or safety.

(f) The Plumbing Inspector, or authorized representative, may conduct inspections or have water quality test conducted, at the expense of the operator, to obtain or verify information necessary for considering a permit application or renewal.

(g) Permit application and renewals shall be made on forms provided by the Plumbing Inspector.

(6) Abandonment Procedures.

(a) All wells abandoned under the jurisdiction of this section shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code.

(b) All debris, piping, unsealed liners, pump and any other obstructions, which may interfere with sealing operations, shall be removed prior to abandonment.

(c) The owner of the well, or the owner's agent, shall first secure a permit to abandon from the Plumbing Inspector before commencement of any abandonment activities.

(d) After the Plumbing Inspector has approved the permit to abandon, the permit holder shall notify the Plumbing Inspector forty-eight (48) hours prior to commencement of actual work to abandon. The abandonment of the well shall be observed by the Plumbing Inspector, or his designated representative.

(e) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within fourteen (14) calendar days of the completion of the well abandonment.

(7) Penalties. In addition to the penalties prescribed in Section 16.99 of this Chapter, if any person fails to comply with this section, and after receiving written notice of violation or written notice to abandon, the Plumbing Inspector may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

16.77 Clear Water Discharge Into Sanitary Sewer System Prohibited.

- (1) The discharge of clear water into the public sanitary sewer system is prohibited excepting legal connections of footing/foundation drains installed prior to 1954.
- (2) When existing buildings are altered by additions that include new footing/foundation drains, existing drains shall also be properly connected to a code compliant clear water discharge system.
- (3) Infiltration and the illegal discharge of clear water into the sanitary sewer system shall be eliminated. The inspection officers of the City of West Allis shall make such inspections as are necessary to determine where illegal clear water connections or clear water infiltration exists. Upon determining that an illegal clear water connection or clear water infiltration exists, City inspection officers shall issue appropriate orders to abate, correct or eliminate such connection of infiltration within a reasonable time, not to exceed ninety (90) days. This order shall be sent to the owner by certified mail at the address shown on the tax roll.

16.78 Storm Water Disposal.

- (1) Storm Water Drainage Control. Storm water drainage from new development and redevelopment for other than single- or two-family lots shall comply with the requirements of the City of West Allis Storm Water Regulations. Plans shall be approved by the City Engineer prior to issuance of a plumbing permit for said work.
- (2) Building, Storm Sewers and Storm Drains. The materials and installation methods for building storm sewers and storm drains shall be as specified in Ch. ILR 82.36 and ILR 84, Wis. Adm. Code or any future amendments thereto.

(3) Surface Discharge Policy. It shall be the policy of the Plumbing Code to allow surface storm water discharge whenever possible to allow for ground absorption. When allowing surface drainage consideration shall be given to damage to buildings and structures, nuisances caused by standing water, and other nuisances on the allowing property, on adjacent properties, and to the public right-of-way including sidewalks, streets, alleys, and other public ways. A storm drainage plan shall be submitted for approval by the Plumbing Inspector or City Engineer prior to allowing surface water discharge from buildings, structures, paved areas or graded yard areas. An approved surface drainage plan may be revoked partially or in whole if actual conditions do not perform as expected.

(4) Drainage of Roofs, Yards, and Paved Areas.

(a) All buildings and structures shall have properly sized gutters installed on all roof eave ends with downspout leaders to conduct storm water to the public storm sewer system. The Plumbing Inspector may waive gutter and downspout requirements for special cases where the water discharge is minimal and will not cause damage to the building or structure or cause a nuisance.

(b) All drains from rainwater downspout leaders, paved areas, yards, and courtyards shall be connected to the public storm sewer system, where storm sewer is available in either the street or the alley or in an adjacent easement. Availability of public storm sewer shall be determined by the City Engineer. Such drains may discharge in an approved manner onto grade or into a stormway, provided they are not in conflict with the rules of the Wisconsin Department of Natural Resources, Wisconsin Department of Commerce, and the Metropolitan Sewerage Commission. The Plumbing Inspector may allow surface discharge to site catch basins or other receivers.

(5) Drainage of Paved Areas.

(a) Except on single family and two (2) family properties, all new parking lots, parking areas, access aisles, loading and unloading berths and other areas accommodating vehicular movements, prior to paving, shall be graded in accordance with a site grading and drainage plan that has been approved by the City Engineer. Said grading plan shall provide for the disposal of the paved area surface water runoff by means of an appropriate on-site storm sewer system, including catch basins, which shall be connected to a City storm sewer, storm channel or other City approved outlet, and therein shall prevent surface water from draining in such a manner as to cause damage or create a nuisance on adjoining premises, street and/or sidewalk area. The storm sewer installation shall not proceed until approved by the City Engineer and a permit has been issued by the Plumbing Inspector.

(b) All existing parking lots, except on single family and two (2) family properties, parking areas, access aisles, loading and unloading berths and other

areas accommodating vehicular movement shall comply with the above regulations as follows:

1. When an existing graded or stoned parking lot or parking area is to be paved with asphalt or concrete, it shall be made to comply with the aforementioned regulations for new parking areas.
 2. When an existing parking lot or parking area is enlarged, the portion being added shall comply with the aforementioned regulations for new parking lots or parking areas.
 3. When an existing parking lot or parking area, whether it is paved, graded or stoned, is graded or drained in a manner which will damage or create a nuisance on adjoining premises, street and/or walk area, it shall be made to comply with the regulations for new parking areas.
- (6) Drainage of Single and Two-Family Properties. Drainage of storm water from single and two-family properties shall be in accordance with the State of Wisconsin Department of Commerce Uniform Dwelling Code. This Code shall be applicable to new and existing properties.
- (7) Foundation Drains and Sump Pumps. Foundation footing drains and all buildings where they are installed shall terminate in a sump pit not less than eighteen (18) inches in diameter and twenty-four (24) inches in depth unless the drains can be connected by means of an approved gravity drain to a storm sewer. The sump pit shall be pumped out with an approved type of sump pump. The sump pump shall be set on the bottom of the sump pit and the sump pit shall be free of all stones, gravel, mud and debris.
- (8) Sump Pump Discharge.
- (a) The sump pump discharge pipe shall be a minimum of one and one-fourth (1-1/4) inches in inside diameter and shall connect to the storm sewer system where storm sewer is available in either the street or the alley or an adjacent easement. Availability of public storm sewer shall be determined by the City Engineer. Where a storm sewer is not available sump pumps may discharge onto the ground at least three (3) feet away from the building being served.
 - (b) Sump discharge to surface ground areas from existing buildings is allowed although public storm sewer is available to the property and in accordance with Section 16.78. The sump pump discharge pipe shall be located as directed by the Plumbing Inspector.
 - (c) If the Plumbing Inspector determines a discharge is non-complying, he or she shall order the property owner to locate the sump pump discharge pipe and connecting hose, if any, in such a manner as is necessary to meet the requirements of this Subsection. The Plumbing Inspector shall have the right to grant the

property owner a temporary waiver from the requirements of this Subsection, if the Plumbing Inspector determines that it is not immediately practical for the property owner to comply with this Subsection. The temporary waiver shall terminate and the property owner shall be required to comply with this Subsection at such time as the Plumbing Inspector determines that it is practical for the property owner to comply with this Subsection.

(d) Where a discharge is causing a nuisance to the public way the City may abate the nuisance by what ever means and charge the cost against the property. The cost to abate may be assessed as a special assessment against the property.

(e) If the owner is aggrieved by an order issued pursuant to this Section, the owner may file a letter of appeal with the Board of Appeals within thirty (30) days of the service of the order upon him. In the letter of appeal the owner shall state the reasons for appealing from the order. The written appeal shall discuss discharge issues such as damage to buildings & structures, nuisances caused by standing water, and other nuisances on the allowing property, adjacent properties and/or the public right-of-way, including sidewalks, streets, allies, and other public ways. The Board of Appeals shall conduct a hearing on the appeal after the request is made. The Board of Appeals is empowered to grant variances where compliance with this Subsection would not be reasonable and where the condition which is the subject of the order is not a nuisance to the adjoining properties or the public way, or is not a hazardous, unsafe or unsanitary condition.

16.79 Water Service and Distribution.

(1) The installation and maintenance of any water service or water distribution system shall be in accordance with the rules and regulations of the West Allis Water Department.

(2) The water service shall be equipped with a corporation stop, a curb stop and stop box flush with the grade and a meter stop. These stops are to be purchased from the City.

(3) The service piping shall be well supported and protected from any soil of an acid nature that would leave a deteriorating effect on it. Adequate means of protection is to be determined by the Inspector in each case.

(4) The water service valve shall be turned off at the curb-stop upon completion of the plumbing contractor's work on the service. Water shall not be turned on until the public meter is properly installed. Only City employees may turn the water valve curb stop off or on.

(5) No existing lead water service pipe shall be reused to service a new building.

16.80 Street Opening. No opening shall be permitted in any street, alley or other public way or property without prior approval by the City Engineer and issuance of the required permit.

16.81 Record Keeping by Pollutant Occupancies.

(1) Records. An owner of a property determined to be a pollutant occupancy shall keep a record of pollutant waste disposal and the record shall be made available to the plumbing inspector upon request.

(2) Definition. Pollutant occupancy is any use that discharges or may discharge harmful waste materials into the sanitary sewer. These uses include, but are not limited to; vehicles repair occupancies (gas, oil, antifreeze), food processing and restaurant occupancies (grease), and; manufacturing or industrial occupancies. The plumbing inspector shall determine if the occupancy is pollutant occupancy.

16.82 Waste Control Sampling Manhole May Be Required.

(1) Waste Control. All building sanitary sewer laterals connected to the municipal sanitary sewer system and serving uses considered pollutant occupancies may be required by the Plumbing Inspector to have a manhole for periodic sewage cleaning and sampling purposes installed. An appeal to installing the manhole may be referred to the City Engineer for final determination.

(2) Location. Sampling manholes shall be located on private property whenever possible. When located on private property, sampling manholes shall be located within five (5) feet of the lot line fronting on the public right-of-way or as otherwise directed by the Plumbing Inspector.

(3) Access. Sampling manholes shall be at all times accessible and available for inspection by authorized municipal representatives.

(4) Construction. Sampling manholes shall be a minimum of thirty-six (36) inches in diameter and constructed in a watertight and substantial manner and may be of concrete, pre-cast concrete, cast iron, bituminous fiber, enamel coated 14-gauge steel or vitrified clay pipe. Construction details shall follow the general criteria illustrated in plans, prescribed by and available within the office of the Plumbing Inspector.

(5) Plumbing Permit. No application for a plumbing permit involving construction or replacement of a sanitary sewer lateral, as described in subsection (1) above, shall be approved by the Plumbing Inspector, unless plans are filed with the application, reflecting compliance with the requirements of this section.

16.83 Sanitary Sewer and Storm Sewer Drain Regulations.

(1) Persons Authorized. No persons other than licensed plumbers, as herein provided, shall be permitted to tap or make connections with the public sanitary or public storm or any part thereof except for the installation of sewer piping from the main to the

property line when installed by authorized municipal utility employees or sewer utility installers under a contract with the City.

(2) Record of Connections.

(a) The Inspector shall keep a record of all connections and positions of all building piping, drains, connections, junctions and other data necessary for the efficient services of the Inspector's office.

(b) Any information that the Inspector or the City Engineer may have with regard to the location of sewer junctions or slants will be furnished to a licensed plumber or other person requesting said information. The user of the information assumes the risk as to the accuracy of the information contained in public files. When, in accordance with the measurements furnished by the Inspector, the junction is not found within three (3) feet of the flow side, a slant connection and one-eighth (1/8) bend shall be used and such connection shall be made under the direction of the Inspector.

(3) Defective or Inferior Pipe. No plumber or other authorized person shall lay or connect with any public sewer a pipe that is cracked, damaged or of inferior make or quality, under penalty as herein provided. Should any property owner or agent thereof furnish pipe of an inferior make or quality for laying the same to connect with a public sewer, the plumber shall refuse to lay and connect with the same and shall immediately notify the Inspector of all the circumstances connected therewith, in writing.

(4) Existing Sanitary Sewer Reuse. Existing sanitary sewer laterals may be reused by the installation of a liner when approved by the plumbing inspector.

(5) Drain Ends Guarded. The ends of all sewer and drain pipes not immediately connected shall be securely closed so as to prevent the introduction of water, sand, earth or other refuse.

(6) Visual Review. The plumbing inspector may order the owner of any property to video a sanitary or storm sewer private main, main, lateral, or building interior drain pipe to determine the condition of the line(s) or compliance with code provisions. The inspector may also require a video of repaired lines to determine final condition.

(7) Disconnections to Buildings Being Moved or Demolished.

(a) When any building in the City, which is serviced by City storm sewer, sanitary sewer or water, is either to be moved from the land upon which it stands or demolished, the Director of Public Works shall cause the service laterals to be disconnected at the curb or main, at his discretion, and in accordance with the regulations of the Plumbing Inspector. The Director of Public Works shall, from time to time, determine and establish the charges for the disconnections of such service laterals. No building shall be moved or demolished until the service

laterals are disconnected and the owner or person responsible for moving or demolishing to the building shall have paid the charges for disconnection. The Plumbing Inspector may allow disconnection during demolition upon request.

(b) Violation. Any person, firm or corporation violating the provisions of this subsection shall be liable for all costs incurred for any disconnections of the services, and subject to the penalties hereinafter provided in Section 16.99 of this Code.

(8) Back-filling. Back-filling shall be done with due care in a workmanlike manner, according to approved standards and methods, so as to prevent the settling of the piping, drain, or sewer. All excavated materials shall be removed and trench shall be completely back-filled with gravel, screening, sand or slurry mix. For City right-of-way areas (streets, alleys, sidewalk, and media areas) whether improved or unimproved, as described in Chapter 11, Public Ways, Places and Properties Regulations, the backfill shall be slurry mix as approved by the City Engineer.

(9) Catch Basins and Receptacles. All exterior open storm sewer and drainpipes to parking areas, yard areas, gardens or other places, must have approved catch basin receptacles having a minimum of a two foot sump crock below the discharge line. Every such catch basin or receptacle must be placed inside the lot line of the lot or lots to be drained and be properly connected to storm sewer.

(10) Old Pipe or Drain. Whenever necessary to disturb a drain or sewer in actual use, the same shall not be obstructed or disconnected without special permission of the Inspector and it shall be unlawful to make any new connections with, or extensions to, any old drain without permission of the Inspector.

(11) Drain Course Obstructions. In all cases where the course of any sewer or drain is obstructed by water, gas, steam or other pipes or conduits, the question of passing over or under such obstruction or of the raising or lowering thereof, so as to permit the construction and installation of the sewer or drain, shall be determined by the Inspector. Approval thereof shall be obtained from the Director of Public Works or the City Engineer.

(12) Connection in Freezing Weather. No opening in the street for making connection with a main sewer will be permitted when the ground is frozen, except when in the judgment of the Inspector such connection is absolutely necessary; and if such permission is granted, the work shall be done as directed by the Inspector and approved by the City Engineer.

(13) Protection Against Frost, Settling, Etc. All water, sewer, drain or other piping must be protected from injury, frost or settling to the satisfaction of the Inspector.

(14) Damage to Drainage System or Public Sewer. It shall be unlawful for any person to deposit, by any means, into the building drainage system or into a public

sewer, any inflammable, poisonous or explosive liquids, gases, oils, grease or any other materials which would or could damage, contaminate, obstruct or overload such system or sewer.

(15) Saddle Connections Prohibited. Saddle connections are prohibited on sanitary lines unless approved by the City Engineer. A proper Y connect shall be used wherever possible.

(16) Connections to Sanitary Sewer Manholes Prohibited. Connection shall not be allowed into a sanitary sewer manhole unless approved by the City Engineer.

16.84 Cross Connection Control.

(1) Purpose. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of West Allis may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Plumbing Inspector, the City Public Works Department and the Wisconsin Department of Natural Resources in accordance with COMM 82 or NR 811.09, Wis. Adm. Code, or any future amendments or modifications thereto.

(2) Inspections. It shall be the duty of the Plumbing Inspector and/or the City Public Works Department to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the City Public Works Department and as approved by the Wisconsin Department of Natural Resources.

(3) Right of Entry. Upon presentation of credentials, the representatives of the City of West Allis shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of West Allis for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.122, Wis. Stats. On request the owner, lessee or occupant or any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(4) Discontinuance of Service. The City of West Allis is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measure deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection (5). Water service to such

property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of this Section.

(5) Emergency Discontinuance. If it is determined by the City that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the City of West Allis and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.

(6) State Plumbing Code. The City adopts by reference the State of Plumbing Code, Chapters 81-87 Wis. Adm. Code. This does not supersede the State Plumbing Code and the City of West Allis Plumbing Code is supplementary to it.

16.85 to 16.97 Reserved.

Subchapter V
Public Nuisance, Violations and Penalties

16.98 Public Nuisance

- (1) Public Nuisance Declared. Wherever, on any property, there is an unhealthy, unsanitary condition caused by improper maintenance or installation of a plumbing system the property is hereby declared to be a public nuisance.
- (2) Unlawful Act or Public Nuisance. It shall be unlawful for any person to allow dirty water, oil, gas, flammable, hazardous, or any deleterious liquid or liquid of an offensive odor or otherwise unwholesome character to flow from any premises into the public sanitary sewer, public storm sewer, or upon any street, gutter, sidewalk, alley, road or other public right-of-way or land.
- (3) Chapter 18 Abatement. The Plumbing Inspector may initiate abatement action of a declared public nuisance in accordance with Chapter 18 of the Revised Municipal Code.
- (4) Other Penalty. In addition to nuisance abatement, any person, firm or corporation violating the Code shall be subject to penalty pursuant to Section 16.99 of this Chapter.

16.99 Violation and Penalties.

- (1) Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, demolish, convert, equip, use, occupy or maintain any building or structure in the City contrary to or in violation of any provision of this Chapter, or to cause, permit or support the same to be done.
- (2) Penalties. Any person, firm or corporation that shall violate any of the provisions of this Chapter shall forfeit not less than ten dollars (\$10) or more than five hundred dollars (\$500) for each violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be confined in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes. Each and every day during which any such violation continues shall constitute a separate violation.
- (3) Injunctive Action. In addition to the penalties provided in subsection (2), appropriate legal or equitable action may be commenced to enjoin any person, firm or corporation from violating any of the sections of this Chapter.

Part II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part III. Except as stated in Part IV this ordinance shall take effect and be in force from and after its passage and publication.

Part IV Section 16.62 Schedule of Permit Fees of this ordinance shall take effect and be in force on March 1, 2008.

PASSED AS AMENDED _____

APPROVED AS AMENDED _____

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

Jeannette Bell, Mayor