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ARTICLE 6. Chapter 50 is created to read as follows:

**CHAPTER 50**  
**DISCHARGE OF POLLUTANTS TO THE WATERS OF DANE COUNTY**

**50.01 PURPOSE.** The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of Dane County and protect surface waters and groundwaters of Dane County by preventing potentially polluting substances from reaching the municipal storm sewer system, lakes, streams, wetlands and groundwater as required by federal and state law. This Chapter establishes methods for controlling the discharge of potentially polluting substances into the municipal storm sewer system in order to comply with the requirements of the Clean Water Act, Chapter 283.33, Wis. Stats., and Wisconsin Pollutant Discharge Elimination System municipal storm water discharge permit program under Chapter NR 216, Wis. Adm. Code.

**50.02 AUTHORITY.** This chapter is enacted pursuant to the authority of s. 33.455, Wis. Stats.

**50.03 ADMINISTRATION.** This ordinance shall be enforced by Public Health Madison and Dane County or Land and Water Resources.

**50.04 APPLICABILITY.** This ordinance shall apply to all surface and ground waters of Dane County. This ordinance does not apply to activities allowed by and in compliance with DCO Chapter 49.

**50.05 DEFINITIONS.** As used in this chapter:

**(1) Discharge** means any actions or omissions that cause or allow for the spill, release, escape or other discharge, of any potentially polluting substance.

**(2) Illicit discharge** means any discharge of a potentially polluting substance directly or through stormwater that reaches a municipal storm sewer system, drainage way, wetland, waterbody or groundwater, except those authorized by a Wisconsin Pollutant Discharge Elimination System (WPDES) permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, flows from riparian habitats and wetlands, and similar discharges. These and other discharge exceptions do not apply if the discharge is identified by Public Health Madison and Dane County as a source of pollution to the waters of Dane County.

**(3) Municipal storm sewer system** 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 the following criteria:

- 93 (a) Owned or operated by a state, city, town, village, county, district,  
94 association, or other public body (created by or pursuant to state law)...including  
95 special districts under state law such as a sewer district, flood control district or  
96 drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal  
97 organization, or a designated and approved management agency under section  
98 208 of the Clean Water Act that discharges into waters of the United States.  
99 (b) Designed or used for collecting or conveying stormwater.  
100 (c) Which is not a combined sewer conveying both sanitary wastewater and  
101 stormwater.  
102 (d) Which is not part of a publicly owned wastewater treatment works that  
103 provides secondary or more stringent treatment.  
104 (4) *Person* means an individual, owner, operator, corporation, partnership,  
105 association, limited liability company, municipality, interstate agency, state  
106 agency or federal agency.  
107 (5) *Pollution* means human-made or human-induced alteration of the  
108 chemical, physical, biological or radiological integrity of water.  
109 (6) *Potentially polluting substance* includes any substance which may cause  
110 pollution if discharged to waters of Dane County, including but is not limited to,  
111 fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic  
112 tank wastes, sanitary sewer wastes, storm sewer catch basin wastes, oil or  
113 petroleum waste, dredged soil, solid waste, incinerator residue, sewage, garbage  
114 or garbage leachate, refuse, munitions, chemical wastes, biological materials,  
115 radioactive substances, wrecked or discarded equipment, waste from mobile  
116 sources, industrial, municipal and agricultural waste.  
117 (7) *Responsible Person* means the person or persons who cause a discharge  
118 of a potentially polluting substance, an illicit discharge or both. Responsible  
119 person includes the person on whose behalf the activity that results in the  
120 discharge was conducted, whether through employment of or contracting with the  
121 person who caused the discharge.  
122 (8) *Stormwater* means runoff from precipitation including rain, snow, ice melt  
123 or similar water that moves on the land surface via sheet or channelized flow.  
124

125 **50.06 DISCHARGE OR RELEASE PROHIBITED.** It shall be unlawful for any  
126 person to cause or allow an illicit discharge, including permitting the escape of  
127 any potentially polluting substance into waters of Dane County, or into any  
128 municipal storm sewer system, or drainage way leading into any lake, wetland or  
129 stream, or to permit the same to be so discharged to the ground surface.  
130

131 **50.07 CLEAN-UP OF POTENTIALLY POLLUTING SUBSTANCES.**  
132 Responsible persons, including the person who causes a discharge of a  
133 potentially polluting substance through any means, including but not limited to  
134 delivering, hauling, disposing, storing, discharging or otherwise handling or  
135 maintaining potentially polluting substances shall be responsible for the  
136 immediate cleanup of any such spilled material to prevent its becoming an illicit  
137 discharge and causing pollution to the waters of Dane County.  
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139 **50.08 DUTY TO NOTIFY.** Any person responsible for the illicit discharge or  
140 discharge of potentially polluting substances shall immediately report the  
141 discharge to the emergency number for Public Health Madison and Dane  
142 County.

143  
144 **50.09 FINANCIAL LIABILITY.** Any person responsible for the illicit discharge or  
145 discharge of potentially polluting substances may be held financially liable for the  
146 cost of any cleanup or attempted cleanup deemed necessary by Dane County, or  
147 its designated agent, in an effort to minimize the polluting effects of the discharge  
148 and restore the environment.

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150 **50.10 STORAGE OF POLLUTING SUBSTANCES.** It shall be unlawful for any  
151 person to store any potentially polluting substances in a manner that allows it to  
152 escape onto the ground surface, or into the ground, municipal storm sewer  
153 system, drainage way, wetland, lake or stream.

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155 **50.11 PENALTIES.**

156 (1) Any person who violates or refuses to comply with the provisions of this  
157 ordinance shall be subject to a forfeiture of not less than \$50 nor more than  
158 \$2000 and the costs of prosecution. Each day that a violation exists shall  
159 constitute a separate offense.

160 (2) The corporation counsel is authorized to seek enforcement of any part of this  
161 ordinance by court action seeking injunctive relief. It shall not be necessary for  
162 the County to seek other remedies before seeking injunctive relief.

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164 **50.12 EFFECTIVE DATE.** The effective date of this ordinance shall be *[Clerk to*  
165 *insert effective date]*. The provisions of this ordinance shall apply to any discharge  
166 discovered or occurring after that date.

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168 **50.13 SEVERABILITY.** The provisions of this ordinance are hereby declared to be  
169 severable. If any provision, clause, sentence or paragraph of this ordinance or the  
170 application thereof to any person, establishment or circumstances shall be held  
171 invalid, such invalidity shall not affect the other provisions or application of this  
172 ordinance.

173  
174 *[EXPLANATION: This ordinance prohibits the discharge of pollutants to the waters*  
175 *of Dane County and assesses responsibility and liability for such discharges.]*