

TITLE 15

Building Code

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Building Code

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Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Bristol" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.**
 - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Village of Bristol, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any major alteration, enlargement or demolition of an existing building is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the

State of Wisconsin pertaining to construction and use and the Zoning Code governing the Village of Bristol and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) This Building Code applies to all dwellings, commercial buildings/structures, agricultural structures, swimming pools, residential garages, structures, buildings, and residential accessory buildings. Not included are children's play structures (however, zoning setback requirements must be complied with). For purposes of this Chapter, an "agricultural building" is defined as a building on a parcel on which fifty percent (50%) or a significant portion of personal income is derived from farming operations.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
 - (1) **Addition.** Any new construction performed on any dwelling or building which increases the outside dimensions of said dwelling or building, whether constructed prior to or after June 1, 1980, the effective date of the State Administrative Codes, set forth in Section 15-1-3.
 - (2) **Alterations.** A substantial change or modification other than an addition or minor repair to a dwelling or building or to the systems (electrical, plumbing or heating) involved within the dwelling.
 - (3) **Detached Accessory Buildings.** Detached accessory or agricultural buildings shall mean and include, but not be limited to, barns, sheds, cribs, granaries, and garages, utility sheds, roofed patios and similar structures.
 - (4) **Dwelling.** Any building, the initial construction of which is commenced on or after June 4, 1980, and contains one or two dwelling units, and that part of an existing structure, constructed prior to said date, which is used or intended to be used as a one- or two-family dwelling. This definition also includes additions and alterations to a mobile home.
 - (5) **Minor Repair.** Any repair with a fair market value of One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, performed for maintenance or replacement purposes on any existing one- or two-family dwelling or public building which does not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways or exits, fire protection, exterior esthetic appearance and which does not increase a given occupancy or use. No building permit is required for work to be performed which is deemed by the Building Inspector to be a minor repair. Roof covering repair, or re-roofing of more than twenty-five (25%) percent of the entire roof area shall require a building permit.
 - (6) **One- or Two-Family Dwelling.** A one- or two-family dwelling means any structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual, or by two (2) or more individuals maintaining a common household, to the exclusion of all others.

Sec. 15-1-2 Building Permits and Inspection.

(a) Permit Required.

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village of Bristol and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. All applicants for a building permit shall also obtain a zoning permit; a building permit shall not be issued unless a zoning permit is first issued. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings, or where fifty percent (50%) or more of the fair market value of a structure is destroyed and it is being repaired or altered.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - d. Any electrical wiring for new construction; a permit is required when electrical service is upgraded.
 - e. Any HVAC for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - f. Any plumbing for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - g. Handicapped ramp construction.
 - h. Agricultural buildings in properly zoned districts (however, applicable zoning setback requirements shall be complied with).
 - i. Decks, swimming pools and hot tubs.
 - j. Roof covering repair or re-roofing of more than twenty-five percent (25%) of the entire roof area. Unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
 - k. Replacement of in-kind major building HVAC equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
 - l. Exempt are minor repairs performed in Subsection (a)(1)d-g.
- (2) **Building Permit Not Required.** A building permit is not required for the following:
 - a. Window replacement and finishing of interior surfaces, installation of cabinetry, and minor repairs as determined by the Building Inspector.
 - b. For any interior or exterior improvements or alterations to an existing building which does not affect a structural change.
- (3) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:

- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or existence of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs and no permit shall be required.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises. Such determination will be made by the Building Inspector, who may seek the assistance of the Assessor.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; if such restoration work is not done, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector, who shall make a recommendation to the Village Board, who shall make a recommendation to the Village Board.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

- (c) **Access.** If the property is not located on an existing Village highway, proof of a recorded ingress/egress easement shall also be provided.
- (d) **Utilities Required.**
 - (1) **Non-Residential Buildings.** Non-residential buildings over one hundred twenty (120) square feet require all necessary Village of Bristol permits.
 - (2) **Commercial Buildings.** Local permits are required.
 - (3) **Final Inspection/Occupancy Permit.** A final inspection is required. An occupancy permit will be issued upon request.
- (e) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, one (1) to the Building Inspector and one (1) set will be returned upon a satisfactory final inspection, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. The Building Inspector may require written proof of proper monumentation.
- (f) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
 - (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building in a location viewed from the road. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (h) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof. However, if all of the exterior of the building has been completed, the Building Inspector may, for good cause, extend the permit for a period of time not to exceed six (6) months.

(i) **Revocation of Permits.**

- (1) The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of unapproved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning of construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of certain materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

(j) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.

- (k) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises which can be viewed from the road where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Enforcement.

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Ch. COMM 26	Mobile Home Communities
Chs. COMM 67	Rental Unit Energy Efficiency
Chs. COMM 81-86	Uniform Plumbing Code

- (2) Chapters COMM 50 through COMM 66, Wis. Adm. Code (Wisconsin State Building Code), COMM 75-79 and Wis. Adm. Code (Existing Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.
- (3) By virtue of adopting COMM 61.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code® – 2000*, subject to the modifications specified in COMM 61-62, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code® — 2000*, subject to the modifications specified in COMM 63, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code® – 2000*, subject to the modifications specified in COMM 64, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code® – 2000*, subject to the modifications specified in COMM 65, Wis. Adm. Code.
- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village of Bristol Building Inspector's Office.

- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired.
 - (3) Additions and alterations, regardless of cost, made to an existing building constructed post-1980 as deemed necessary by state law shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) Additions and alterations —Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.** As used herein:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** The Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations).
 - (4) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
 - (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
 - (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others. Included are "community living arrangements".
 - (7) **Person.** An individual, partnership, firm or corporation.
- (d) **Method of Enforcement.**
- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector (or state-provided inspector or contract certified inspector) shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.

- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter, the Uniform Dwelling Code and all other duties as assigned by the Village Board.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties. If inspection access is denied, the Building Inspector may seek an inspection warrant from the municipal court.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector shall provide the Village Board a monthly report of permits issued.

Sec. 15-1-4 Unsafe Buildings.

Whenever the Building Inspector or Village Board find any building or part thereof within the Village of Bristol to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-5 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Bristol. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of

noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-6 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the excavation has been made.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in a newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0703, Wis. Stats.

Sec. 15-1-7 Construction Sites; Maintaining Clean Streets.

Village streets, roads and alleys are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Bristol will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the

current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

Sec. 15-1-8 Regulation and Permits for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a non-agricultural structure larger than four hundred (400) square feet within the Village of Bristol shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure. The Assessor shall be notified by the Village of the issuance of a razing permit.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) Necessary Wisconsin Department of Natural Resources permits regarding all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(d) **Clearing and Leveling the Site.**

- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
- (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
- (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk at least forty-eight (48) hours before filling of the excavation commences.

(e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

(f) **Miscellaneous Provisions.**

- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. [See Wisconsin Department of Natural Resources regulations].

- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-9 Occupancy Permits.

- (a) **Occupancy Permit Requirement.** No person shall occupy any dwelling or building for which a permit is required without first obtaining an occupancy permit from the Building Inspector. If upon inspection, the Building Inspector shall find there are no violations, or non-compliances under this Chapter, the Building Inspector shall issue an occupancy permit.
- (b) **Temporary Occupancy Permit.**
 - (1) A temporary occupancy permit for a specified period of time, not to exceed thirty (30) days, may be issued by the Building Inspector where an unusual circumstance exists causing undue hardship on the owners. No temporary occupancy permit shall be issued if the Building Inspector shall find that the non-compliance matters are of a serious health or safety nature.
 - (2) A temporary occupancy permit shall not be in lieu of a final occupancy permit.

Sec. 15-1-10 Occupancy Permits for Business Establishments.

- (a) **Business Occupancy Permits Required.** No person shall use or permit the use of any building or premises or part thereof for any manufacturing, commercial or business purposes whenever such building has been erected, altered, changed, converted wholly or in part to a different use, or where the premises or any portion thereof has become vacant, until a business occupancy permit shall have been obtained from the Building Inspector.
- (b) **Application; Permit Issuance.** Application for a business occupancy permit shall be made upon a form provided by the Building Inspector. Such application shall contain the name of the applicants, and if a corporation, the names of the principal officers and managers, address of the principal officer or manager, location of the premises to be occupied and nature of the business to be pursued on the location, and such other information as the Building Inspector may reasonably require to perform an adequate inspection of the premises. No permit shall be issued to any person for any business operation which would constitute a fire or health hazard, a violation of any ordinance of

the Village of Bristol, or any building code or any law of the State of Wisconsin or any regulation by State of Wisconsin administrative agencies.

Sec. 15-1-11 Costs for Professional Services.

- (a) **Need Determination.** Whenever the Building Inspector or the Village Board shall determine that prior to approval of a builder's layout or design, method of construction, utilities or location and service, or other matters relating to the construction of any building or buildings, that the professional advice of the Village Engineer, Village Attorney or any architect or other professional service is required by the Building Inspector or by the Village Board in order to make a determination on the builder's application, the cost of such service shall be paid in full by the applicant.
- (b) **Cost Estimates.** The Village Administrator shall make an estimate of such cost and the applicant shall advance said cost in an initial amount not to exceed Two Thousand Dollars (\$2,000.00). In the event that the estimate is not sufficient, the builder shall be notified and an additional sum shall be deposited and, if the sum advanced is more than is required, the excess shall be returned to the applicant.

Sec. 15-1-12 Fees.

Fees for permits under this Chapter shall be established by resolution of the Village Board.

Sec. 15-1-13 Penalties and Violations.

- (a) **Violations.** Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village of Bristol officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) **Notice of Violations.**

- (1) If an inspection reveals a noncompliance with this Chapter, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted by the Building Inspector.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.
- (4) If any construction or work governed by the provisions of this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

(c) **Appeals.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Village Board. Those procedures customarily used to effectuate an appeal to the Village Board shall apply.

(d) **Liability of Village Officials.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Bristol charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Title 15 ► Chapter 2

Construction Site Erosion Control

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15-2-2	Findings of Fact
15-2-3	Purpose
15-2-4	Applicability and Jurisdiction
15-2-5	Definitions
15-2-6	Technical Standards
15-2-7	Performance Standards
15-2-8	Permitting Requirements, Procedures and Fees
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15-2-12	Exceptions and Waivers
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15-2-17	Limitations on Village Responsibility

Sec. 15-2-1 Authority.

- (a) **Statutory Authority.** This Chapter was originally adopted under the authority granted by Section 60.627, Wis. Stats. This Chapter supersedes all provisions of any ordinance(s) previously adopted under Section 60.62, Wis. Stats., that relate to construction site erosion control. This Chapter is adopted pursuant to the guidelines in Section 62.2345, Wis. Stats.
- (b) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) **Administration.** The Village of Bristol hereby designates the Director of Public Works/Village Engineer to administer and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works/Village Engineer may be delegated in writing by the Director of Public Works/Village Engineer to persons or entities acting in the beneficial interest or in the employ of the Village of Bristol.

15-2-1

- (d) **Limitations on Pre-Emption.** The requirements of this Chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

Sec. 15-2-2 Findings of Fact.

The Village Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Bristol.

Sec. 15-2-3 Purpose and Intent.

It is the purpose of this Chapter to:

- (a) Further the maintenance of safe and healthful conditions;
- (b) Prevent and control water pollution;
- (c) Prevent and control soil erosion;
- (d) Protect spawning grounds, fish and aquatic life;
- (e) Control building sites, placement of structures and land uses;
- (f) Preserve ground cover and scenic beauty; and
- (g) Promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Bristol.

Sec. 15-2-4 Applicability and Jurisdiction.

- (a) **Applicability.** This Chapter applies to the following land disturbing construction activities except as provided under Subsection (b) below:
- (1) An area of one (1) acre or greater will be disturbed by excavation, grading, filling or other earth moving activities, resulting in a loss or removal of protective ground cover, vegetations;
 - (2) Any watercourse is to be changed, enlarged or materials are removed from a stream or lake bed;
 - (3) Any utility work in which underground conduits, piping, wiring, water lines, sanitary sewers, storm sewers, or similar structures will be laid, repaired, replaced or enlarged,

- if such work involves more than three hundred (300) linear feet of each disturbance;
or
- (4) Grading, removal of protective ground cover or vegetation, excavation, landfilling or land disturbing activity within two hundred (200) feet of a lake, stream, or wetland when work affects more than ten (10) cubic yards of material.
- (b) **Inapplicability.** This Chapter does not apply to the following:
- (1) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under COMM 21.125 or 50.115, Wis. Adm. Code.
 - (2) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing activity.
 - (3) Non-point discharges from agricultural facilities and practices.
 - (4) Non-point discharges from silviculture activities.
 - (5) Routine maintenance for project sites under one (1) acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) **Village Staff Determination.** Notwithstanding the applicability requirements in Subsection (a), this Chapter applies to construction sites of any size that, in the opinion of the Village staff, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (d) **Jurisdiction.** This Chapter applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Bristol, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Section. 236.45(2) and (3), Wis. Stats..
- (e) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

Sec. 15-2-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
- (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 60.627, Wis. Stats., that is designated by the Bristol Village Board to administer this Chapter.

- (2) **Agricultural Activity Area.** The part of the farm where there is planning, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
- (3) **Agricultural Facilities and Practices.** Has the meaning in Sec. 281.16(1), Wis. Stats.
- (4) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
- (5) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical.
- (6) **Best Management Practice ("BMP").** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (7) **Business Day.** A day the Office of Director of Public Works/Village Engineer is routinely and customarily open for business.
- (8) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (9) **Common Plan of Development or Sale.** A development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.
- (10) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (11) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (12) **Division of Land.** The creation from one (1) or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five (5) year period.
- (13) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (14) **Erosion and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

- (15) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (16) **Final Stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (17) **Governing Body.** The Village Board of the Village of Bristol.
- (18) **Land Disturbing Construction Activity (Disturbance).** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (19) **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Chapter 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. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (20) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (21) **Permit.** Written authorization made by the Director of Public Works/Village Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (22) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (23) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (24) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated to meet the performance standards of this Chapter through a contract or other agreement.
- (25) **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (26) **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (27) **Separate Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which is designed or used for collecting water or conveying runoff.
- (28) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application..

- (29) **Stop Work Order.** An order issued by the Director of Public Works which requires that all construction activity on the site be stopped.
- (30) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (31) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.

Sec. 15-2-6 Technical Standards.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of storm water practices needed to meet the water quality standards of this Chapter:

- (a) **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this Chapter shall incorporate technical standards and design methods specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. Where not superseded by stricter requirements in *Village of Bristol Erosion Control and Stormwater Management Requirements*, the following standards are also incorporated by reference:
 - (1) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, November 1993 Revision.
 - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of NR 151, Wis. Adm. Code.
- (b) **Other Standards.** Other technical standards not identified or developed in Subsection (a) may be used provided that the methods have been approved by the Director of Public Works/Village Engineer.

Sec. 15-2-7 Performance Standards.

- (a) **Responsible Party.** The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with Section 15-2-9 that incorporates the requirements of this Section.
- (b) **Plan.** A written plan shall be developed in accordance with Section 15-2-9 and implemented for applicable land development activities.
- (c) **Erosion and Sediment Control Performance Standards.** All drainage facilities and practices required to comply with this Chapter shall meet performance standards specified

in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer.

- (d) **Location.** The BMP's used to comply with this Section shall be located prior to runoff entering waters of the state.
- (e) **Alternate Requirements.** The Director of Public Works/Village Engineer may establish alternative erosion and sediment control requirements to those set forth in *Village of Bristol Erosion Control and Stormwater Management Requirements*, if the Director of Public Works determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this Chapter and *Village of Bristol Erosion Control and Stormwater Management Requirements* shall be convened in accordance with Sections 15-2-12 and 15-2-13.

Sec. 15-2-8 Permitting Requirements, Procedures and Fees.

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity subject to this Chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works/Village Engineer.
- (b) **Permit Application and Fees.** The responsible party desiring to undertake a land disturbing construction activity subject to this Chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 15-2-9. The applicant shall pay an application fee consistent with the fee schedule maintained by the Village Clerk. By submitting an application, the applicant is authorizing the Village staff to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) **Review and Approval of Permit Application(s).** The Director of Public Works/Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) The Director of Public Works/Village Engineer may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within thirty (30) business days of the receipt of a complete permit application, including all items as required by Subsection (b), the Director of Public Works/Village Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.
 - (2) If the permit application and plan are approved, the Director of Public Works/Village Engineer shall issue the permit.
 - (3) If the permit application or plan is disapproved, the Director of Public Works/Village Engineer shall state in writing the reasons for disapproval.

- (d) **Financial Guarantee.** As a condition of approval and issuance of the permit, the Director of Public Works/Village Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (e) **Permit Requirements.** All permits shall require the responsible party to:
 - (1) Notify the Director of Public Works/Village Engineer within two (2) full business days before commencing and land disturbing construction activity.
 - (2) Notify the Director of Public Works/Village Engineer of completion of any BMP's within three (3) full business days after their installation.
 - (3) Obtain permission in writing from the Director of Public Works/Village Engineer prior to any modification pursuant to Section 15-2-9(c) of the erosion and sediment control plan.
 - (4) Install all BMP's as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMP's and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log. Remove accumulated sediment from downstream culverts, storm sewers, and other drainage facilities.
 - (7) Inspect the BMP's within twenty-four (24) hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction on the site.
 - (8) Allow the Village staff to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. The responsible party shall keep a copy of the erosion and sediment control plan at the construction site.
- (f) **Permit Conditions.** Permits issued under this Section may include conditions established by the Director of Public Works/Village Engineer in addition to the requirements set forth in Subsection (e), where needed to assure compliance with the performance standards in Section 15-2-7.
- (g) **Permit Duration.** Permits issued under this Section shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The permit duration may be extended one (1) or more times for up to an additional one hundred eighty (180) days. The Director of Public Works/Village Engineer may require additional BMP's as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMP's necessary to meet the requirements of this Chapter until the site has undergone final stabilization.

Sec. 15-2-9 Erosion and Sediment Control Plan and Amendments.

- (a) **Plan Requirements.** An Erosion and Sediment Control Plan shall be prepared and submitted to the Director of Public Works/Village Engineer. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer.
- (b) **Amendments.** The applicant shall amend the plan if any of the following occur:
 - (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by the construction site runoff.
 - (3) The Director of Public Works notifies the applicant of changes needed in the plan.

Sec. 15-2-10 Fee Schedule.

The fees referred to in other sections of this Chapter shall be established by the Bristol Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Bristol Village Board shall be available for review in the Village Clerk's office.

Sec. 15-2-11 Inspection.

- (a) The Director of Public Works/Village Engineer, Building Inspector, or designee may access the site for the purpose of inspecting installation and construction of "best management practices" at any time between initiation of construction activities and final inspection/release of the project guarantees.
- (b) If land disturbing construction activities are being carried out without a permit required by this Chapter, the Director of Public Works/Village Engineer may enter the land pursuant to the provisions of Section 66.0119(1), (2) and (3), Wis. Stats.

Sec. 15-2-12 Exceptions and Waivers.

- (a) **General.** Where the Director of Public Works/Village Engineer finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, they may approve exceptions and waivers to these regulations so that substantial

justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Director of Public Works/Village Engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to it that all of the following conditions are met by the petitioner:

- (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law; and
 - (5) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (b) **Conditions.** In approving exceptions or waivers, the Director of Public Works/Village Engineer may require such conditions as will in their judgment secure substantially the purposes described in this Chapter and accompanying written stormwater management and erosion control requirements.
- (c) **Procedures.** A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Director of Public Works/Village Engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 15-2-13 Enforcement.

- (a) The Director of Public Works/Village Engineer may post a stop-work order if any of the following occurs:
- (1) Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
- (b) If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works/Village Engineer may revoke the permit.
- (c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works/Village Engineer, or if a responsible party violates a stop-work order posted under Subsection (a), the Director of Public

Works/Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

- (d) The Village Board may retract the stop-work order issued under Subsection (a) or the permit revocation under Subsection (b).
- (e) After posting a stop-work order under Subsection (a), the Director of Public Works/Village Engineer may issue a notice of intent to the responsible party of intent to perform work necessary to comply with this Chapter. The Village staff or contractors may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this Subsection by the Village of Bristol, plus interest at the rate authorized by the Village Board, shall be billed to the responsible party or recovered from the surety bond or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the Village 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 Chapter 66, Wis. Stats.
- (f) Any person, firm, association, or corporation violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this Chapter 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.

Sec. 15-2-14 Appeals.

- (a) **Village Board.** The Village Board, created pursuant to the Village of Bristol Code of Ordinances under to Chapter 61, Wis. Stats.:
 - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works/Village Engineer in administering this Chapter, except for cease and desist orders under Sec. 15-2-13(c);
 - (2) Upon appeal, the Board may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Appeals to the Village Board may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Bristol affected by any decision of the Director of Public Works/Village Engineer.
- (c) **Court Action.** This Section does not apply to determinations made regarding this Chapter in either municipal court (if created) 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.

Sec. 15-2-15 Severability.

If any section, clause, provision or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall remain in force and not be affected by such judgment.

Sec. 15-2-16 Effective Date.

This Chapter shall be in force and effect from and after its adoption and posting. The above and foregoing Chapter was duly adopted by the Village Board of the Village of Bristol on the _____th day of _____, 2010.

Sec. 15-2-17 Limitations on Village Responsibility.

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

Title 15 ► Chapter 3

Fair Housing

15-3-1 Fair and Open Housing

Sec. 15-3-1 Fair and Open Housing.

- (a) The Village of Bristol, Kenosha County, Wisconsin, hereby adopts Sec. 101.22, Wis. Stats., and all subsequent amendments thereto.
- (b) The officials and employees of the Village of Bristol shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Bristol by implementing the authority and enforcement procedures set forth in Sec. 101.22, Wis. Stats.
- (c) The Village Clerk shall maintain forms for complaints to be filed under Sec. 101.22, Wis. Stats., and shall assist any person alleging a violation thereof in the Village of Bristol to file a complaint thereunder with the Wisconsin Department of Commerce for enforcement of Sec. 101.22, Wis. Stats.

State Law Reference: Sec. 101.22, Wis. Stats.

Title 15 ► Chapter 4

Minimum Housing Code

15-4-1	Title
15-4-2	Intent and Purpose
15-4-3	Rules and Definitions
15-4-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service
15-4-5	Safe and Sanitary Maintenance of Property
15-4-6	Quantity, Location and Use of Space in Residential Buildings
15-4-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-4-8	Inspection
15-4-9	Designation of Unfit Dwellings and Legal Procedure Therefor
15-4-10	Enforcement, Service of Notices, and Orders and Hearings

Sec. 15-4-1 Title.

This Chapter shall be known as the Village of Bristol Minimum Housing Code.

Sec. 15-4-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-4-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
- (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Adequate.** Shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
 - (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
 - (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
 - (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the Village of Bristol and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
 - (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
 - (6) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
 - (7) **Capacity in Persons.** The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
 - (8) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Village Board, Village Administrator, or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.
 - (9) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.

- (10) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (11) **Extermination.** The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- (12) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (13) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (14) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (15) **Habitable Space.** One (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (16) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (17) **Infestation.** The sustained presence of household pests, vermin, or rodents.
- (18) **Living Room.** A room used primarily for living, dining, or cooking purposes.
- (19) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (20) **Occupant.** One who occupies or has actual possession of usable space.
- (21) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (22) **Owner.** Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the

extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

- (23) **Person.** Any individual, firm, corporation, association, or partnership.
- (24) **Properly.** As deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (25) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (26) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
 - a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (27) **Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (28) **Sleeping Room.** A room used for sleeping purposes.
- (29) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (30) **Supplied.** Paid for, furnished, or provided by or under control of the owner or operator.

Sec. 15-4-4 Minimum Standards for Basic Equipment, Lighting, Ventilation, Hearing and Electrical Service.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate

water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

- (1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. COMM 82.40, Wis. Adm. Code.
- (2) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (3) **Refuse Storage.** Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with Village regulations.
- (4) **Egress.** Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Secs. COMM 21.04(2) or COMM 51.161 and COMM 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Plan Commission, provided the platforms or stairs are maintained in a sound structural condition.
- (5) **Plumbing.** Each residential unit shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Plan Commission for utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and

shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(6) **Windows and Ventilation.**

- a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Secs. COMM 21.05 or COMM 57.13, Wis. Adm. Code, as dictated by the occupancy of the building.
- b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

(7) **Heating.**

- a. All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.
- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. The furnace shall be capable of maintaining a minimum temperature of sixty-seven (67) degrees Fahrenheit in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be capable of being maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(8) **Lighting.**

- a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
- b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways.

The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

- (9) **Cooking Areas Restricted.** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.
- (10) **Emergency Work Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Sec. 15-4-5 Safe and Sanitary Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and the Village of Bristol and provide a suitable environment for increasing physical and monetary values.
- (b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special charge against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary

and substantial condition. Approved walks shall provide convenient all-weather access to buildings.

- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within ten (10) days, or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with Village ordinances. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and Village. The Village of Bristol, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
- (7) **General Requirements.**
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
 - b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

- c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (8) **Stairs.** Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Secs. COMM 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.
- (9) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (10) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (11) **Supplied Facilities.**
 - a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (12) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (13) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (14) **Removal of Debris.**
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village of Bristol, except at approved disposal sites.

- b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
- c. Vacant non-agricultural lands within the Village of Bristol shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing.
- d. All lands in the Village of Bristol shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

Sec. 15-4-6 Quantity, Location, and Use of Space in Residential Buildings.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
 - (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling shall comply with required zoning district dimensional requirements.
 - (2) **Excluded Spaces.** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - (3) **Hallways.** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - (4) **Cellar Space.** No cellar space shall be used as a sleeping room.
 - (5) **Basement Use as a Sleeping Area.** No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

Sec. 15-4-7 Fixing the Responsibility of Owners, Operators and Occupants.

- (a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.
- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
 - (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his/her refuse, recyclables, and garbage as required by this Code of Ordinances.
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
 - (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
 - (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.

Sec. 15-4-8 Inspection.

- (a) The Building Inspector is authorized and empowered to inspect all residential buildings within the Village of Bristol for the purpose of determining whether or not said residential

buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.

- (b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-4-9 Designation of Unfit Dwellings and Legal Procedure Therefor.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- (b) Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (d) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.

- (e) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector may refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.
- (f) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.
 - (1) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - (2) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

Sec. 15-4-10 Enforcement, Service on Notices and Orders and Hearings.

- (a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
 - a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by registered mail to his/her last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he/she is served with such notice by any other method authorized or required under the laws of this state.

- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action

be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.

- (g) Determinations of the Building Inspector under this Section may be appealed to the Village Board.

Title 15 ► Chapter 5

Commercial Property Exterior Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Safe, Sanitary and Attractive Maintenance of Property
15-5-5	Fixing Responsibility of Owners, Operators and Occupants
15-5-6	Enforcement, Service of Notices and Orders and Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Bristol Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village of Bristol and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.

- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The definitions found in Section 15-4-3 shall be applicable in this Chapter.

Sec. 15-5-4 Safe, Sanitary, and Attractive Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village of Bristol and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in

a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

- (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **Removal of Debris.**
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village of Bristol, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Sec. 15-5-5 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him/her.

Sec. 15-5-6 Enforcement, Service of Notices and Orders and Hearings.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Section 15-4-10.

Title 15 ► Chapter 6

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The Village of Bristol, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed policies by which access to Village programs, facilities, services and employment is guaranteed to all citizens. Any policies formally adopted by the Village Board are available from the Village Clerk. The Village Administrator has been appointed ADA Coordinator and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. The ADA Compliance Committee should consist of five (5) members, and shall, if possible, have representatives from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (3) In the alternative to the committee structure in Subsection (a)(2) above, the Village Board may designate the Plan Commission to serve as the ADA Compliance Committee.
- (4) Applicable Village of Bristol printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The Village Clerk shall maintain the files and records of the Village of Bristol relating to the complaints filed.

(c) **Appeals.**

- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Title 15 ► Chapter 7

Mobile Homes

15-7-1	Definitions
15-7-2	Licensing Requirements for Mobile Home Parks
15-7-3	Regulation of Tourist Camps

Sec. 15-7-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Licensee.** Any person licensed to operate and maintain a mobile home park under this Chapter.
- (b) **Park.** Mobile home park.
- (c) **Person.** Any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assign.
- (d) **Mobile Home.** That which is, or was as originally constructed, designed to be self-propelled or transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.
- (e) **Dependent Mobile Home.** A mobile home which does not have complete bathroom facilities.
- (f) **Non-Dependent Mobile Home.** A mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.
- (g) **Unit.** A mobile home unit.
- (h) **Mobile Home Park.** Any plot or plots of ground upon which two (2) or more units for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- (i) **Space.** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home unit.

Sec. 15-7-2 Licensing Requirements for Mobile Home Parks.

- (a) **License Required.**
 - (1) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Village unless such person shall first obtain a license therefor.

- (2) All licenses issued under this Chapter shall be effective from the date of issue to the first day of November unless sooner revoked as in this Chapter provided.
- (b) **Converted Vehicles.** No converted vehicles such as, but not limited, vans, semi-trailers, school buses, train cars, or trolley cars, are to be considered mobile home units within the scope of this Chapter. The parking of such vehicles within the Village of Bristol is strictly prohibited.
- (c) **Shoreland Zoning.** In addition to complying with the terms of this Chapter, the owners or applicants of a mobile home park shall comply with the conditions of the Kenosha County General and Shoreland Zoning Ordinance and, upon adoption, the Village Zoning Code, as amended, whenever applicable. If a zoning permit is required under said ordinance, said permit must be obtained prior to the issuance of any license by the Village Board.
- (d) **License Fee.** The fee for each license or renewal of license shall be as provided in Section 1-3-1. The license fee shall not be subject to chronological proration. In the event an application is received accompanied by the fee and a license shall not be granted, then said fee shall be returned to the applicant.
- (e) **Individual Unit Parking Fees.** In addition to the annual licensing fee as hereinbefore set forth, there is hereby imposed on each owner of non-exempt, occupied mobile homes in the Village of Bristol, a monthly parking permit fee determined in accordance with the Wisconsin Statutes, as the same may be amended from time to time, which is hereby adopted by reference and made a part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the property amount from each mobile home owner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Village of Bristol Clerk such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the Village Clerk may reasonably promulgate.
- (f) **Cooperation of Licensees.** Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Village Clerk and Village Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Village Clerk in accordance with the Wisconsin Statutes.
- (g) **Application for License.**
- (1) Applications for licenses shall be filed with the Village Clerk, together with the applicable fee. The application and all accompanying plans and specifications shall be filed in triplicate. The Village Board shall investigate the applicant and inspect the application and the proposed plans and specifications and may, if desired, refer the plans and specifications to the Plan Commission for its recommendations. If the applicant is of good moral character and the proposed mobile home park will, when constructed or altered in accordance with said plans and specifications and recommendations, if any, of the Village Board or Plan Commission, be in compliance

with provisions of this Chapter and all other applicable ordinances and statutes, the Village Board may approve the application and upon completion of the park according to the plans, specifications and recommendations of the Board or Plan Commission, may issue the license. The Village Board may, in addition, prior to the issuance of any license or approval of any application for license, conduct a public hearing on the question of issuing any new license for any new mobile home park.

- (2) The application shall be in writing, signed by the applicant, and shall include the following information:
 - a. The name and address of the applicant.
 - b. The location and legal description of the mobile home park.
 - c. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
 - d. The complete plan of the park, giving the address, exterior dimensions, maximum number of mobile homes to be accommodated therein, the actual or proposed sanitary and sewer disposal facilities, the water system and fire prevention system to be maintained, the method and plan for garbage and rubbish removal.
 - e. Such further information as may be requested by the Village Board to enable it to determine if the proposed park will comply with legal requirements.
- (h) **Application for Renewal of License.** Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the Village Board shall issue a certificate renewing such license for another year.
- (i) **Application for Transfer of License from One Person to Another Person.** Upon application in writing for transfer of a license and payment of the transfer fee, the Village Board shall issue a transfer, if the transferee is of good moral character. Licenses shall not be transferred from one location to another.
- (j) **Limitation on Number of Licenses Issued.**
 - (1) No more than one (1) license for a mobile home park shall be granted for a location in any common school district or joint school district located partially in the Village of Bristol. In the event of consolidation, unification or other combining of school districts, the Village Board shall continue to limit the number of mobile home parks in existence and in so doing, the Village Board shall take into consideration the following:
 - a. Any comprehensive planning to lessen congestion in the streets;
 - b. To secure safety from fire, panic and other damages;
 - c. To promote health and the general welfare;
 - d. To provide adequate light and air;
 - e. To prevent the overcrowding of land;
 - f. To avoid the undue concentration of population;
 - g. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
 - h. The character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village;

- (2) No license shall be issued for any mobile home park for more than fifty (50) spaces and the number of mobile home units that may be parked in any one (1) mobile home park shall at no time exceed the number of mobile home units designated in such license.
 - (3) No license shall be issued for any mobile home park unless each boundary of the mobile home park is at least two hundred (200) feet from any permanent residential building located outside the mobile home park unless the same is separated therefrom by natural or artificial barrier or with the consent of a majority of the property owners according to an area within seven hundred fifty (750) feet of the boundaries of the proposed mobile home park site, which consent must be in writing.
- (k) **Mobile Home Park Plan.** The mobile home park shall conform to the following requirements:
- (1) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (2) Mobile home spaces shall be provided consisting of a minimum of five thousand (5,000) square feet for each space, which shall be at least forty (40) feet wide and clearly defined [suggested space size forty (40) feet by one hundred twenty-five (125) feet], provided, however, that mobile home parks in existence on the effective date of this Chapter which provide mobile home spaces for a width or areas less than that hereinabove prescribed may continue to operate with spaces of the existing width and area, but in no event shall any existing mobile home space be less than twenty-five (25) feet wide and have an area of less than one thousand (1,000) square feet. Mobile home parks in existence at the time of the adoption of this Chapter with minimum spaces [not less than twenty-five (25) feet wide and one thousand (1,000) square feet] shall be allowed to replace mobile homes on such mobile home spaces.
 - (3) Mobile homes shall be so harbored on each space that there shall be at least a twenty (20) foot clearance between mobile homes, provided, however, that with respect to mobile homes, parked end to end, the end to end clearance may be less than twenty (20) feet but shall not be less than fifteen (15) feet. No mobile home shall be located closer than fifteen (15) feet from any building within the park or from any property line bounding the park.
 - (4) All mobile home spaces shall abut upon a driveway of not less than thirty (30) feet in width, which shall have unobstructed access to a public street or highway, said driveway to be hard surfaced or in the alternative, the maintenance of a proper dust control program. Provision of off-street parking must be provided in the plan so as to permit easy access for service and emergency vehicles.
 - (5) Walkways and parking areas for each mobile home space to be provided for proper access, and in addition a hard surfaced service area in conjunction with each mobile home space no less than ten (10) feet by forty (40) feet, or such size as may be set forth and approved in the plans and specifications filed with the application for license.

- (6) All driveways and walkways within the mobile home park shall be lighted at night with electric lamps of not less than one hundred (100) watts, each spaced at intervals of not more than seventy-five (75) feet, or such size and distance as may be set forth and approved in the plans and specifications filed with the application for license.
- (7) Each mobile home park shall provide service buildings to house such toilet, bathing and other sanitation facilities and such laundry facilities as are hereinafter more particularly prescribed.
- (8) Provision for supplying sixty (60) one hundred (100) amp service for each mobile home space, installation, wire size, voltage, etc., to be in compliance with all applicable state and local electrical codes. The electrical layout submitted with the plans and specifications to be approved by a licensed engineer or power company.
- (9) The Village Board may from time to time adopt a model plan or plans covering proposed layout, design, facilities, etc., which will be made available to applicants upon request.
- (10) No person shall at any time use his/her mobile home for the purpose of advertising or commercial business or manufacture of any kind whatsoever.
- (l) **Water Supply.** An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.
- (m) **Sanitary Facilities.** Each mobile home park accommodating dependent mobile homes shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the rules and regulations of the State Board of Health applicable to mobile home parks and tourist camps, said facilities to be set forth and shown in detail in the plan to be submitted with the application for license.
- (n) **Laundry Facilities.**
 - (1) Laundry facilities shall be provided in either of the following ratios:
 - a. Not less than one (1) double laundry tray and one (1) conventional wringer-type washing machine for the first seven (7) mobile home spaces or any less number thereof, and for mobile home spaces in excess of seven (7), not less than one (1) additional double laundry tray and one (1) additional conventional wringer type washing machine for every ten (10) additional mobile home spaces or fractional number thereof.
 - b. Not less than one (1) single laundry tray and one (1) automatic or semi-automatic type washing machine for the first ten (10) mobile home spaces or any less number thereof, and for mobile home spaces in excess of ten (10), not less than one (1) additional single laundry tray and one (1) additional automatic or semi-automatic type washing machine for every ten (10) additional mobile home spaces or fractional number thereof.

- (2) An ample number of electrical outlets shall be provided supplying current sufficient to operate each washing machine. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants, if automatic drying equipment is not supplied.
 - (3) The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall.
- (o) **Service Buildings.**
 - (1) Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. The operator shall also provide a storm-resistive structure for the safety of park residents.
 - (2) The service buildings shall be well lighted at all times of the day and night, be well ventilated with screened openings, be constructed of such moisture-proof material, including painted woodwork as shall permit repeated cleaning and washing, and be maintained at a temperature of at least sixty-eight degrees Fahrenheit (68°F) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.
 - (3) The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall.
- (p) **Sewage and Refuse Disposal.**
 - (1) Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the mobile home park shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.
 - (2) Each mobile home space shall be provided with a trapped sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.
 - (3) A detailed installation plan of sewage and refuse disposal shall be submitted with each application for license, which plan shall be approved by a registered sanitary engineer or plumber and the State Board of Health.
- (q) **Garbage Receptacles.** Metal garbage cans with tight-fitting covers shall be provided in quantities to permit disposal of all garbage and rubbish, said cans to be emptied no less than weekly and to be located not farther than three hundred (300) feet from any mobile home space.

- (r) **Fire Protection.** Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.
- (s) **Animals and Pets.** No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.
- (t) **Register of Occupants.**
 - (1) It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home.
 - c. The make, model, year and license number of each mobile home and motor vehicle.
 - d. The state, territory or country issuing such licenses, if any.
 - e. The date of arrival and of departure of each mobile home.
 - f. Place of last location.
 - g. Whether or not each mobile home is a dependent or independent mobile home.
 - (2) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- (u) **Supervision.**
 - (1) The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject.
 - (2) The licensee, attendant or person in charge shall:
 - a. Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
 - b. Prohibit the lighting of open fires within the confines of the mobile home park.
 - c. Maintain in convenient places approved by the Fire Chief, hand fire extinguishers in the type and number required by the Fire Chief.
- (v) **Revocation of License.**
 - (1) The Village Board may at any time revoke any license issued under the provisions of this Chapter, after due hearing as hereinafter provided, for any or all of the following reasons:

- a. A false statement made in the application.
 - b. Failure of the licensee to maintain such mobile home park and operate the same as set forth in the application and the provisions of this Chapter.
 - c. Violation of any of the conditions of this Chapter by the licensee, his/her agents, servants, employees, customers or invitees.
- (2) Notice of hearing to revoke a license shall be given to the licensee ten (10) days before the date of hearing by delivering a copy of such notice to the licensee personally or by mailing a copy of such notice to the licensee at his/her address stated in his/her application for license. Upon revocation of a license, no refund of license fee shall be made and the Village Board may refuse to grant another license to such licensee for such length of time as it deems advisable.
- (w) **Posting of License and Temporary Permit.** The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.
- (x) **State Laws, Rules of State Board of Health, Building Code, etc., Adopted.** All provisions of the Wisconsin Statutes, state and federal rules and regulations of the State Board of Health, the building codes, plumbing codes, and electrical codes of the State of Wisconsin, U.S. Department of Housing and Urban Development, and the Village of Bristol are hereby adopted and made part of this Chapter and by reference made a part of this Chapter with the same force and effect as though set forth herein verbatim. The provisions of the Chapter, rule or regulation which is most restrictive shall be deemed to apply with respect to the establishment, operation or plan of any mobile home park.
- (y) **Penalties.** Any person violating any provisions of this Chapter shall, upon conviction thereof, shall be subject to the penalties in Section 1-1-6.

Sec. 15-7-3 Regulation of Tourist Camps.

- (a) **Definition of Tourist Camps.** A "tourist camp" is defined to be a tract or parcel of land, privately or municipally owned, designed, maintained, intended or used for the purpose of supplying a location or accommodation for a resting place or used for a camping site or used for sleeping in the open air or in a camping trailer or in a tent or any other similar temporary shelter, whether or not a charge is made for the use of such camp and its facilities.
- (b) **Prohibition.** It shall be unlawful for any person, firm or corporation to maintain or operate any tourist camp as hereinbefore defined, or to keep or conduct a tourist camp as hereinbefore defined within the corporate limits of the Village of Bristol, Kenosha County, Wisconsin, without first having obtained a license therefor as is hereinafter provided.
- (c) **Application for License.** An application for each such license shall be filed in writing with the Village Clerk, which application shall disclose:

- (1) The name and address of applicant.
 - (2) The citizenship and age of applicant if a natural person; the citizenship and age of each partner or member of applicant if a partnership or firm; or the citizenship and age of each officer and director of applicant if a corporation.
 - (3) The state of incorporation of a corporate applicant, and if such state be other than Wisconsin, a statement that applicant is duly authorized to do business in Wisconsin.
 - (4) The name under which such camp will be maintained and operated; a description of its location and a sketch showing area and improvements, and an explanation of the method of operation that will be used if a license is issued.
- (d) **License Fees.** All licenses issued under this Chapter will be issued by the Village Clerk, upon approval of the Village Board, and such license shall be effective from the date of issue for one (1) year, unless sooner revoked, as is in this Chapter provided. The fee for such license shall be as prescribed in Section 1-3-1, and such fee shall accompany each application.
- (e) **License Requirements.**
- (1) Licenses shall be issued solely in the discretion of the Village Board. No license shall be issued, however, unless the Village Board is fully satisfied that the applicant, in the operation of said camp, will at all times meet, in such operation, the following conditions:
 - a. That no immoral or disorderly conduct will be allowed on said premises.
 - b. Adequate toilet facilities, separate for each sex, and adequate drinking water shall be maintained on said premises in a sanitary manner at all times and with adequate and proper waste disposal facilities.
 - c. No alcoholic beverages shall be sold, brought upon or consumed upon the premises.
 - d. That said camp shall at all times comply with such portion of H77, Wis. Adm. Code, issued by the State Board of Health, insofar as such Chapter relates to the operation of tourist camps.
 - e. That said camp will at all times be used and operated solely for the purpose of accommodating the tourist or vacationing public and will at no time be used as a permanent or semi-permanent place of habitation.
 - f. That the period of occupancy of any patron of said camp will be limited to one (1) week in any one (1) month of any one (1) license year.
 - g. That said camp will at all times comply with any and all federal, state or local rules and regulations pertaining to the operation of tourist camps or any further regulations hereinafter imposed by the Village Board or the Board of Health of the Village of Bristol, Kenosha County, Wisconsin (if created).
 - (2) Every such tourist camp, including all premises in connection therewith, shall at all times be operated so as to meet all the requirements and conditions set forth as a condition for the issuance of said license under Subsection (d) hereof, and for such

purpose H77, Wis. Adm. Code, aforementioned, is adopted and by reference made a part of this Chapter.

- (3) No license shall be issued unless the applicant, if a natural person, or if a firm, then all partners or members thereof, or if a corporation, then all officers and directors there, is an adult citizen of the United States and of good moral character, and if the applicant is a corporation, unless it is authorized to do business in Wisconsin, and unless the applicant agrees to maintain and operate such tourist camp under conditions specified in this Chapter, which agreement shall be deemed made by the applicant by acceptance of such license. The Village Board shall not issue such license unless it approves the location and improvements and proposed method of operation of such tourist camp as set forth in the application.
- (4) The premises which are under license shall at all reasonable times be subject to inspection by the Village Board or any member thereof, and the Health Officer (Village or County).

(f) **Revocation.**

- (1) The Village Board may at any time revoke any license issued under the provisions of this Chapter, after due hearing as hereinafter provided, for any or all of the following reasons:
 - a. A false statement made in the application.
 - b. Failure of the licensee to maintain such tourist camp and operate the same as set forth in the application and the provisions of this Chapter.
- (2) Notice of hearing to revoke a license shall be given to the licensee ten (10) days before the date of hearing by delivering a copy of such notice to the licensee personally or by mailing a copy of such notice to the licensee at his/her address stated in his/her application for license. Upon revocation of a license, no refund of license fee shall be made and the Village Board may refuse to grant another license to such licensee for such length of time as it deems advisable.

- (g) **Penalties.** Any person who shall violate any of the provisions of this Chapter shall be subject to the penalties in Section 1-1-6.

Title 15 ► Chapter 8

Illicit Discharges and Connections

15-8-1	Definitions
15-8-2	Discharges Prohibited
15-8-3	Connections Prohibited
15-8-4	Exemptions
15-8-5	Enforcement

Sec. 15-8-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Illicit Connection.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the original adoption of this Chapter.
- (b) **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (c) **Storm Drain System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Sec. 15-8-2 Discharges Prohibited.

No person shall discharge, spill or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system. Unless otherwise approved by the Director of Public Works/Village Engineer, no person shall discharge roof drains, yard drains, or sump pumps onto streets, sidewalks, or other areas within Village of Bristol rights-of-way that drain into the storm drainage system. Roof drains, yard drains, and sump pumps shall discharge onto pervious areas at grade on private property.

Sec. 15-8-3 Connections Prohibited.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this Chapter, regardless of whether the connections were permissible under law or practice applicable or prevailing at the time of connection. Unless otherwise approved by the Director of Public Works/Village Engineer, roof drain and sump pump discharge connections to the Storm Drainage System shall be prohibited.

Sec. 15-8-4 Exemptions.

The following activities are exempt from the provisions of this Chapter unless found to have an adverse impact on the storm sewer:

- (a) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
- (b) Discharges resulting from fire-fighting activities.
- (c) Discharges from uncontaminated ground water, potable water source, roof drains, foundation drains and sump pumps, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools (if the water has been dechlorinated).

Sec. 15-8-5 Enforcement.

- (a) Whenever the Village of Bristol finds a person has violated a prohibition or failed to meet a requirement of this Chapter, the Village of Bristol may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - (1) The elimination of illicit connections and discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property.
- (b) In the event the person fails to eliminate the illicit connections or discharges, fails to cease and desist in discharge, practices or operations in violation of this Chapter or fails to abate or remediate the stormwater pollution or contamination hazards, that person may be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

Title 15 ► Chapter 9

Post-Construction Stormwater Management

15-9-1	Authority
15-9-2	Findings of Fact
15-9-3	Purpose and Intent
15-9-4	Applicability and Jurisdiction
15-9-5	Definitions
15-9-6	Technical Standards
15-9-7	Performance Standards
15-9-8	Permitting Requirements, Procedures and Fees
15-9-9	Stormwater Management Plan
15-9-10	Maintenance Agreement
15-9-11	Financial Guarantee
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15-9-13	Exceptions and Waivers
15-9-14	Inspection and Enforcement
15-9-15	Appeals
15-9-16	Severability
15-9-17	Effective Date
15-9-18	Limitations on Village Responsibility

Sec. 15-9-1 Authority.

- (a) **Statutory Authority.** This Chapter was originally adopted under the authority granted by Section 60.62, Wis. Stats. This Chapter supersedes all provisions of ordinance(s) previously enacted under Section 60.62, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in Section 60.627, Wis. Stats., Sec. 62.2345, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (b) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) **Administration.** The Village of Bristol hereby designates the Director of Public Works/Village Engineer to administer and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works/Village Engineer may

be delegated in writing by the Director of Public Works/Village Engineer to persons or entities acting in the beneficial interest of or in the employ of the agency.

- (d) **Applicability of Requirements.** The requirements of this Chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

Sec. 15-9-2 Findings of Fact.

The Village of Bristol finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 15-9-3 Purpose and Intent.

- (a) **Purpose.** The general purpose of this Chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
- (1) Further the maintenance of safe and healthful conditions.

- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (b) **Intent.** It is the intent of the Village of Bristol that this Chapter regulates post-construction stormwater discharges to waters of the state. This Chapter may be applied on a site-by-site basis. The Village of Bristol recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village of Bristol, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 15-9-4 Applicability and Jurisdiction.

(a) **Applicability.**

- (1) Where not otherwise limited by law, this Chapter applies to land development activity that results in one (1) or more acres of land disturbing construction activity.
- (2) Any development within the Village-Supervised Drainage Area.
- (3) A site that meets any of the criteria in this Subsection is exempt from the requirements of this Chapter:
 - a. A redevelopment site with no net increase in exposed parking lots, roads, rooftops, or other impervious areas.
 - b. A site with less than ten percent (10%) connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one (1) acre.
 - c. Nonpoint discharges from agricultural facilities and practices.
 - d. Nonpoint discharges from silviculture activities.
 - e. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

- f. Underground utility construction such as but not limited to water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures or lift stations associated with utility construction.
- (4) Notwithstanding the applicability requirements in Subsection (a)(1), this Chapter applies to land development activity of any size that, in the opinion of the Director of Public Works/Village Engineer or Building Inspector, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (b) **Jurisdiction.** This Chapter applies to land development activities within the boundaries and jurisdiction of the Village of Bristol.
- (c) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

Sec. 15-9-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
 - (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 61.354, Wis. Stats., that is designated by the Village Board to administer this Chapter.
 - (2) **Agricultural Activity Area.** The part of the farm where there is planning, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
 - (3) **Agricultural Facilities and Practices.** Has the meaning given in Sec. 281.16, Wis. Stats.
 - (4) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
 - (5) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical.
 - (6) **Best Management Practice ("BMP").** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

- (7) **Business Day.** A day the Office of Director of Public Works is routinely and customarily open for business.
- (8) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (9) **Combined Sewer System.** A system for conveying both sanitary and stormwater runoff.
- (10) **Common Plan of Development or Sale.** A development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.
- (11) **Connected Imperviousness.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (12) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (13) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (14) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (15) **Director of Public Works.** The Village of Bristol Director of Public Works or designee.
- (16) **Division of Land.** Either a major subdivision or minor subdivision, as defined by the Village of Bristol Subdivision Code.
- (17) **Effective Infiltration Area.** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (18) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (19) **Exceptional Resource Waters.** Waters listed in NR 102.11, Wis. Adm. Code.
- (20) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (21) **Final Stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (22) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works by the responsible party to assure that requirements of the Chapter are carried out in compliance with the stormwater management plan.

- (23) **Governing Body.** The Village Board of the Village of Bristol.
- (24) **Highway.** Has the meaning given in Section 340.01(22), Wis. Stats.
- (25) **Highway Reconditioning.** Has the meaning given in Section 84.013(1)(b), Wis. Stats.
- (26) **Highway Reconstruction** Has the meaning given in Section 84.013(1)(c), Wis. Stats.
- (27) **Highway Resurfacing.** Has the meaning given in Section 84.013(1)(d), Wis. Stats.
- (28) **Impervious Surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.
- (29) **In-Fill Area.** A new development area less than five (5) acres in size that is located within existing urban service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur.
- (30) **Infiltration.** The entry of precipitation or runoff into or through the soil.
- (31) **Infiltration System.** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (32) **Karst Feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (33) **Land Development Activity.** Any construction-related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (34) **Land Disturbing Construction Activity (Disturbance).** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (35) **Maintenance Agreement.** A legal document that provides for long-term maintenance of stormwater management and best management practices.
- (36) **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Chapter 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. MEP allows flexibility in the

way to meet the performance standards and may vary based on the performance standard and site conditions.

- (37) **Minor Reconstruction of a Highway.** Reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed one hundred (100) feet in width of roadbed widening.
- (38) **New Development.** Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (39) **Off-Site.** Located outside the property boundary described in the permit application.
- (40) **On-Site.** Located within the property boundary described in the permit application.
- (41) **Ordinary High-Water Mark.** Has the meaning given in NR 115.03(6), Wis. Adm. Code.
- (42) **Outstanding Resource Waters.** Waters listed in NR 102.10, Wis. Adm. Code.
- (43) **Percent Fines.** The percentage of a given sample of soil, which passes through a #200 sieve.
- (44) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (45) **Permit.** Written authorization made by the Director of Public Works/Village Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (46) **Permit Administration Fee.** A sum of money paid to the Village of Bristol by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (47) **Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (48) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (49) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (50) **Post-Construction Site.** A construction site following the completion of land disturbing construction activity and final site stabilization.
- (51) **Post-Development.** The extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.
- (52) **Pre-Development.** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (53) **Preventive Action Limit.** Has the meaning given in NR 140.05(17), Wis. Adm. Code.
- (54) **Redevelopment.** Areas where development is replacing older development.
- (55) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMP's.
- (56) **Routine Maintenance.** That portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line

and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half (1/2) of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half (1/2) of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed.

- (57) **Runoff.** Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (58) **Separate Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - a. Is designed or used for collecting water or conveying runoff.
 - b. Is not part of a combined sewer system.
 - c. Is not draining to a storm water treatment device or system.
 - d. Discharges directly or indirectly to waters of the state.
- (59) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (60) **Stop Work Order.** An order issued by the Director of Public Works/Village Engineer which requires that all construction activity on the site be stopped.
- (61) **Storm Water Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.
- (62) **Storm Water Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (63) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (64) **Top of the Channel.** An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (65) **TR-55.** The "United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55", June, 1986.
- (66) **Transportation Facility.** A public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Section 85.095(1)(b), Wis. Stats.

- (67) **Type II Distribution.** A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149", published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (68) **Village Supervised Drainage Area.** The area of the Village of (formerly Town) of Bristol within the drainage basin's tributary to the Village of Pleasant Prairie, as defined on Attachment G of the 1997 Settlement and Cooperative Agreement between the then Town of Bristol and the Village of Pleasant Prairie, dated November 10, 1997.
- (69) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.

Sec. 15-9-6 Technical Standards and Design Methods.

- (a) **Design Criteria.** All drainage facilities and practices required to comply with this Chapter shall incorporate technical standards and design methods specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. Where not superseded by stricter requirements in *Village of Bristol Erosion Control and Stormwater Management Requirements*, the following standards are also incorporated by reference:
 - (1) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, November 1983 Revision or subsequent revision.
 - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of NR 151, Wis. Adm. Code.
- (b) **Other Standards.** Other technical standards not identified or developed in Subsection (a) may be used provided that the methods have been approved by the Director of Public Works/Village Engineer.

Sec. 15-9-7 Performance Standards.

- (a) **Responsible Party.** The entity holding fee title to the property shall be responsible for either developing and implementing a stormwater management plan, or causing such plan to be developed and implemented through a contract or other agreement. This plan shall be developed in accordance with the Stormwater Management Ordinance of the Village of Bristol Code of Ordinances, which incorporates the requirements of this Section.
- (b) **Plan.** A written stormwater management plan in accordance with the Stormwater Management Ordinance and shall be implemented for applicable land development activities.
- (c) **Stormwater Management Performance Standards.** All drainage facilities and practices required to comply with this Chapter shall meet performance standards specified in the

document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer.

(d) **Location and Regional Treatment Option.**

- (1) Stormwater management facilities required to meet this Chapter may be located on-site or off-site as part of a regional stormwater device, practice or system.
- (2) The Director of Public Works/Village Engineer may approve off-site management measures provided that all of the following conditions are met:
 - a. The Director of Public Works/Village Engineer determines that the post-construction runoff is conveyed by a stormwater management system plan that is approved by the Village of Bristol and that contains management requirements consistent with the purpose and intent of this Chapter.
 - b. The off-site facility meets all of the following conditions:
 1. The facility will be in place before the need for the facility arises as a result of on-site construction activities.
 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this Chapter.
 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 4. Where a regional treatment option exists such that the Director of Public Works/Village Engineer may exempt the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined by the Director of Public Works/Village Engineer. In determining the fee for post-construction runoff, the Director of Public Works/Village Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
 - c. The applicant provides calculations and verification that associated runoff from the land disturbing activity will be safely conveyed to the facility through pipes, ditches, and underground collection systems without exceeding the capacity of the delivery systems. The Director of Public Works/Village Engineer may require additional fees from the applicant as necessary for improvements to the delivery system to accommodate flows to the facility from the land development activity.

- (e) **Alternate Requirements.** The Director of Public Works/Village Engineer may establish alternative stormwater management requirements to those set forth in *Village of Bristol Erosion Control and Stormwater Management Requirements*, if the Director of Public Works/Village Engineer determines that an added level of protection is needed to address downstream stormwater management issues; or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to stormwater management requirements set forth in this Chapter and *Village of Bristol Erosion Control and Stormwater Management Requirements* shall be considered in accordance with Section 15-9-13.

Sec. 15-9-8 Permitting Requirements, Procedures and Fees.

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a Stormwater Management Permit from the Director of Public Works/Village Engineer prior to commencing the proposed activity.
- (b) **Permit Application and Fees.** Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Director of Public Works a permit application made on a form provided by the Village of Bristol for that purpose:
 - (1) Unless otherwise excepted by this Chapter, a permit application must be accompanied by a stormwater management plan, a maintenance agreement (where required), and where not otherwise covered by a developer's agreement, a non-refundable permit administration fee. The permit administration fee, where applicable, shall be consistent with the fee schedule maintained by the Village of Bristol.
 - (2) The stormwater management fee shall be prepared to meet the requirements of Sections 15-9-7 and 15-9-9, the maintenance agreement shall be prepared to meet the requirements of Section 15-9-10, the financial guarantee shall meet the requirements of Section 15-9-11, and fees shall be those established by the Village of Bristol as set forth in the fee schedule on file with the Village Clerk.
 - (3) For any land development activity within the Village-Supervised Drainage Area, a copy of the stormwater management plans and specifications shall be submitted to the Community Development Director for the Village of Pleasant Prairie at or before the same time it is submitted to the Village of Bristol. If the Village of Pleasant Prairie has not acted within thirty (30) days of receipt of such plans and specifications, the plans and specifications shall be deemed approved by the Village of Pleasant Prairie.
- (c) **Review and Approval of Permit Application(s).** The Building Inspector/Director of Public Works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) The Village Staff may request additional information if required for a complete application within fifteen (15) business days of receipt of the application.
 - (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Village Staff shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the Village Staff shall detail in writing the reasons for disapproval.
- (d) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to have accepted these conditions. The Building Inspector/Director of Public Works may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action to suspend or revoke this permit may be appealed in accordance with Section 15-9-14:

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (3) The responsible party shall notify the Director of Public Works/Village Engineer at least two (2) business days before commencing any work in conjunction with the stormwater management plan, and within three (3) business days upon completion of the stormwater management practices.
- (4) Practice installations required as part of this Chapter shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Director of Public Works/Village Engineer or designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Public Works Director/Village Engineer or designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the Village of any significant modifications it intends to make to an approved stormwater management plan. The Director of Public Works/Village Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village of Bristol, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subchapter VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-9-11.
- (8) If so directed by the Village, the responsible party shall repair at the responsible party's own expense all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the Public Works Director/Village Engineer or designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public

Works/Village Engineer may require the responsible party to make appropriate legal arrangements with affected property owners.

- (11) The responsible party is subject to the enforcement actions and penalties detailed in Section 15-9-13, if the responsible party fails to comply with the terms of this permit.
- (e) **Permit Conditions.** Permits issued under this Subsection may include conditions established by the Village of Bristol in addition to the requirements needed to meet the performance standards in Section 15-9-7 or a financial guarantee as provided for in Section 15-9-11.
- (f) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Village notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection (d)(4). The permit shall be invalid if work is not commenced within one (1) year of permit issuance.

Sec. 15-9-9 Stormwater Management Plan.

- (a) **Plan Requirements.** A stormwater management plan shall be prepared and submitted to the Village of Bristol. The stormwater management plan shall include, at a minimum, information required in the *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. The Director of Public Works may waive certain submittal requirements if determined by the Director of Public Works/Village Engineer to be unnecessary to demonstrate compliance with ordinance standards.
- (b) **Alternate Requirements.** The Director of Public Works/Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-9-7(e).

Sec. 15-9-10 Maintenance Agreement.

- (a) **Maintenance Agreement Required.** The maintenance agreement required under Section 15-9-8(b) for stormwater management practices shall be an agreement between the Village of Bristol and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction to that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-9-9(a)(6):

- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under Section 15-9-8(b).
- (3) Identification of the property or easement owner, organization or County, or Village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Section 15-9-8(b).
- (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Subsection (b)(2).
- (5) Authorization for Village staff or contractors to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (6) A requirement on the Village of Bristol to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (7) Agreement that the party designated under Subsection (b)(3), as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Village of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Village of Bristol.
- (8) Authorization for the Village to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Village of Bristol shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.

Sec. 15-9-11 Financial Guarantee.

- (a) **Establishment of the Guarantee.** The Director of Public Works/Village Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Attorney. The financial guarantee shall be in an amount determined by the Director of Public Works/Village Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village of Bristol the authorization to use the funds to complete the stormwater management practices if the responsible party

defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this Chapter have not been met.

- (b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
- (1) The Director of Public Works/Village Engineer shall release the portion of the financial guarantee established under this Section, less any costs incurred by the Village of Bristol to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The Director of Public Works shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, less any costs incurred by the Village of Bristol, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 15-9-12 Fee Schedule; Escrow Deposit.

- (a) The applicant shall pay a deposit fee to cover the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the stormwater management plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay a deposit fee. Following initial review of the plan, the Director of Public Works shall estimate the total cost of the engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the deposit, the Director of Public Works shall require the applicant to deposit the remaining sum required by the Director of Public Works' estimate in escrow with the Village Clerk. The Village Clerk shall pay bills submitted for engineering and inspection out of the funds escrowed under this Section. In the event the amount deposited with the Village Clerk falls below twenty-five percent (25%) of the amount required to be deposited, the Director of Public Works shall require the permittee to replenish the escrow to the original amount required. Upon final acceptance of implementation of the stormwater management plan, erosion control and right-of-way repair, the amounts remaining in escrow shall be refunded to the applicant minus ten percent (10%) administrative fee. The Public Works Director may, at his/her discretion, waive or reduce all or part of the deposit.
- (b) The fees referred to in other sections of this Chapter shall be established by the Village of Bristol and may from time to time be modified by resolution. A schedule of the fees established by the Village shall be available for review in the Village Clerk's office.

Sec. 15-9-13 Exceptions and Waivers.

- (c) **General.** Where the Village of Bristol finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Director of Public Works/Village Engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to them that all of the following conditions are met by the petitioner:
- (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner as prescribed by law.
 - (5) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (d) **Conditions.** In approving exceptions or waivers, the Director of Public Works/Village Engineer may require such conditions as will in their judgment secure substantially the purposes described in this Chapter and accompanying written stormwater management and erosion control requirements.
- (e) **Procedures.** A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Director of Public Works/Village Engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 15-9-14 Inspection and Enforcement.

- (a) The Director of Public Works/Village Engineer, Building Inspector, or designees may access the site periodically to inspect stormwater management practices and facilities to evaluate compliance with the approved stormwater management plan.
- (b) Any land disturbing construction activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association, or corporation

subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.

- (c) The Director of Public Works/Building Inspector shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (d) Upon receipt of written notification from the Director of Public Works under Subsection (b), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works/Village Engineer in the notice.
- (e) If the violations to a permit issued pursuant to the Chapter are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works/Village Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works/Village Engineer plus interest and legal costs shall be billed to the responsible party.
- (f) The Director of Public Works/Village Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (g) The Director of Public Works/Building Inspector may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.
- (h) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works, Building Inspector, Village Attorney, Village Engineer, or by a court with jurisdiction.
- (i) The Director of Public Works is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order issued pursuant to this Chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (j) Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (k) Compliance with the provisions of this Chapter 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.
- (l) When the Director of Public Works determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Director of Public Works or a party designated by the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition

of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 15-9-11. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-9-15 Appeals.

- (a) **Village Board.** The Village Board, created pursuant to the Village of Bristol Code of Ordinances pursuant to Chapter 61, Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works in administering this Chapter. The Village Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Village Board may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship.
- (b) **Who May Appeal.** Appeals to the Village Board may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Bristol affected by any decision of the Director of Public Works.

Sec. 15-9-16 Severability.

If any section, clause, provision or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall remain in force and not be affected by such judgment.

Sec. 15-9-17 Effective Date.

This Chapter shall be in force and effect from and after its adoption and posting. The above and foregoing Chapter was duly adopted by the Village Board of the Village of Bristol on the _____ day of _____, 2010.

Sec. 15-9-18 Limitations on Village Responsibility.

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village of Bristol, which has adopted this Chapter, than

those minimum requirements specifically required by the Wisconsin State Statutes and Wisconsin Department of Natural Resources regulations.

Title 15 ► Chapter 10

Outdoor Lighting Standards

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Sec. 15-10-1 Purpose.

- (a) **Purpose.** This Chapter regulates all exterior lighting installed on residential site and commercial site property, both publically and privately owned within the Village of Bristol. The purpose of this Chapter is to provide standards for exterior lighting that do not interfere with the reasonable use of the property on which it is installed, the prevention of light pollution and trespass, and conserves energy.
- (b) **Conformance With All Codes.** The installation of outdoor lighting is not mandatory but if installed, it shall be in conformance with the provisions of this Chapter as well as all other applicable local, county, state and federal codes.
- (c) **Replacement and Redevelopment Lighting.** All redevelopment or replacement outdoor lighting shall include upgrading the lighting to comply with these standards.

Sec. 15-10-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Commercial, Industrial, Business Park, and Institutional Areas.** Any area of the Village of Bristol which is not used for residential, agricultural, or recreational purposes.
- (b) **Commercial Site.** A tract consisting of one (1) or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one (1) or more off-street loading or parking facilities or any commercial site having five (5) or more parking stalls.

- (c) **Cut-Off.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.
- (d) **Cut-Off Angle.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (e) **Cut-Off Type Luminaire.** A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at an angle that is less than ninety (90°) degrees.
- (f) **Driveway.** Every way or area used for vehicular travel back of the street right-of-way line.
- (g) **Footcandles.** The illumination of a surface one (1) foot distant from a source of light equivalent to one (1) candle.
- (h) **Light Trespass.** Stray light or spill light flowing across the property boundary.
- (i) **Lighting Sources.** Any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted shall fall within the electromagnetic spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to, incandescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, and metal halide.
- (j) **Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- (k) **Nonshielded or Noncutoff Lighting Fixtures.** All types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, a non-shielded lamp or light source and distributes light at any angle more than four degrees (4°) above horizontal.
- (l) **Residential Site.** A single parcel in a residential zone containing a residential structure of one (1) or more dwelling units with parking for more than three (3) cars.
- (m) **Shielded or Cutoff Lighting Fixtures.** Outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees (15°) above horizontal. No light is permitted at an angle less than four degrees (4°) above horizontal.
- (n) **Uniformity Ratio.** The ratio between the average illumination and the minimum illumination as determined by measurements taken on a four (4) foot grid throughout the area to be lighted.

Sec. 15-10-3 General Lighting Requirements.

All outdoor lighting fixtures installed after the original effective date of this Chapter and thereafter maintained upon private or public residential, commercial, industrial and agricultural property shall comply with the following:

- (a) **Maximum Light Trespass.** The maximum allowable light trespass shall be 0.5 horizontal footcandles four (4) feet above the ground. This measurement shall not include any ambient, natural light.
- (b) **Shielding and Installation Standards.** Light sources greater than one thousand (1,000) initial lumens [equivalent to seventy (70) watts incandescent] shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five (5) feet or higher above the ground at the property boundary. The light source shall not be of such intensity that it causes discomfort or annoyance.
- (c) **Parking/Display Lot Standards.** Any outdoor lighting fixture installed on a parking lot or display lot shall use either high pressure sodium or metal halide lamps. The lighting system shall be extinguished or reduced fifty percent (50%) no later than thirty (30) minutes after the close of business for the day or after the end of normal office hours for the majority of employees.
- (d) **Limited Use Requirement For Spot Illumination.** All lamp types utilized for spot illumination of advertisements shall not be operated past 11:00 p.m.
- (e) **Outdoor Lighting Fixture Plans.** All outdoor lighting fixtures shall be maintained according to approved plans.
- (f) **Vegetation Blocking Lighting of Roads and Parking Lots.** Trees and shrubbery shall not be located where they significantly reduce or block the lighting of parking lots or roadways.
- (g) **Permissible Uses of Outdoor Lighting.**
 - (1) Outdoor lighting fixtures may be used to illuminate:
 - a. Buildings and structures;
 - b. Recreational areas, sports fields, and courts;
 - c. Parking lots;
 - d. Parking structures, garages, or ramps;
 - e. Landscape areas;
 - f. Product display areas; and
 - g. Building overhangs and open canopies.
 - (2) Outdoor lighting fixtures may be installed to provide building and parking lot security.

Sec. 15-10-4 Design Requirements.

- (a) **Parking Facilities.** The illumination requirements of a parking facility depend on the amount of usage the facility receives. Three (3) levels of activity shall be established as High, Medium, and Low. The following examples are nonexclusive and include:
 - (1) **High:** Areas with significant numbers of pedestrians expected to be on the sidewalks or crossing the streets during darkness. Examples are downtown retail areas, near theaters, concert halls, stadiums, and transit terminals.

- (2) **Medium:** Areas where lesser numbers of pedestrians utilize the streets at night. Typical are downtown office areas, blocks with libraries, apartments, neighborhood shopping, industrial, older Village areas, and streets with transit lines.
- (3) **Low:** Areas with very low volumes of night pedestrian usage. These can occur in any of the cited roadway classifications but may be typified by suburban single-family streets, very low density residential developments, and rural or semi-rural areas.
- (b) **Roadway, Pedestrian Walkway and Bikeway Classifications.** The illumination requirements of a roadway depend on three (3) classifications. These classifications include the roadway usage, pedestrian conflict areas, and the pavement type. The following examples are nonexclusive (derived from ANSI/ESNA RP-8-00) and include:
 - (1) **Freeway.** A divided major roadway with full control of access (no crossings at grade). This definition applies to toll as well as non-toll roads:
 - a. **Type A.** Roadways with greater visual complexity and high traffic volumes. Usually this type of freeway will be found in major metropolitan areas in or near the central core and will operate through some of the early evening hours of darkness at or near design capacity.
 - b. **Type B.** All other divided roadways with full control of access.
 - (2) **Expressway.** A divided major roadway for through traffic, with partial control of access and generally with interchanges at major crossroads. Expressways for non-commercial traffic within parks and park-like areas are generally known as "parkways."
 - (3) **Major.** That part of the roadway system that serves as the principal network for through traffic flow. The routes connect areas of principal traffic generation and important rural roadways leaving the Village. These routes are often known as "arterials", "thoroughfares," or "preferentials." They are sometimes subdivided into primary and secondary; however, such distinctions are not necessary in roadway lighting.
 - (4) **Collector.** Roadways servicing traffic between major and local streets. These are streets used mainly for traffic movements within residential, commercial, and industrial areas. They do not handle long, through trips. Collector streets may be used for truck or bus movements and give direct service to abutting properties.
 - (5) **Local.** Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property. They make up a large percentage of the total street system but carry a small proportion of vehicular traffic.
- (c) **Commercial, Industrial, Business Park, and Institutional Areas.**
 - (1) **Exterior Lighting Plan Required.** Exterior lighting plans shall be required for new development or redevelopment of existing exterior lighting in all commercial, industrial, business park, or institutional areas of the Village of Bristol. At the time any exterior lighting exterior lighting is installed or substantially modified in all commercial, industrial, business park, and institutional areas of the Village of Bristol,

and whenever a building permit application is made for new development or redevelopment, an exterior lighting plan shall be submitted to the Village of Bristol in order to determine whether the requirements of this Subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting.

- (2) **Exterior Lighting Type Limitations.** Exterior lighting in all commercial, industrial, business park, and institutional areas of the Village of Bristol shall be limited to total-cutoff-type luminaires [with angle greater than ninety degrees (90°)].
- (3) **Maximum Permitted Illumination.** The maximum permitted illumination shall be two (2) footcandles (as measured at the property line).
- (4) **Maximum Permitted Luminaire Height.** The maximum permitted luminaire height shall be twenty-five (25) feet as measured from surrounding grade to the bottom of the luminaire. [Note: This standard does not address illumination levels or fixture height which may be required by the Village of Bristol for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property in all commercial, industrial, business park, and institutional areas in the Village of Bristol.]

Sec. 15-10-5 Design Submittals.

All outdoor lighting shall be submitted to the Village Engineer for approval prior to construction. Submittals shall include the following information:

- (a) Point-to-point lighting plans shall show fixture locations, extents of pavement, and pavement calculation grids at no more than five (5) foot separation. The point-to-point lighting plan shall also be drawn to a recognized engineering or architectural scale, indicating the installation height (in feet) of all proposed luminaires, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines.
- (b) A catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles. Fixture cutsheets shall include dimensional drawings, distribution types, fixture options, wattages, and mounting configuration.
- (c) Calculation summaries shall be provided that show the average, maximum, and minimum footcandle levels as well as the uniformity ration (average/minimum).
- (d) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.

Sec. 15-10-6 Measurement of Light.

For purposes of this Section, light shall be measured as follows:

- (a) **Metering Equipment.** Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus five percent (5%). The meter shall have been tested, calibrated, and certified by an

15-10-6

independent commercial photometric laboratory or the manufacturer within thirty (30) days of its use.

- (b) **Method Measurement.** The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position at the interior line of any Village-required landscape bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question, measurements shall be made after dark with the light source in question on, then with the same sources off. The differences between the two (2) readings shall be compared to the maximum permitted illumination allowed under this Subsection.

Sec. 15-10-7 Exterior Lighting for Specified Outdoor Recreational Uses.

Ball diamonds, playing fields, golf driving ranges, tennis courts, and similar outdoor recreational facilities have unique requirements for nighttime visibility and generally have limited hours of operation. These uses shall be exempted from the exterior lighting standards set forth herein provided that the following requirements are met:

- (a) Any exterior lighting sources shall not exceed the maximum permitted post height of sixty (60) feet.
- (b) If the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spillover to adjacent residential property(s) or residential zoning districts, then the luminaire may exceed a total cut-off angle of ninety (90°) degrees. However, the maximum permitted illumination at property lines shall not exceed two (2) footcandles.
- (c) A lighting plan meeting the requirements of Section 15-10-5 shall be submitted to the Village of Bristol for review and approval by the Village Engineer.