

CHAPTER 4

Sewer and Well Code

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4.01 PURPOSE. The purpose of this Chapter is to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and the installation and construction of wells and pumps within the Village of Hales Corners.

4.02 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

- (1) **District** means the Village of Hales Corners, Wisconsin.
- (2) **Commission** means the Commission of Public Works.
- (3) **Sewage Works** means all facilities for collection, pumping, treating, and disposing of sewage.
- (4) **Superintendent** means the Superintendent of Public Works, or his authorized deputy, agent, or representative.
- (5) **Plumbing Inspector** means the Plumbing Inspector of the Village.
- (6) **Sewage** means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- (7) **Sewer** means a pip or conduit for carrying sewage.
- (8) **Public Sewer** means a sewer in which all owners of abutting properties have equal rights, and which is controlled by the Village.

- (9) **Sanitary Sewer** means a sewer which carries sewage and from which storm water, surface, and ground waters are specifically excluded and are never intentionally admitted.
- (10) **Storm Sewer or Storm Drain** means a sewer that carries storm and surface waters from drainage, but excludes sewage and polluted and industrial wastes.
- (11) **Sewage Treatment Plant** means any arrangement of devices and structures used for treating sewage.
- (12) **Industrial Waste** means the liquid wastes from industrial processes as distinct from sanitary sewage.
- (13) **Garbage** means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- (14) **Property Shredded Garbage** means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (15) **Foundation Drain** means a pipe or conduit receiving the discharge from the soil under and around the outside wall of a building.
- (16) **Building Sewer** means the extension from the building to the public sewer or other place of disposal.
- (17) **B.O.D. (denoting Biochemical Oxygen Demand)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million by weight.
- (18) **pH** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (19) **Suspended Solids** means the solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering.
- (20) **Natural Outlet** means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (21) **Watercourse** means a channel in which a flow of water occurs, either continuously or intermittently.
- (22) **Person** means any individual, firm, company, association, society, corporation, or group.
- (23) **Shall** is mandatory; **May** is permissive.

4.03 DISCHARGE OF DELETERIOUS MATTER PROHIBITED.

- (1) No person shall place, deposit, or permit to be deposited upon public or private property within the District or in any area under the jurisdiction of the District, any human or

animal excrement (other than the normal type of fertilizer), garbage, or other objectionable waste.

- (2) No person shall discharge into any natural water outlet within the District, or in any area under the jurisdiction of the District any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with an order of the District and the Plumbing Code.

4.04 CONNECTION TO PUBLIC SEWER REQUIRED. The owner of any house, building, or property used for human habitation, occupancy, employment, recreation, business, or any other purpose, situated within the District and abutting on any street, alley, or right-of-way in which a public sewer is located, or in which the extension of the public sewer may be deemed feasible by the Commission is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within 90 days after date of official notice to do so.

4.05 PLUMBER'S LICENSE REQUIRED. No person shall carry on the business of plumbing or installation of plumbing or sewer connections or drain laying or do or perform any such work within the limits of the Village until he shall have first obtained a plumbing permit. No permit shall be granted unless such person shall have first obtained the Plumber's License required by law and shall exhibit said license to the Plumbing Inspector and the Superintendent of Public Works.

4.06 PRIVATE SEWAGE SYSTEM.

- (1) "Private Sewage System" means a sewage treatment and disposal system service a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption filed located on the same parcel as the structure. The term also means an alternative sewage system approved by the Wisconsin Department of Industry, Labor, and Human Relations, including a substitute for the septic tank or soil absorption field, a holding tank, a system of serving more than one (1) structure, or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.
- (2) Except as herein provided, no person shall construct or maintain any private sewage system or other facility intended or used for the disposal of sewage or human excrement.
- (3) In the granting of any permit and in the regulation of any private sewage system, the Village shall obtain the services of a certified soil tester either as an employee or under contract to review and verify certified soil tester reports pursuant to §145.20(2)(d), Wis. Stats., which is incorporated herein by reference and made a part of this section.
- (4) Where a public sanitary sewer is certified by the Commission as not available to serve any house, building, or property, the building sewer shall be connected to a private sewage disposal system complying with the State Plumbing Code, the rules and regulations of the Wisconsin Department of Industry, Labor, and Human Relations.
- (5) When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer pursuant to Section 4.04

and any septic tank. Cesspools are prohibited and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- (7) Additional requirements may be imposed by the certified soil tester, the Health Officer, or Plumbing Inspector in accordance with the standards imposed by §145.02(2) and 145.13, Wis. Stats.

4.07 BUILDING SEWERS AND CONNECTIONS.

- (1) The Commission may appoint the Superintendent as Plumbing Inspector to act under the direction of the Commission and to have control of the supervision and inspection of drainage, drain laying, and sewer connections and to enforce all laws, ordinances, and rules in relation thereto.
- (2) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Plumbing Inspector.
- (3) No private sewage disposal system shall be installed unless a permit has been issued therefore by the Plumbing Inspector. Before issuing a permit the Plumbing Inspector shall require evidence of said absorption tests.
- (4) There shall be two (2) classes of building sewer permits – (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Plumbing Inspector.
- (5) No permit shall be issued to connect with the public sanitary sewer any lot, excavation, or open basement. No permit shall be issued to connect any building with the sanitary sewer until such building is completed enclosed by roof, the outside wall backfilled to establish grade, and all sanitary sewer lines within buildings that will be covered by basement floors have been inspected and approved by the Plumbing Inspector and after the permanent floor is constructed in the basement. In buildings without basements, the permit shall be issued after the footing and the sub-floor have been constructed.
- (6) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (7) A separate and independent building sewer shall be provided for every building.
- (8) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Plumbing Inspector to meet all requirements of this Chapter.

- (9) In all buildings where a foundation drainage system is provided and there is no natural drain for this subsurface water to drain into, the owner shall provide or build a suitable pit, minimum size 15 inches diameter by 30 inches deep, to collect all water that may enter the foundation drainage system; also he shall install, operate, and maintain a sump pump, cellar drainer, or some suitable pump and he shall pump this foundation water to a storm sewer or outside building to a natural drain, or discharge point at least three (3) feet from the foundation wall of the building. No person shall connect any foundation drainage system to the sanitary sewer system, or willfully allow any sump pit to overflow into the basement floor drain that is connected to the sanitary sewer.
- (10) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Plumbing Inspector. Pipe laying and backfill shall be performed in accordance with the State Plumbing Code except that no backfill shall be replaced until the work has been inspected.
- (11) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer at the expense of the building owner.
- (12) The connection of the building sewer into the public sewer shall be made at the "Y" branch. If no suitable "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation at the point of connection shall be at the same or at a higher elevation than the invert connection made secure and watertight by encasement in concrete. Special connections may be used for connection only when approved by the Plumbing Inspector. If the public sewer is broken or damaged in any manner by making a connection the owner shall replace all damaged pipe in the public sewer at his expense.
- (13) The size and slope of the building sewer shall be subject to the approval of the Plumbing Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall be not less than 1/8 inch per foot.
- (14) Building sewer shall be so laid as to attain a seven (7) foot depth to the lot line, except where the public sewer main is less than seven (7) feet deep and a lesser depth for the building sewer is determined by the Plumbing Inspector.
- (15) **Location of Sanitary Connections.** No person, except a licensed plumber shall be permitted to tap or make any connection with the general sewerage system or any part thereof. Such information as the Plumbing Inspector, Superintendent, the Commission, or its Engineer may have with regard to the location of sewer junctions or slant will be furnished to plumbers, the District assuming no risk as to accuracy of the same.

4.08 BOND

- (1) Before engaging the plumbing or drain laying or receiving a permit to do such work, the applicant shall file with the Village Clerk a bond executed by a surety company licensed to do business in the State of Wisconsin, in the penal sum of \$1,000. All bonds shall be approved as to form and execution by the Village Attorney, and shall be approved by the

Village Board as to sufficiency of sureties. The condition of such bonds shall be that the applicant shall indemnify and save harmless the District, and its officers, employees, and agents against any and all injuries, damages, costs, expenses, outlays, and claims resulting from or arising out of the performance of any work for which the permit is issued, or from the performance by the applicant or his employee or agent of any work incidental to or connected with such work; and further that the applicant shall pay all judgments, costs, and charges which may be recovered against the Sanitary District, or any of its employees, officers, or agents, by reason of the performance of said work or in consequence of any work done by said applicant or his employees or agents pursuant to said permit, and further that the applicant shall replace and restore the pavement, macadamizing, or any other surfacing over and upon any opening he may make in any highway, street, road, or any public way or public place, or any private lands over or through which there has been granted to the District an easement for public sewers and the applicant shall restore all such openings to as good a state and condition as he found it, and keep and maintain the same in good order to the satisfaction of the Village Board for a period of three (3) months following the date of the final inspection by the Superintendent. Such bond shall remain in force until the expiration of any permit or permits issued during the term of said bond, except that on expiration the bond shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. Bonds in compliance with the foregoing provisions shall be executed and filed annually on or before January 1 of each year, and no permit shall be in force until such bond is so filed and has been approved as provided herein.

- (2) A certificate of insurance from a plumbing association recognized by the Commission of Public Works may be accepted in lieu of such bond.

4.09 USE OF THE PUBLIC SEWERS.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling heater, air conditioning water, or unpolluted industrial process waters into any sanitary sewer.
- (2) Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers or into a natural outlet approved by the Plumbing Inspector.
- (3) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.
 - (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 - (b) Any water or waste which may contain more than 100 parts per million of weight of fat, oil, or grease.
 - (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (d) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 - (e) Any garbage that has not been properly shredded.
 - (f) Any waters having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the Sewage Treatment Plans.
 - (h) Any waters or wastes containing suspended oils of such character and quantity that unusual attention or expense is required to handle such materials at the Sewage Treatment Plant.
 - (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (4) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Plumbing Inspector, they are necessary for the proper handling of liquid wastes containing such substance in excessive amounts, or any flammable wastes and other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the State Board of Health, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (5) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (6) The admission into the public sewers of any waters or wastes having (a) a five (5) day Biochemical Oxygen Demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in subsection (3) of this section, or (d) having an average daily flow greater than 2% of the average daily sewage flow of the District, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to 300 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum provided for in subsection (3) of this section, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for approval to the State Board of Health and the Commission. No construction of such facilities shall be commenced until said approvals are obtained in writing.
- (7) Where preliminary treatment facilities are provided for any waster or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (8) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely locate, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsection (8) of this section, or upon suitable samples taken at said

manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

- (10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any concern whereby an industrial waste of unusually strength of character may be accepted by the District for treatment, subject to payment therefore by the industrial concern.

4.10 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the municipal sewage works.

4.11 STATE CODE ADOPTED. The Wisconsin State Plumbing Code, Chapters H61, H62, and H63, Wisconsin Administrative Code, so far as applicable, is adopted by reference and made a part of this Chapter. A violation of such chapters shall be a violation of this Chapter. However, pursuant to the authority of §144.06, Wis. Stats., the Village Board hereby determines that it has not elected to require connections to a water main by abutting properties used for human habitation in the R-1, R-2, and R-3 residentially zoned districts.

4.12 METROPOLITAN SEWERAGE COMMISSION RULES ADOPTED. The rules of the Milwaukee County Metropolitan Sewerage Commission are adopted by reference and made a part of this Chapter. A violation of such rules shall be a violation of this Chapter.

4.13 POWERS AND AUTHORITY OF INSPECTORS.

- (1) The Superintendent of Public Works, and his agents bearing proper credentials and identification, and the Plumbing Inspector shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter.

4.14 INSTALLATION AND CONSTRUCTION OF WELLS AND PUMPS.

- (1) **Purpose.** Safeguarding of the water used for drinking and domestic purposes is fundamental to protection of public health, necessitating taking every reasonable precaution to prevent water pollution. This section seeks to prevent water pollution of the water used for drinking and domestic purposes within the Village.
- (2) **Adoption of State Codes.** The provisions and regulations contained in the Wisconsin State Well Construction and Pump Installation Code, NR 112, Wisconsin Administrative Code, adopted by the Wisconsin Department of Natural Resources and such rules and regulations as may be adopted by said Department shall extend over and govern all well constructions and pump installations in the Village.
- (3) **Permit.** Any person who shall construct a well or install a pump intended or used for supplying water for human consumption shall obtain a permit to perform said work from the Plumbing Inspector of the Village.
- (4) **Community Wells.**

- (a) Any water system designed to serve more than two (2) residences or business establishments shall be approved by the following administrative officials:
 - 1. The Village Attorney for his inspection of the form of agreement to assure the protection of the Village and the users of the system; the Village Engineer to assure adequacy of the water mains, safeguarding of the public roads, protection against fire, and convertibility to public uses; the Plumbing Inspector to assure compliance with this ordinance; and the Commission of Public Works to consider the matter and formulate a recommendation for the Village Board.
 - 2. Final approval shall be required from the Village Board.

(5) **Inspector may Revoke Permit.** If the Plumbing Inspector shall find at any time that this section is not being complied with, he shall revoke the permit by written notice posted at the site of the work. When any such permit is revoked it shall be unlawful to do any further work upon such well or pump until the permit is reissued, excepting such work as the Plumbing Inspector shall order to be done as a condition precedent to the reissuing of the permit.

4.15 FEES. The fees for street repairs, wells, pumps, plumbing, and laying are as follows:

<u>Description</u>	<u>Fee</u>
1. Street Repair Fee to 50% of Width	\$500.00
2. Street Repair Fee over 50%	\$750.00
3. Connection to Private or Public Sewer System	\$ 40.00
4. Water Connection 2" or Under	\$ 30.00
5. Water Connection Over 2"	\$ 35.00
6. Relaying of Existing Sewer or Drain Field	\$ 20.00
7. Each Fixture	\$ 7.00
8. Well Pump	\$ 15.00
9. Building Drain	\$ 20.00
10. Storm Sewer Catch Basin	\$ 25.00
11. Sprinkler Main Connections	\$ 20.00
12. Sprinkler Heads	\$.25 each
13. Re-inspection	\$ 25.00
14. Minimum Fee per Permit	\$ 50.00

4.16 SEWAGE HOLDING TANKS.

- (1) No sewage holding tanks shall be permitted for any new residential construction.
- (2) Sewage holding tanks will be permitted for existing residential uses after a determination has been made by the Commission of Public Works:
 - (a) That no connection to a public sewer is available; and
 - (b) That the existing septic sewage disposal system upon the premises is inoperative based on percolation tests and boring tests and does not meet the requirements of the Wisconsin State Administrative Code; and
 - (c) That the construction of a new septic sewage disposal system upon the premises would not meet the requirements of the Wisconsin State Administrative Code; and
 - (d) That the building site is located within a plotted subdivision; and

- (e) That such sewage holding tank shall remain in use only for such period of time as it can be abandoned in favor of a connection to a public sewer or to another permanent method of sewage disposal meeting the requirements of the Wisconsin State Administrative Code.
- (3) A permit from the Plumbing Inspector shall be required for the installation of any allowable sewage holding tank.
- (4) The owner of any premises whereon is located a sewage holding tank shall be responsible for its operation and maintenance so that it does not cause any detriment to the health or welfare to the occupants of the premises or to any neighbors.

4.17 ILLICIT DISCHARGES AND CONNECTIONS TO THE STORM DRAIN SYSTEM.

- (1) **Definitions.** The following definitions shall be applicable in this Section:
 - (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 adoption of this ordinance.
 - (b) Person: Means 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-owner 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.
- (2) **Discharges Prohibited.** No person shall discharge, spill or dump substances or materials which are not entirely composed storm water into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.
- (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 ordinance, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection.
- (4) **Exemptions.** The following activities are exempt from the provisions of this Section unless found to have an adverse impact on the storm water:
 - (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 drain and sump pump, air conditioning condensation, springs, lawn

watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

- (5) **Enforcement.** Whenever the Director of Public Works, or his agent or designee, finds a person has violated a prohibition or failed to meet a requirement of this Section, the Director of Public Works, or his agent or designee, may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (a) The elimination of illicit connections or discharges;
 - (b) That violating discharges, practices, or operations shall cease and desist;
 - (c) The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
 - (d) In the event the person fails to eliminate the illicit connects or discharge, fails to cease and desist in discharge, practices or operations in violation of this Section or fails to abate or remediate the storm water pollution or contamination hazards, that person may be subject to a forfeiture for each offense together with the costs of prosecution, in accordance with the provisions of Section 19.04 of this Code. Each day that the violation exists shall constitute a separate offense.

4.18 PENALTY. Any person who shall violate any provision of this Chapter or any order, rule, or regulation issued hereunder, shall be shall be subject to a penalty as provided in §19.04 of this Village Code.