

**TITLE 9**  
Public Utilities

Chapter 1 Sewer Utility Regulations and Rates

**CHAPTER 1**  
Sewer Utility Regulations and Rates

- 9-1-1 Title
- 9-1-2 Purpose
- 9-1-3 Definitions
- 9-1-4 Use of the Public Sewers
- 9-1-5 Control of Industrial Wastes Directed to Public Sewers
- 9-1-6 Basis for User Charges
- 9-1-7 Amount of User Charges
- 9-1-8 Billing Practice
- 9-1-9 Damaging or Tampering With Sewage Works
- 9-1-10 Right of Entry, Safety and Identification
- 9-1-11 Sewer Construction and Connections
- 9-1-12 Violations, Abatement Procedures and Penalties
- 9-1-13 Appeals
- 9-1-14 Validity
- 9-1-15 Audit

**SEC. 9-1-1 TITLE**

This Chapter shall be known as, referred to or cited as the "Sewer Use and Wastewater Rate Ordinance of the Village of Howards Grove".

**SEC. 9-1-2 PURPOSE**

This Chapter shall regulate the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system and provide penalties for violations thereof. In addition, this Chapter shall provide guidelines for levying and collection of user charges.

**SEC. 9-1-3 DEFINITIONS**

- a) As used in this Chapter, the enumerated terms, words and phrases shall be defined as follows;
  - 1. Approving Authority. The Village Board of the Village of Howards Grove.
  - 2. BOD (Denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20o Celsius, expressed in milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".
  - 3. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
  - 4. Building Sewer. The extension from the building drain to the public sewer or other place of disposal.

5. Category A. Those sanitary sewer users who discharge no greater than ten thousand (10,000) gallons per day of normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 200 mg/1, phosphorus no greater than 10 mg/1 and nitrogen no greater than 33 mg/1.
6. Category B. Those sanitary sewer users who discharge greater than ten thousand (10,000) gallons per day of wastewater or wastewater with concentrations in excess of 200 mg/1 of BOD, 200 mg/1 of suspended solids, 10 mg/1 of phosphorus and 33 mg/1 of nitrogen. Users whose wastewater exceeds the concentration for any one of these parameters shall be in Category B.
7. Chief Operator. The Chief Operator of the wastewater treatment plant of the Village or his authorized representative.
8. Chlorine Requirement. The amount of chlorine, in mg/1, which shall be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge System (WPDES) permit.
9. Costs, Operation and Maintenance. All costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.
10. Costs, Replacement. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.
11. Drain, Building. (See Building Drain.)
12. Drain, Storm. (See Storm Drain.)
13. Drainage Fixture Unit. Reference the Wisconsin Administrative Code Chapter Comm 82 for related definition.
14. Easement. An acquired legal right for the specified use of land owned by others.
15. Equivalent House Unit (EHU). The discharge of normal domestic strength wastewater equivalent in volume to the wastewater discharged by an average family living unit. [For example, a building containing four (4) apartments would have four (4) EHU's.]
  - a. The equivalent housing unit is based on an average of 28 drainage fixture units (DFU) based on Comm 82.30 Table 82.30-1 as summarized below.
 

Clothes Washer	3
Laundry tray	2
Bathroom group (2)	12
Dishwasher	2
Sink	2
Floor drain (3") basement	3
Floor drain (4") garage	<u>4</u>
<b>Total</b>	<b>28</b>
16. Floatable Oil. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
17. Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
18. Garbage, Ground. The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.

19. Garbage, Properly Shredded. The wastes from the preparation, cooking or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
20. Grantee. The Village of Howards Grove.
21. Impact Charge. A charge levied on users of the wastewater collection and treatment facilities for use of the facilities.
22. Industrial Waste. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
23. Major Contributing Industry. An industry that;
  - a. Has a flow of 50,000 gallons or more per average workday;
  - b. Has a flow greater than five percent (5%) of the flow carried by the wastewater collection and treatment facilities receiving the waste;
  - c. Has a material in its discharge included on a list of toxic pollutants issued under Sec. 283.01(17), Wis. Stats.; or
  - d. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.
24. May. Permissible.
25. Municipality. The Village of Howards Grove.
26. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
27. Nitrogen. Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
28. Parts Per Million. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
29. Person. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
30. pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
31. Phosphorus. Total phosphorus and is expressed in mg/1 of P (phosphorus).
32. Plumbing Code. The Wisconsin Administrative Code Chapter Comm 82 regarding plumbing systems.
33. Pollutants, Compatible. Biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.
34. Pollutants, Incompatible. Wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.
35. Public Works Committee. Those Trustees appointed by the President and approved by the Village Board.
36. Sewage. The spent water of a community. The preferred term is "wastewater".
37. Sewage, Sanitary. A combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.
38. Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.
39. Sewer. A pipe or conduit that carries wastewater or drainage water.
40. Sewer, Combined. A sewer intended to receive both wastewater and storm or surface water.
41. Sewer, Public. Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

42. Sewer, Sanitary. A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
43. Sewer, Storm. (See Storm Drain.)
44. Shall. Mandatory.
45. Slug. Any discharge of water or wastewater which, in concentration of any given constituent or quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
46. Standard Methods. The examination and analytical procedures set forth in the most recent edition of "Standard Methods or the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.
47. Storm Drain (sometimes termed Storm Sewer). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
48. Storm Water Runoff. That portion of the rainfall that is drained into the sewers.
49. Suspended Solids. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", and referred to as nonfilterable residue.
50. User Charge. A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.
51. Village. The Village of Howards Grove.
52. Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
53. Wastewater Collection Facilities (or Wastewater Collection System). The structures and equipment required to collect and carry away domestic and industrial wastewater.
54. Wastewater, Normal Domestic Strength. Wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 200 mg/1, phosphorus no greater than 10 mg/1 and nitrogen no greater than 33 mg/1.
55. Wastewater Treatment Facility. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with wastewater treatment plant.
56. Water, Unpolluted. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
57. Watercourse. A channel in which a flow of water occurs either continuously or intermittently.
58. Wisconsin Pollutant Discharge Elimination System (WPDES) Permit. A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0021679 and modifications thereof pertain to the Village's wastewater treatment facility.

## SEC. 9-1-4 USE OF THE PUBLIC SEWERS

- a) **Sanitary Sewers.** No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface rainage, uncontaminated cooling water, unpolluted industrial process water, cistern overflow or foundation drainage to any sanitary sewer.
- b) **Storm Sewers.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Committee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Committee, to a storm sewer or natural outlet. Such approval is subject to review by the State Department of Natural Resources, Division of Environmental Protection.
- c) **Prohibitions and Limitations.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.
  1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewaer treatment plant.
  3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater and treatment facilities.
  4. Any waters or wastes having a pH in excess of 9.0.
  5. Solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastics, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  6. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Public Works Committee, that such wastes can harm either the sewers, wastewater treatment plant or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinions as to the acceptability of such wastes, the Public Works Committee will give consideration to the factors of the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are:
    - a. Any liquid or vapor having a temperature higher than 150° F.
    - b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150° F.
    - c. Wastewater from industrial plants containing floatable oils, fat or grease.
    - d. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Public Works Committee.

- A permit shall be obtained from the Village Clerk-Treasurer prior to the installation of any such commercial garbage grinder unit.
- e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment plant exceeds limits established by the Public Works Committee for such materials.
  - f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Public Works Committee as necessary after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
  - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Committee in compliance with state or federal regulations.
  - h. Quantities of flow, concentrations or both, which constitute a "slug" as defined herein.
  - i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State.
  - j. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
  - k. Materials which exert or cause:
    - i. Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate.
    - ii. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
    - iii. BOD of over 400 mg/1 per twenty-four (24) hour composite, and chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
    - iv. Unusual ROD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
7. The Village shall comply with all the requirements of WPDES Permit No WI-0021679 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES Permit and the modifications thereof.
8. If the Public Works Committee permit pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Committee, and subject to the requirements of all applicable codes, ordinances and laws.
- d) **Special Arrangements.** No statement contained in this Section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment

- facilities by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth in this Chapter are recognized and adhered to.
- e) **New Connections.** New connections to the Village's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

#### **SEC. 9-1-5 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS**

- a) **Submission of Basic Data.**
1. Within three (3) months after passage of this Chapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. The Approving Authority may require that this data be provided annually at a time specified by the Approving Authority. The following forms, or the information needed to complete them, will be accepted:
    - a. Annual NR 101 "Effluent Reporting Form".
    - b. Form 3400-28 "Industrial Waste Contribution to Municipal System".
  2. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
  3. The above paragraph 5 are required to comply with Wisconsin Pollutant Discharge Elimination System Permit No. WI-0021679.
- b) **Extension of Time.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Subsection (a), a request for extension of time may be presented to the Approving Authority for consideration.
- c) **Industrial Discharges.** If any waters or wastes are discharged or proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Subsection (d) of this Section, and which, in the judgment of the Public Works Committee, may have deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life, health, or constitute a public nuisance, the Public Works Committee may:
1. Reject the wastes.
  2. Require pretreatment to an acceptable condition for discharge to the public sewers.
  3. Require control over the quantities and rates of discharge.
  4. Requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sec. 13.04(4) of this Chapter.
- d) **Control Manholes.**
1. When required by the Public Works committee, the owner of any property service by a building sewer carrying industrial wastes shall install a suitable control manhole in compliance with the requirements of the Village Board so as to enable installation by the Village, at its expense, of necessary meters and other appurtenances to the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Committee. The manhole shall be installed by the owner at his expense and be maintained by him so as to be safe and accessible at all times.

2. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- e) **Measurement of flow.** For Category B users, the volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Approving Authority, except as noted in Subsections (f) and (g) below.
- f) **Provision of Deductions.** If a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the Approving Authority that more than twenty percent (20%) of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the Approving Authority and the person.
- g) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- h) **Waste Sampling.**
  1. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.
  2. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.
  3. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- i) **Pretreatment.** Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.
- j) **Grease and/or Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 9-1-4(c)(6)c of this Chapter, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed



waste disposal firms shall be in accordance with currently acceptable Department of Natural Resources (DNR) practice.

k) **Analyses.**

1. All measurement, tests, analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. If no special manhole has been provided, the control manhole shall be considered to be the nearest downstream manhole and upstream manhole in the public sewer to the point at which the building manhole is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, health and property.
2. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for user charges.

- l) **Submission of Information.** Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharge into the public sewers.

#### **SEC. 9-1-6 BASIS FOR USER CHARGES**

- a) **Residential Sewer Users.** Any person owning single family residences or multiple family residences discharging wastewater into the municipal sanitary sewer system shall be charged for wastewater collection and treatment services on the basis of equivalent house units in Category A. There is one (1) family living unit per one (1) equivalent house unit.
- b) **Public, Commercial and Industrial Sewer Users.** Those public, commercial and industrial sewer users that discharge no greater than ten thousand (10,000) gallons per day of normal domestic strength wastewater shall be charged for wastewater collection and treatment services on the basis of equivalent house units in Category A. The number of equivalent house units for each of these users would be established per a rate schedule and amended by Village resolution.
- c) **Category B Sewer Users.** Category B sewer users shall pay for wastewater collection and treatment services on the basis of water meter readings on private water supplies and/or sewer meter readings on the person's wastewater discharges. The person shall furnish and install the water and/or sewer meters at his expense and with prior approval from the Approving Authority.

#### **SEC. 9-1-7 AMOUNT OF USER CHARGES; RESPONSIBILITY FOR REPAIRS**

- a) **Drainage Fixture Units (DFU).** Shall serve as the basis to determine impact charges for both residential and non-residential uses. Wisconsin Administrative Code Chapter Comm 82 **Table 82.30-1** shall provide the basis for DFU calculations respectively for non-public and public uses.
- b) **Minimum charge.** All developed properties that connect to the sewerage works shall be levied a minimum charge equal to one equivalent housing unit.
- c) **Residential Equivalent Charges.**
  1. The total charge shall equal the number of residential units multiplied by the current value on the Village rate schedule (for one residential unit).

2. **No Partial Charges.** There will not be partial charges regardless of the area, number of rooms, or actual number of drainage fixture units.
- d) **Non-residential Equivalent Charges.**
  1. The total charge shall equal the equivalent number of residential units multiplied by the current value on the Village rate schedule (for one residential unit). The equivalent number of residential units is determined by dividing the total DFU by 28.
  2. Partial Charges. Fractions will be rounded to the next highest number.
- e) **Structure Modifications.**
  1. The charges apply to residential, non-residential and public new construction.
  2. The changes apply to non-residential and public additions, and renovations to existing structures.
- f) **Responsibility for Repairs.**
  1. For purposes of this Section, "sewer user" means any person owning real property upon which improvements exist that are connected to the municipal sanitary sewer system and/or the municipal storm sewer system.
  2. Each sewer user is responsible for maintenance and repair of the laterals and all other components of the municipal sanitary sewer and storm sewer systems located on the sewer user's property and continuing therefrom to the point of intersection with the sewer main, including the connection to the main. If the Village performs maintenance or repair that is the responsibility of the sewer user under this paragraph, the Village Board may direct the Village Clerk/Treasurer to enter the total cost thereof upon the tax roll as a special assessment against the real property of said sewer user.

#### **SEC. 9-1-8 BILLING PRACTICE**

- a) **Calculation of User Charges.** User charges that shall be assessed to Village property owners shall be computed by the Village according to the rates and formula presented in Section 9-1-7 of this Chapter.
- b) **User Charge Billing Period.** User charges shall be billed by the Village to the property owners on a quarterly basis.
- c) **Payment of User Charges.** Those persons billed by the Village for user charges shall pay such charges within thirty (30) days after the billing date at the Village Hall.
- d) **Penalty.** Such user charges levied by the Village against the sewer users in accordance with this Chapter shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within thirty (30) days after it shall be due, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected; a processing fee, determined by the Village Board and adopted as part of the rate schedule kept by the Village Clerk, for bills placed on the tax roll shall also be added to such outstanding bills. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

#### **SEC. 9-1-9 DAMAGING OR TAMPERING WITH SEWAGE WORKS**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works, unless such person is authorized to do so. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

## SEC. 9-1-10 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

- a) **Right of Entry.** The Public Works Committee, or other authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement and testing in accordance with the provisions of this Chapter and Sec. 196.171, Wis. Stats. The Committee or their representatives shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.
- b) **Safety.** While performing the necessary work on private premises referred to in Subsection (a) above, authorized Village employees shall observe all safety rules applicable to the premises established by the company and the Village shall indemnify the company against loss or damage to its property by Village employees and against the liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, and indemnify the company against loss or damage to its property by Village employees, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 9-1-5(d) of this Chapter.
- c) **Identification, Right to Enter Easements.** The Public Works Committee and other authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement, all subject to the terms, if any, of the agreement.

Supp. 6-93

## SEC. 9-1-11 SEWER CONSTRUCTION AND CONNECTIONS

- a) **Work Authorized.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.
- b) **Cost of Sewer Connection.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person. The person shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- c) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements for this Chapter.
- d) **Materials and Methods of Construction.** The size, slope, alignment, materials of construction of a building sewer and the methods of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Village. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- e) **Building Sewer Grade.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- f) **Storm and Groundwater Drains.**

1. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or drain which is connected directly or indirectly to a sanitary sewer.
  2. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer, shall be disconnected within sixty (60) days of the date of an official written notice from the Approving Authority. Exceptions to the above shall be made by the Approving Authority.
- g) **Conformance to Plumbing Codes.** The connection of the building sewer into the sanitary sewer shall conform to the requirements of the Building and Plumbing Codes, or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the Approving Authority before installation.
- h) **Inspection of Connection.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- i) **Barricades; Restoration.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

#### **SEC. 9-1-12 VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES**

- a) **Violations.** Violation of any provision of this Chapter or any other rule or order lawfully promulgated by the Village Board of the Village is declared to be a public nuisance.
- b) **Enforcement.** The Approving Authority shall enforce those provisions of this Chapter that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the Approving Authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself that a nuisance does, in fact, exist.
- c) **Summary Abatement.** If the Approving Authority determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- d) **Abatement After Notice.** If the Approving Authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisances to be removed as provided in Subsection (c).
- e) **Other Methods Not Excluded.** Nothing in this Chapter shall be constructed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.
- f) **Court Order.** Except when necessary under Subsection (c), the Approving Authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

- g) **Cost of Abatement.** In addition to any other penalty imposed by this Section for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.
- h) **Continued Violations.** Any person who shall continue any violation beyond such notice time limit shall, upon conviction thereof, be subject to a forfeiture as provided in Section 1-1-6 of this Municipal Code.
- i) **Liability to Village for Losses.** Any person violating any provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation which the Village may suffer as a result thereof. The Approving Authority shall be notified immediately by any person becoming aware of any violations that occur.

#### **SEC. 9-1-13 APPEALS**

- a) Any user, permit applicant or holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Chapter, or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, in ten (10) days after notification of the action, file a written appeal with the Zoning Appeals Board of the Village.
- b) A fee shall accompany any appeal to the Zoning Appeals Board for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- c) The written appeal shall be heard by the Zoning Appeals Board within forty-five (45) days from the date of filing. The Zoning Appeals Board shall make a final ruling on the appeal within sixty (60) days from the date of filing.

#### **SEC. 9-1-14 VALIDITY**

- a) **Superseding Previous Ordinances.** This Chapter governing sewer use, industrial wastewater discharges, user charges and sewer connections and construction shall supersede all previous ordinances of the Village.
- b) **Amendment.** The Village, through its duly authorized officers, reserves the right to amend this Chapter in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment.

#### **SEC. 9-1-15 AUDIT**

The Village shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses and replacement costs.