

ORDINANCE NO. _____

An ordinance regulating 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 providing penalties for violations thereof; and levying and collection of sewer service charges, in the Village of St. Cloud, County of Fond du Lac, State of Wisconsin.

Be it ordained and enacted by the Village Board of the Village of St. Cloud, State of Wisconsin as follows:

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SEWER UTILITY REGULATIONS AND RATES

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ARTICLE A

DEFINITIONS

SEC. 5-3-1 DEFINITIONS.

The following terms shall have the following meanings under this Ordinance:

- (a) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."
- (b) BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (c) BUILDING SEWER shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.
- (d) CATEGORY A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 238 mg/l, and suspended solids no greater than 189 mg/l.

- (e) CATEGORY B shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 238 mg/l of BOD, and 189 mg/l suspended solids. Users whose wastewater exceeds the concentration for any one of these parameters shall be in Category B.
- (f) CHLORINE REQUIREMENT shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- (g) COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.
- (h) COMPATIBLE POLLUTANTS shall mean BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the Village's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.
- (i) DEBT SERVICE CHARGES shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (j) EASEMENT shall mean an acquired legal right for the specified use of land owned by others.
- (k) FLOATABLE OIL is 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.
- (l) GROUND GARBAGE shall mean the residue from the preparation, cooking, dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (m) INCOMPATIBLE POLLUTANTS shall mean wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.
- (n) INDUSTRIAL WASTE shall mean any solid, liquid, or gaseous substance discharged or escaping from any industrial, manufacturing, or commercial establishment. Such term includes any wastewater which is not sanitary sewage.

- (o) NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- (p) NITROGEN shall mean Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
- (q) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD no greater than 238 mg/l, and suspended solids no greater than 189 mg/l.
- (r) OPERATION AND MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the Village.
- (s) PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (t) pH shall mean 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} .]
- (u) PHOSPHORUS shall mean total phosphorus and is expressed in mg/l of P (phosphorus).
- (v) PUBLIC SEWER shall mean any publicly owned sewer, storm drain, sanitary sewer or combined sewer.
- (w) REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances that 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.
- (x) SANITARY SEWAGE shall mean a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.
- (y) SANITARY SEWER shall mean a sewer that carries sewage or wastewater.
- (z) SEWAGE is the spent water of a person or community. The preferred term is "wastewater."
- (aa) SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

- (bb) SEWER SERVICE CHARGE is a charge levied on users of the wastewater treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of said facilities.
- (cc) "SHALL" is mandatory; "MAY" is permissive.
- (dd) SLUG shall mean any discharge of water or wastewater that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes, more than five times the average twenty-four hour concentration of flows during normal operation, and/or adversely affects the collection system and/or performance of the wastewater treatment facility.
- (ee) STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (ff) STORM SEWER OR DRAIN shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (gg) SUSPENDED SOLIDS shall mean 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.
- (hh) UNPOLLUTED WATER is water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.
- (ii) WASTEWATER shall mean the spent water of a community or person. 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.
- (jj) WASTEWATER COLLECTION FACILITIES (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater.
- (kk) WASTEWATER TREATMENT FACILITY shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.

- (II) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT is a document issued by the State of Wisconsin that establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

ARTICLE B

GENERAL PROVISIONS

SEC. 5-3-2 MANAGEMENT OF SEWER UTILITY.

- (a) The management, operation, and control of the sewer system for the Village of St. Cloud is vested in the Board of Trustees of the Village. All records, minutes and all written proceedings shall be kept by the Village Board. The Village Clerk-Treasurer shall keep all the financial records. The Village Board may delegate these management responsibilities to the Utilities Commission.
- (b) The Village Board shall have the power to construct sewer lines for public use to lay sewer pipes in and through the alleys, streets, and public ground of the Village, and generally to do all such work as may be found necessary or convenient in the management of the sewer system. The Village Board shall have the power by themselves, their officers, agents, and servants, to enter upon any land to examine or supervise the performance of their duties under this Ordinance, without liability therefor. The Board shall have power to purchase and acquire for the Village all real and personal property that may be necessary for construction of the sewer system, or for any repair, remodeling, or additions to the sewer system.

SEC. 5-3-3 MAINTENANCE OF SERVICE.

Building owners shall maintain sewer service from the street main to their buildings and all controls between the same, without expense to the Village, except when damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a separate building sewer shall be installed for each building.

SEC. 5-3-4 CONDEMNATION OF REAL ESTATE.

Whenever any real estate or easement over real estate shall in the judgment of the Village be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner, the Village shall proceed with all necessary steps to take such real estate or easement by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Policy Act of 1970, as amended, if Federal Funds are used.

SEC. 5-3-5 TITLE TO REAL ESTATE AND PERSONAL PROPERTY.

All property, real, personal and mixed, acquired for the construction of the sewer system and all plans, specifications, diagrams, papers, books and records connected with the sewer system and all buildings, machinery, and fixtures pertaining to the system, shall be the property of the Village.

SEC. 5-3-6 USER RULES AND REGULATIONS.

The rules, regulations, and sewer user charges set forth in this Ordinance shall be a part of the contract with every person, company or corporation who is connected with the sewer system of the Village and every such person, company, or corporation by connecting with the sewer system shall be considered as expressing his or their consent to be bound thereby. Whenever any of the rules and regulations adopted by the Village Board are violated, sewer service shall be shut off from the building or place of such violation (even if two or more parties are receiving service through the same connection) after notice by certified mail to the address of the property in question. Service shall not be reestablished except by order of the Village Board or its duly authorized agent, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and upon such other terms as the Board may determine, and upon a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board may further declare any payment made for the service by the party or parties committing such violation forfeited. The Board reserves the right to change the rules, regulations, and sewer rates and contracts.

SEC. 5-3-7 THROUGH SEC. 5-3-10 RESERVED.

ARTICLE C

BUILDING SEWERS AND CONNECTIONS

SEC. 5-3-11 REGULATION OF PLUMBERS.

No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining a permit from the Village for the work to be done. All service connections to the sewer main shall comply with the State Plumbing Code.

SEC. 5-3-12 MANDATORY HOOKUP.

- (a) Failure to connect to the sewer system fails to assure preservation of public health, comfort, and safety, and is contrary to the minimum health standards of the Village.

- (b) The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which the system is extended shall connect to the system within three hundred sixty-five (365) days of notice in writing from the Village. Upon failure to do so, the Village may cause the connection to be made and bill the property owner for the costs of connection. If the costs are not paid within thirty days they shall be assessed as a special tax lien against the property pursuant to Section 144.06, Wis. Stats., provided, however that the owner may within thirty days after the completion of the work file a written option with the Village Clerk-Treasurer stating that he cannot pay the amount in one sum and asking that it be levied in not to exceed five equal installments and that the amount shall be collected with interest at the rate of six (6%) percent per annum from the completion of the work with the unpaid balance being a special tax lien.
- (c) In lieu of the above the Village may impose a penalty for the period that the violation continues after ten days written notice to any owner failing to a connect to the sewer system. The penalty shall be an amount equal to one hundred fifty (150%) percent of the minimum quarterly charge for sewer service payable for the period in which the failure to connect continues. Upon failure to pay the penalty, it shall be assessed as a special tax lien against the property pursuant to Section 144.06, Wis. Stats.

SEC. 5-3-13 SEPTIC TANKS PROHIBITED.

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by the public sewer system are hereby declared to be a public nuisance and health hazard. From and after July 1, 1973, the use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.

SEC 5-3-14 APPLICATION FOR SERVICE.

- (a) Every person connecting to the sewer system shall file an application in writing to the Village, in such form as is prescribed for that purpose. applications will be furnished at the office of the Clerk-Treasurer. The application must state fully and truthfully all the use which will be allowed except upon further application and permission regularly obtained from the Village. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of St. Cloud are referred to as "Users."
- (b) The application may be for service to more than one building or more than one unit of service through one service connection and in such cases charges shall be made accordingly.

- (c) The Village may reject the application if it appears that the service applied for will not provide adequate service for the contemplated use. If the application is approved, the Village shall issue a permit for services as shown on the application.

SEC. 5-3-15 PERMIT AND CONDITIONS FOR SEPTIC TANK SLUDGE AND/OR HOLDING TANK SEWAGE DISPOSAL.

- (a) Septic tank sludge and/or holding tank sewage ("sludge/sewage") shall only be discharged to the Village's sewerage system in accord with the permit requirements of this section and at locations, times, and conditions as specified by the Village Board.
- (b) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Village. Permits shall be obtained annually and shall be nontransferable except in the case of replacement of the disposal unit for which a permit was originally issued. The Village may impose such conditions as it deems necessary on any permit granted. Only persons licensed as disposers by the State of Wisconsin are eligible for a Village permit under this section.
- (c) Between August 1 and September 1 of each year every licensed disposer wishing to discharge septic tank sludge and/or holding tank sewage to the Village wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Village in the form prescribed for that purpose. Forms for such application will be furnished during the months of July and August at the office of the Clerk-Treasurer. The application must state fully and truthfully the type, frequency, quantity, quality and location of generated material to be disposed of at the Village wastewater treatment works.
- (d) The Village will evaluate the applications during the month of September and make a determination as to the amount and conditions of septic tank sludge and/or holding tank sewage disposal at the Village wastewater treatment facility. The Village shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septic tank sludge and/or holding tank sewage disposal consideration shall be given first to those generators of septic tank sludge and/or holding tank sewage that are within the sewer service area.
- (e) All Village approvals for disposal shall have the condition that any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to disposal, the Village may immediately restrict disposal until such time as corrective action or mitigative measures have been taken.
- (f) Sludge/Sewage discharges to Village specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, to prevent a backup in the receiving sewer and to prevent a slug

load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the utility and require written documentation of the discharge to be submitted to the Village within one working day of the discharge to the Village sewers or wastewater treatment facility.

- (g) Sludge/Sewage discharges to the Village holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility. Documentation of the discharge shall be submitted to the Village within one working day of the discharge.
- (h) Forms for documentation of discharges will be furnished at the office of Clerk-Treasurer and shall require the following information:
 - (1) Name, address and telephone number of the hauler.
 - (2) License number.
 - (3) Type of wastewater.
 - (4) Quantity of wastewater.
 - (5) Estimated quality of wastewater.
 - (6) Location, date, time and feed rate of discharge to the sewerage system.
 - (7) Source of wastewater.
 - (8) Name and address of wastewater generator.
 - (9) Other information as requested.
- (i) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable Village ordinances and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand, or other solid material to pass into any part of the wastewater treatment facilities.
- (j) Any person or party disposing of septic tank sludge or holding tank sewage at the Village's wastewater treatment facility shall carry public liability insurance in an amount not less than One Hundred Thousand Dollars to protect any and all persons or property from injury and/or damage caused in any way or manner by any act or the failure to act of any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

SEC. 5-3-16 COST OF SEWER CONNECTION.

All costs and expenses incidental to the installation and connection of building sewers shall be borne by the person making the connection.

SEC. 5-3-17 WORK AUTHORIZED.

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the Village.

SEC. 5-3-18 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 treatment facilities.

SEC. 5-3-19 TAP PERMITS.

After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments unless the party ordering the tapping or other work exhibits the proper permit from the Village.

SEC. 5-3-20 USER TO KEEP IN REPAIR.

All users shall keep their own building sewers in good repair and protected from frost at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

SEC. 5-3-21 USER USE ONLY.

No user shall allow others or other services to connect to the sewer system through his building sewer.

SEC. 5-3-22 BACKFLOW PREVENTOR.

All floor drains shall have a backflow prevention valve installed at the owner's expense.

SEC. 5-3-23 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.

The Village must be notified in writing whenever premises served by the system are to be vacated or whenever any person desires to discontinue service from the system. The owner of the premises shall be liable for any damages to the sewer system except damages arising through the fault of the sewer system or its employees, representatives, or agents.

SEC. 5-3-24 USER TO PERMIT INSPECTION.

Every user shall permit the Village Board, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate. Users must at all times provide full disclosure to all questions put to them relative to their use of the sewer system.

SEC. 5-3-25 VILLAGE RESPONSIBILITY.

No claim shall or may be made against the Village, its employees or representatives by reason of the breaking, clogging, stoppage, or freezing of any service pipes or from any damage arising from repairing mains, making connections or extensions or any other work

that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any section of the sewerage system the Village shall, if practicable, give notice of the time when such service will be so shut off to each and every consumer within the affected section.

SEC. 5-3-26 EXCAVATIONS.

- (a) In making excavations in streets or highways for laying service pipes or making repairs, the paving and earth removed must be deposited in a manner that will cause the least inconvenience to the public.
- (b) No person shall leave any excavation made in any street or highway open at any time without barricades. Warning lights must be maintained at such excavations after dark.
- (c) In refilling the opening after service pipes are laid the earth must be laid in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street at least as good as before it was disturbed, and to the satisfaction of the Village. Opening of streets for tapping pipes will not be permitted when the ground is frozen.

SEC. 5-3-27 TAPPING THE MAINS.

- (a) No person, except those having special permission from the Village Board, or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection, materials, and pipe size shall be that specified in the permit or order from the Village Board to ensure that new sewers and connections to the sewer system are properly designed and constructed.
- (b) Pipes should always be tapped on the top, and not within six inches (15 cm) of the joint or within twenty-four (24) inches (60 cm) of another service connection. All service connections to mains must comply with the State Plumbing Code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee. Connections to existing tees or wyes shall be made with an approved bonded rubber.

SEC. 5-3-28 INSTALLATION OF HOUSE LATERALS.

- (a) All building sewers on private property shall be installed in accordance with Wisconsin Administrative Code Ordinance ILHR 82, "Design, Construction, Installation, Supervision and Inspection of Plumbing", specifically Section ILHR 82.04, "Building Sewers."

- (b) The person making a connection to a public sewer shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Village. All connections and service pipes will be inspected. All connections shall be made gas and water tight. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.
- (c) The cost of installing building service sewers and/or private interceptor main sewers including, but not limited to, the costs for materials, labor, connections, and permit fees shall be paid by the person connecting with the sewer system.

SEC. 5-3-29 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 Village, to meet all requirements under this Ordinance.

SEC. 5-3-30 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 the building drain shall be lifted by an approved means and discharged to the building sewer.

SEC. 5-3-31 STORM AND GROUNDWATER DRAINS.

No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

SEC. 5-3-32 EXTENSIONS.

- (a) The Village shall extend sewer mains to a new person(s) in accordance with the following charges and conditions:
- (b) When an extension main is required by the prospective user, he shall make an application for an extension to the Village by filing a written application with the Clerk-Treasurer. After the filing of the application the Village shall first determine the logical location of the next manhole or manholes. Next, the Village shall determine the length and location of the extension taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local, state and federal laws, ordinances, and regulations.

- (c) The person who requests the extension shall pay the entire cost of the extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users.
- (d) If the Village receives additional payments for the same extension within ten years of receiving full payment from the person(s) who requested the extension, it shall issue a refund pro rata to the person(s) who originally paid for the costs of the extension.

SEC. 5-3-33 ASSESSMENT OF COST OF EXTENSION.

- (a) **SPECIAL ASSESSMENT.** Where the Village Board elects to extend a sewer main and the cost of the extension is to be assessed against the abutting property, the Village shall follow the procedure set forth in Section 66.60, Wis. Stats.
- (b) **CUSTOMER FINANCED EXTENSIONS.** Where the Village Board is unwilling to make a special assessment because of low density of prospective consumers or for any other reason, customer financed extensions will be made on the request of any customer who shall comply with the terms and conditions set forth in the following Subsections (1) through (6):
 - (1) **Customer Defined.** The word "customer" as used in this ordinance means the owner of the premises that the sewer main is to service unless specific written agreements filed with the Clerk-Treasurer specify otherwise. The customer at all times means the property owner at the time a contribution is to be made or a refund becomes available.
 - (2) **Basis of Determining Contribution From Original Customer.** The customer shall advance the full cost of construction of the sewer main. The contribution must be paid in advance of construction, provided however, that if the assessed value of the real property which is to be served by the sewer main exceeds the amount which the customer would be required to advance under this section, then the customer shall be permitted to make payment on the following terms: twenty-five (25%) percent of the amount in advance of construction and the balance payable in three equal annual installments, payable on the first, second and third anniversary dates of the initial payment. No interest shall be charged on installment payments if paid on or before the due dates. Interest shall be charged at the legal rate on all delinquent payments and delinquent payments shall constitute a lien on the property served by the sewer main and shall be extended on the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to the delinquent payments.
 - (3) **Additional Customers and Refunds.**
 - a. When additional customers are connected to the sewer main that was originally financed in part by a customer, the Village shall require a

contribution from each new customer equal to the existing average contribution of customers connected to the sewer main. The contribution shall be paid in equal shares to the current owners of property, which owners or their predecessors in title have previously made a contribution to the cost of the sewer main, including the new customer.

- b. No further refunds will be made to any customer when the refunds received by him have reduced his contribution to a point where it is equal to an amount equal to the ratio that his front footage on the sewer main bears to the total cost of construction of said sewer main.
- (4) Limit of Extension. When an extension beyond an existing extension is required to serve a new customer and the cost for a customer exceeds the average remaining contribution in the original extension, then the new extension will be considered as an entirely new project, without refunds, or other connection with the original extension.
- (5) Limit of Refunds. The development period during which refunds shall be made shall be limited to twenty years.
- (6) Size of Mains. The Village shall determine what size main must be laid in connection with any extension.

SEC. 5-3-34 ADDITIONAL AUTHORITY.

The Village Board may at any time establish specific connection and building sewer charges for any main not covered by any other provisions in this Ordinance or when the Village has made an extension and the Village has failed to provide building sewer or connection charges. The Village Board may amend or alter any connection or building sewer charge after its establishment under the terms of this Ordinance or any other applicable Ordinance or Resolution.

ARTICLE D

USE OF THE PUBLIC SEWERAGE SYSTEM

SEC. 5-3-35 SANITARY SEWERS.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

SEC. 5-3-36 STORM SEWERS.

Storm water and all other unpolluted water shall be discharged to sewers that are specifically designated as combined sewers or storm sewers, or to a natural outlet

approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the Village and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.

SEC. 5-3-37 PROHIBITIONS AND LIMITATIONS.

Except as provided in this section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, or other substances that by themselves or by interaction with other substance may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (c) Any waters or wastes having a pH lower than 5.0 or in excess of 9.0, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment facilities.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment facilities, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) The following described substances, materials, waters, or waste shall be limited in discharge to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Village may set limitations more stringent than those established below if more stringent limitations are necessary to meet the above objectives. The Village will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or that would cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (2) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.
- (6) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the Village or limits established by any federal or state statute, rule or regulation.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state and federal regulations.
- (8) Any waters or wastes containing substances that 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 facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (9) Any water or wastes that, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (10) Materials that exert or cause:
 - i. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

- ii. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Article A.
 - iii. 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).
 - iv. Excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions).
- (11) Incompatible pollutants in excess of the allowed limits as determined by local, state, and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403, as amended from time to time.

SEC. 5-3-38 WPDES PERMIT.

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the Village's WPDES permit and any modifications thereof.

SEC. 5-3-39 WASTEWATER DISPOSAL.

No person or licensed disposer shall dispose of wastewater into any storage area or sewer manhole located within the Village without the prior written approval of the Village Board.

SEC. 5-3-40 SPECIAL AGREEMENTS.

No statement contained in this article shall be construed as prohibiting any special agreement between the Village Board and any person whereby waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facility by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person, and further provided that all rates and provisions set forth herein are complied with.

SEC. 3-5-41 PERMIT REQUIRED.

It shall be unlawful to discharge any sewage or other polluted waters to any natural waterway within the Village or in any area under the jurisdiction of the Village, without first obtaining a Wisconsin Pollutant Discharge Elimination System permit (WPDES permit).

SEC. 3-5-42 THROUGH SEC. 5-3-48 RESERVED.

ARTICLE E

SEWER USE CHARGE SYSTEM

SEC. 5-3-49 PURPOSE OF SEWER USER CHARGE SYSTEM.

POLICY. It shall be the policy of the Village to obtain sufficient revenues to pay the cost of:

- (a) The annual debt retirement payment on any indebtedness,
- (b) Any required cash reserve account payment, and
- (c) Operation and maintenance of the sewage works, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances that are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this Section.

SEC. 5-3-50 BASIS FOR SERVICE CHARGE.

- (a) **BASIS FOR SERVICE CHARGE.** The minimum quarterly billing shall be sufficient to pay the billing and customer related administration expenses. A portion of any required debt service may be budgeted by levying an ad valorem tax in accordance with State Statutes. The service charge shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, of the sewerage facilities, and any debt service not recovered by an ad valorem tax.
- (b) **BIENNIAL AUDIT.** The Village shall review the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater treatment facilities, and the sewer service charge system, at least every two years to accomplish the following:
 - (1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
 - (2) Generate sufficient revenues to pay the operation and maintenance and debt service expenses of the wastewater treatment facilities.
 - (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.
- (c) **ANNUAL NOTIFICATION.** The municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses and to debt service

costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular bill.

SEC. 5-3-51 SEWER SERVICE CHARGES.

A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewer and wastewater facilities.

SEC. 5-3-52 SEWER USERS SERVED BY PRIVATE WELLS.

If any person discharging wastewater into the public sanitary sewers procures any part or all of his water from sources other than the Water Utility, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the Water Utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, new water meters will not be required. The water meters shall be furnished by the Water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

The Water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.

SEC. 5-3-53 DEDUCT METERS.

If a user feels that a significant amount of metered water does not reach the sanitary sewer, a customer may avail himself of one of the following options:

- (a) He may request the Village to have such additional meters or metered services installed as are necessary to calculate the volume of water not discharged to the sanitary sewer (i.e., a "deduct" meter); or, he may request the Village to have a meter installed to measure the actual amount of sewage discharged to the sanitary sewer (i.e., a "sewage" meter). Requests for a second meter or metered services must be made in writing to the Village. In the event the Village agrees to such installations, the customer shall be charged all costs attendant thereto including, but not limited to: a meter yoke for each meter (to be installed by a licensed plumber), meter rental (the meter will be owned by the Village and subject to access and inspection by the Village personnel at all reasonable items) in an amount set annually by the Village, remote reading device(s) if necessary, and labor and miscellaneous parts and supplies. No provision shall be made, nor shall any means be taken, to route water from any "deduct" meter to the customer's general distribution system. In addition to the general penalties set forth in Article G, any violation of this section will result in nullification of the deduct readings and removal of the deduct meter.

- (b) In the event it is physically impractical or impossible to install metering equipment, he may request the Village to take such means as it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system, or, conversely, the amount of actual sewage discharged thereto.
- (c) Neither of the options set forth in this subsection shall be applicable or available to customers for reasons which are attendant to use of water for the filling of pools or watering of lawns and outdoor greenery. Such seasonal use of water (that does not reach the sewer system) has been figured into the rates for the second and third quarter.

SEC. 5-3-54 WHERE METER READINGS CANNOT BE MADE.

Where it is not possible to obtain a water meter reading, the customer shall be assigned an average water volume by the Village, based on previous meter readings, and this shall be so stated on the bill. The difference shall be adjusted when the meter is again read. Where no water meter exists, the Village shall require installation of a water meter on the source of water supply whether public or private, except in the case of residential users only where the Village may at its option bill instead at a fixed rate established on the basis of fifteen thousand gallons per quarter water use until such time as a water meter may be installed by the user or required by the Village.

SEC. 5-3-55 AMOUNT OF SEWER SERVICE CHARGES

- (a) **SEWER SERVICE CHARGE UNIT COSTS.** The unit costs for the sewer service charge are as follows:

Volume	\$1.16/1,000 Gallons
BOD	\$0.67/lb
Suspended Solids	\$0.67/lb
Fixed Charge	\$13.20/User/Quarter

- (b) **CATEGORY A SEWER SERVICE CHARGE.** The sewer service charge for Category A sewer users is as follows:

Fixed Quarterly Charge	\$13.20
Volume Charge	\$ 3.56/1,000 gallons

- (c) **CATEGORY B SEWER SERVICE CHARGE.** The sewer service charge for Category B sewer users is as follows:

Fixed Quarterly Charge	\$13.20
Volume Charge	\$ 3.56/1,000 gallons

Surcharge:

BOD greater than 238 mg/l = \$0.67/lb

Suspended Solids greater than 189 mg/l = \$0.67/lb

The Category B sewer service charge shall be computed in accordance with the formula presented below:

$$T = FQ + (V \times C_v) + .00834 V (B \times C_b + S \times C_s)$$

Where:

T	=	Total sewer service charge
FQ	=	Fixed quarterly charge
B	=	Concentration of BOD in mg/l in the wastewater above 238 mg/l
S	=	Concentration of suspended solids in mg/l in the wastewater above 189 mg/l
V	=	Wastewater volume in 1,000 gallons
C _v	=	Cost per 1,000 gallons
C _b	=	Cost per pound of BOD
C _s	=	Cost per pound of suspended solids
.00834	=	Conversion factor

The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD or suspended solids.

- (d) REASSIGNMENT OF SEWER USERS. The Village will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs or other related information indicate a change of categories is necessary.
- (e) OPERATION, MAINTENANCE, REPLACEMENT AND DEBT SERVICE FUND ACCOUNTS. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Article A. All sewer service charge revenues collected for other operation and maintenance expenses shall be deposited in a separate and distinct fund.

All sewer service charge revenues collected for debt service shall be deposited in a separate and distinct fund.

All revenues for the replacement fund, the operation and maintenance of the wastewater treatment facilities and debt service shall be used solely for the replacement fund, operation and maintenance and debt service of the wastewater treatment facilities.

- (f) SEPTIC TANK SLUDGE/HOLDING TANK SEWAGE. Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged as follows:

Septic Tank Sludge - \$113.00/1,000 gallons (\$84.53/100 cubic feet)

Holding Tank Sewage - \$15.00/1,000 gallons (\$11.22/100 cubic feet)

The person(s) disposing wastes agrees to indemnify and hold harmless the Village from any and all liability and claims for damages arising out of or resulting from work and labor performed.

- (g) CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Village's wastewater treatment facility shall pay for such increased costs, as may be determined by the Village.

SEC. 5-3-56 CALCULATION OF SEWER SERVICE CHARGES.

Sewer service charges shall be computed according to the rates and formula presented in this Ordinance.

SEC. 5-3-57 SEWER SERVICE CHARGE BILLING PERIOD.

Sewer service charges shall be billed by the Village to the sewer users on a quarterly basis.

SEC. 5-3-58 SEWER SERVICE CHARGE BILLS.

- (a) Bills for sewer service shall be issued on or about the first of the month following the period for which service is rendered. A late payment charge of one and one-half (1-1/2%) percent per month shall be added to bills not paid within twenty days of issuance. This late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty days after the bill is issued. A Fifteen Dollar charge will be made for processing checks that have been returned for insufficient funds. Service charges shall be a lien on the property served in accordance with Sec. 66.076, Wis. Stats. Failure to receive a bill shall not be an excuse for non-payment.

- (b) The owner of the property served is responsible for payment of the sewer service charges regardless of whether the property is owner-occupied or leased to or otherwise occupied by someone other than the property owner.
- (c) A charge of One Hundred Dollars will be collected in advance for restoring service after service has been shut off for nonpayment.

SEC. 5-3-59 PENALTIES.

Sewer service charges levied by the Village against sewer users under this Ordinance shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within thirty days after it is due, it may be deemed delinquent and may be placed, together with such penalties as provided by statute, on the next year's tax roll and be collected as other taxes are collected.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

SEC. 5-3-60 DAMAGE RECOVERY.

The system shall have the right of recovery from all persons for any expense incurred by the system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

ARTICLE F

CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS

SEC. 5-3-61 SUBMISSION OF BASIC DATA.

The Village may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Village, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged of the wastewater treatment facilities. In the case of a new connection, the Village may require that this report be prepared prior to making the connection the public sewers.

SEC. 5-3-62 INDUSTRIAL DISCHARGES.

If any waters or wastes discharged or proposed to be discharged to the public sewers contain substances or possess the characteristics enumerated in Article D, and which in the judgment of the Village have a deleterious effect upon the wastewater treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Village may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and/or,
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of this Ordinance.

SEC. 5-3-63 CONTROL MANHOLES

Each person discharging industrial wastes into a public sewer shall, at the discretion of the Village, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Village.

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 Village prior to beginning of construction.

SEC. 5-3-64 PROVISION FOR DEDUCTIONS.

In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than ten (10%) percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.

SEC. 5-3-65 METERING OF WASTE.

Devices for measuring the volume of waste discharged may be required by the Village Board 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 discharger. A maintenance schedule must be accepted by the Village Board. Following approval and installation such meters may not be removed without the consent of the Village Board.

SEC. 5-3-66 WASTE SAMPLING.

- (a) Industrial wastes, and septic tank sludge and/or holding tank sewage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry or the licensed disposer as often as may be deemed necessary by the Village Board.
- (b) Sampling shall be conducted 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 Village Board.
- (c) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste or septic tank sludge and/or holding tank sewage and shall be subject to the approval of the Village Board. Access to sampling locations shall be granted to the Village Board 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.

SEC. 5-3-67 ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Method" and with the Federal Regulations of 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the Village. The Village may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.

If the person discharging the waste contests the determination, the Village Board may elect to have an independent laboratory determine the character and concentration of the waste. The independent laboratory shall be acceptable to both the Village Board and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

SEC. 5-3-68 PRETREATMENT.

Persons discharging industrial wastes into any public sewer may be required to pretreat the wastes if the Village determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants.

In that event the discharger shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

If a person discharging the waste contests the determination, the Village Board may elect to have an independent laboratory determine the character and concentration of the waste. The independent laboratory shall be acceptable to both the Village Board and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

SEC. 5-3-69 SUBMISSION OF INFORMATION.

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until Village approval has been granted.

SEC. 5-3-70 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided by the discharger when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Ordinance, 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 Village and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) 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 Village. Disposal of the collected materials performed by owner's (s') personnel or currently licensed waste disposal firms must be in accordance with currently applicable Department of Natural Resources (DNR) rules and regulations.

ARTICLE G

VIOLATIONS AND PENALTIES

SEC. 5-3-71 DAMAGES.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SEC. 5-3-72 WRITTEN NOTICE OF VIOLATION.

Any licensed disposer discharging to the wastewater treatment facility or to a public sewer found to be violating a provision of this Ordinance or of any conditions of the Village approval for septic tank sludge and/or holding tank sewage disposal, may have their permit immediately revoked. The revocation notice shall be in writing and shall state the reason for revoking the septic tank sludge and/or holding tank sewage disposal permit.

SEC. 5-3-73 PUBLIC NUISANCE.

The violation of any provision of Articles A, D, and F, inclusive, or Article I hereof, shall constitute a public nuisance as that term is defined in the Municipal Code.

SEC. 5-3-74 ABATEMENT OF NUISANCE - NO IMMEDIATE DANGER.

If it is determined that a public nuisance has been created or is being maintained by violation of this Ordinance, but that the nature of the nuisance does not threaten great and immediate danger to the public health, safety, peace, morals, or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same (identifying the nature of the violation) within a reasonable time. The offender shall, within the period of time stated in said notice, abate the nuisance and permanently cease all violations.

SEC. 5-3-75 ABATEMENT OF NUISANCE - IMMEDIATE DANGER.

If it is determined that a public nuisance caused by the violation of this Ordinance exists, and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Village President, Village Engineer, and/or the Chief of Police may cause the same to immediately be abated, and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

SEC. 5-3-76 ACCIDENTAL DISCHARGE.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages, both values to be established by the Village Board.

SEC. 5-3-77 CONTINUED VIOLATIONS.

Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond a notice time limit provided shall, upon conviction, be subject to the General Penalty of this Code of Ordinances found in Sec. 1-1-6, together with the costs of prosecution. In default of payment of the forfeiture and costs, the violator shall

be imprisoned in the County Jail for a period not to exceed five days. Each day that any violation is continued beyond the notice time limit shall be deemed a separate offense.

SEC. 5-3-78 LIABILITY TO VILLAGE FOR LOSSES.

Any person violating any provisions of this Ordinance shall, in addition to any penalty or fine which may be assessed against him, become liable to the Village for any expense, loss, or damage occasioned by reason of the violation that the Village may suffer as a result thereof.

SEC. 5-3-79 PENALTIES.

Any person who violates any of the provisions of this Ordinance or rules or regulations of the Village or who connects a service pipe or discharge without first having obtained a permit, or who violates any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction forfeit an amount as provided in the General Penalty section of this Code of Ordinances in Sec. 1-1-6 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in the provisions of this Ordinance for mandatory hookup.

ARTICLE H

APPEALS

SEC. 5-3-80 PROCEDURES.

Any user, permit applicant or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Village or its authorized agents or representatives interpreting or implementing the provisions of this Ordinance or any permit issued herein, may file with the Village a written request for reconsideration. A request for reconsideration shall be filed within ten days of the date of such decision, action, or determination and shall set forth in detail the facts supporting the user's request for reconsideration. The Village Board or its authorized agents, employees or representatives shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within fifteen days of receipt of request. If the ruling on the request for reconsideration made by the Village or its authorized agents, employees or Representatives is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village Board.

A fee of \$50.00 shall accompany any appeal to the Village Board for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the Village Board within thirty days from the date of filing. The Village Board shall make a final ruling on the appeal within ten days from the date of filing.

ARTICLE I

RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION

SEC. 5-3-81 RIGHT OF ENTRY.

Village officers or other duly authorized employees, agents or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Ordinance.

SEC. 5-3-82 SAFETY.

While performing the necessary work on private premises referred to in Sec. 5-3-82, the duly authorized Village officers, employees, agents or representatives shall observe all safety rules applicable to the premises established by the owner or the occupant.

SEC. 5-3-83 IDENTIFICATION. RIGHT TO ENTER EASEMENTS.

Duly authorized Village officers, employees, agents or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds an 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 said easement, all subject to the terms, if any, of such easement.

ARTICLE J

RECORDS

SEC 5-3-84 RECORDS.

The Village shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

ARTICLE K

VALIDITY

SEC. 5-3-85 SUPERSEDING PREVIOUS ORDINANCES.

This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall replace and supersede all previous sewer regulation ordinances of the Village.

SEC. 5-3-86 INVALIDATION CLAUSE.

Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance that can be given effect without such invalid part or parts.

SEC. 5-3-87 AMENDMENT.

The Village, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may be deemed necessary.

ARTICLE L

EFFECTIVE DATES

SEC 5-3-88 EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after _____, 1990.

SEC 5-3-89 DATE OF ENACTMENT (APPROVAL).

Passed and adopted by the Village Board of the Village of St. Cloud in the County of Fond du Lac, in the State of Wisconsin on the _____ day of _____, 1990.

Village President

ATTEST:

Village Clerk/Treasurer

Passed this _____ day of _____, 1990.
Published this _____ day of _____, 1990.