

TITLE 9

Public Utilities

- Chapter 1** Water Utility Regulations and Rates
- Chapter 2** Sewer Utility Regulations and Rates

Water Utility Regulations and Rates

9-1-1	PSC Regulations Adopted
9-1-2	Private Well Abandonment; Well Operation Permit
9-1-3	Cross Connection Control and Backflow Protection

Sec. 9-1-1 PSC Regulations Adopted.

The rate order and regulations prescribed for the Village of Elk Mound Water Utility by the Wisconsin Public Service Commission are adopted and incorporated herein by reference.

Sec. 9-1-2 Private Well Abandonment; Well Operation Permit.

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the Village of Dorchester's municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal-owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.
 - (2) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations," and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
 - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, and pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) **Served By.** Any property having a water supply pipe extending onto it which is connected to the municipal water system.

- (5) **Unsafe.** A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
- (6) **Unused.** A well or pump installation that is one which is not used or does not have a functional pumping system.
- (7) **Well.** A drillhole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
- (8) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Well Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned (filled in and sealed) in accordance with Subsection (f) below by not later than one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Dorchester Water Utility under the terms of Subsection (e) below.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The Elk Mound Village Board shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Elk Mound Water Utility, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk-Treasurer. All initial and renewal applications shall be accompanied by the required fee. The following conditions must be met for issuance or renewal of a well operation permit:
 - (1) **Administrative Code Compliance.** The well and pump installation shall comply with the *Standards for Existing Installations* described in NR 812.42, Wis. Adm. Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every ten (10) years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Village Clerk-Treasurer.
 - (2) **Testing.** The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one (1) coliform bacteria sample collected within the prior thirty (30) days, and submitted to the Village Clerk-Treasurer. In areas where the Wisconsin Department of Natural Resources has determined that

groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- (3) **Cross Connections Prohibited.** There shall be no cross connections or interconnections between the well's pump installation or distribution piping and the municipal water system; unless approved by the Water Utility and WisDNR.
 - (4) **Private Well Discharges.** The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) **Functional Pumping System Requirement.** The private well shall have a functional pumping system or other complying means of withdrawing water.
 - (6) **Necessity Test.** The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures; Well Filling and Sealing.**
- (1) **Consistency With Administrative Code Requirements; Debris Removal.** All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) **Abandonment Supervision.** All well filling and sealing under jurisdiction of this Section shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Elk Mound Water Utility or by a Wisconsin-licensed well driller or pump installer, per Sec. 280.30, Wis. Stats.
 - (3) **Notification of Abandonment Procedures.** The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Village Clerk-Treasurer or Water Utility at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
 - (4) **Abandonment Report.** A well filling and sealing report form DNR #3300-005, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Village Clerk-Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property.

Cross-Reference: NR 140, 809 and 812, Wis. Adm. Code; SFS 382, Wis. Adm. Code

Sec. 9-1-3 Cross Connection Control and Backflow Protection.

- (a) **Purpose.** The purpose of this Section is to:
- (1) **Protection of Public Health and Welfare.** Protect the health and welfare of users of the public potable water supply of the Village of Elk Mound from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the Elk Mound Water and Sewer Utility.
 - (2) **Control and/or Eliminate Cross Connections.** Promote for the control and/or elimination of existing cross connections (actual or potential) between the customer's potable water system(s) and other environment(s) containing substance(s) which may contaminate or pollute the water supply.
 - (3) **Maintenance of Comprehensive Cross Connection Control Program.** Provide for the maintenance of a continuing comprehensive program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the Elk Mound Water and Sewer Utility.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Elk Mound water system.
 - (2) **Backflow Prevention.** A means designed to prevent backflow caused by back-pressure or back-siphonage; most commonly categorized as:
 - a. Air gap;
 - b. Reduced pressure principle backflow assembly;
 - c. Double check valve assembly;
 - d. Pressure vacuum breaker assembly;
 - e. Back-siphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly;
 - f. Pipe applied atmospheric vacuum breaker;
 - g. Flush tank ballcock;
 - h. Laboratory faucet backflow preventer;
 - i. Backflow preventer for carbonated beverage machine;
 - j. Vacuum breaker wall hydrants (freeze resistant automatic draining type);
 - k. Chemical dispensing machine;
 - l. Hose connection vacuum breaker;
 - m. Hose connection backflow preventer; and/or
 - n. Backflow preventer with intermediate atmospheric vent and barometric loop.
 - (3) **Backpressure.** An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend a reversal of the normal direction of flow.

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- (4) **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the Utility's potable water system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
 - (5) **Cross Connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
 - (6) **Cross Connection Control Manual.** Policies and procedures for cross connection control and backflow prevention for the Village of Elk Mound.
- (c) **Cross Connection Prohibited.** No person shall establish or permit to be established, or maintain or permit to be maintained, any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply, other than the public water supply of the Utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Utility and the Wisconsin Department of Natural Resources.
- (d) **Responsibility of Utility.** The Elk Mound Water and Sewer Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants. The Utility shall charge fees according to the Utility's *Cross Connection Control Manual* for maintaining a comprehensive cross control protection plan.
- (e) **Owner Responsibility.**
- (1) **Protection of Potable Water; Backflow Preventers.** The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the elimination of or protection from all cross connections on their premises. The owner shall, at their own expense, install, maintain, and test any and all backflow preventers on their premises in compliance with SPS 382, Wis. Adm. Code, requirements and the Utility's *Cross Connection Control Manual*. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means.
 - (2) **Technical Backflow Preventer Standards Generally.** The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type in the bypass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event the property owner installs potable water-using fixtures, equipment or appurtenances upstream of a backflow preventer, such must have its own approved backflow prevention means.

- (3) **Required Protection Practices to be Followed.** The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled *Recommended Backflow Prevention and Cross Connection Control*, United States Environmental Protection Agency publication titled *Cross Connection Control Manual*, Wisconsin Department of Safety and Professional Services Plumbing Code SPS 382, Wis. Adm. Code, and the Utility's *Cross Connection Control Manual*, unless the Utility requires or authorizes other means of protecting the potable water supply system. These requirements or authorizations will be at the discretion of the Utility.
- (f) **Inspections.** It shall be the duty of the Utility to cause surveys to be made of all properties serviced by the Utility where cross connections with the public water system is deemed possible. Residential properties serviced by the Utility shall be surveyed on a ten (10) year interval. The Utility may, but is not required to, perform the cross connection survey of the customer's property. All non-residential properties serviced by the Utility shall be surveyed on an interval not exceeding two (2) years. The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the Utility. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at their own expense, have the water system piping surveyed for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard #5120 as a Cross Connection Control Surveyor. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.
- (g) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the Utility for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.
- (h) **Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Subsection exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and/or repaired in compliance with this Section, the Wisconsin Department of Safety and Professional Services Plumbing Code SPS 382, Wis. Adm. Code, and the Utility's *Cross Connection Control Manual*, or if it is found that the means of backflow prevention required by this Section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (j) below.

- (i) **Reconnection of Service.** Water service to any property disconnected under the provisions of this Section shall not be restored until the cross connection(s) has been eliminated or a backflow prevention means approved by the Utility has been installed in compliance with the provisions of this Section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.
- (j) **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for a hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Such hearing shall be before the Elk Mound Water Utility Committee and shall conform to all existing due process requirements.
- (k) **Additional Protection.**
- (1) **Special Circumstances.** In the case of premises having cross connections that cannot be permanently corrected or controlled, or with intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water supply system shall be protected in the service line.
- (2) **Dangers to Public Water Supply System; Required Apparatus.** In the case of any premises where there is any material danger to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public health water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water supply system. Examples of premises these conditions will exist include:
- Premises with auxiliary water supplies either interconnected or not interconnected with the public water supply system.
 - Premises where inspection is restricted.
 - Hospitals, mortuaries, clinics, and laboratories. Piers, docks, and other water front facilities.
 - Sewage treatment plants; sewage lift stations.
 - Food and beverage plants, processing plants, chemical plants using a water process, metal processing plants or nuclear reactors.
 - Car washing facilities.
 - Premises with reclaimed water systems.
- (3) **Toxic Substances Present.** In the case of any presence of toxic substances, the Utility may require an approved air gap or reduced pressure principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the Utility.
- (l) **Public Water Supplies.** This Section does not supercede the Wisconsin Department of Natural Resource's NR 810, Wis. Adm. Code, but is supplementary to it.

9-1-3

- (m) **Plumbing Code.** The Elk Mound Water Utility Committee and Village Board adopts by reference the Wisconsin Uniform Plumbing Code, being SPS 382, Wis. Adm. Code. This Section does not supercede the Wisconsin Uniform Plumbing Code and/or Title 15, Chapter 1 [Village Plumbing Code], but is supplementary to it.

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

9-2-1	Introduction and General Provisions
9-2-2	Definitions
9-2-3	Management, Operations and Control
9-2-4	User Rules and Regulations
9-2-5	Discharge Regulations
9-2-6	Sewer Service Charge System
9-2-7	Control of Industrial and Septage Wastewaters
9-2-8	Payment for Charges
9-2-9	Inspections
9-2-10	Audit
9-2-11	Violations and Penalties
9-2-12	Validity
9-2-13	Sanitary Sewer Line Maintenance

Sec. 9-2-1 Introduction and General Provisions.

- (a) This Chapter regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Elk Mound. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village of Elk Mound sewerage system.
- (b) This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Chapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements

9-2-1

of the Wisconsin Statutes. This Chapter shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable Statute or Public Service Commission rate or rule, the State Statute or Public Service Commission rate or rule shall be controlling.

Sec. 9-2-2 Definitions.

(a) Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (1) **Approving Authority.** The Village Board of the Village of Elk Mound, or its duly authorized committee, agent or representative.
- (2) **Ammonia Nitrogen (NH₃-N).** One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".
- (3) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".
- (4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning approximately five (5) feet outside the inner face of the building wall.
- (5) **Building Sewer.** The extension from the building drain to the public area, also referred to as the lateral. Except as specifically provided in this Chapter, the Village shall not be responsible for the construction and maintenance of building sewers or laterals.
- (6) **Chemical Elements and Compounds** that are typically found in wastewater and may be regulated by this Chapter:

Ammonia Nitrogen	NH ₃
Arsenic	As
Cadmium	Cd
Copper	Cu
Chromium	Cr
Cyanide	Cn
Lead	Pb

Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Radium	Ra
Zinc	Zn

- (7) **Commercial User.** Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services and who discharges primarily normal domestic sewage.
- (8) **Compatible Pollutants.** Biochemical oxygen demand, suspended solids, phosphorus, nitrogen, or pH, plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.
- (9) **Easement.** An acquired legal right for the specific use of land owned by others.
- (10) **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. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment systems.
- (11) **Garbage.** The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
- (12) **Ground Garbage.** The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
- (13) **Holding Tank Service Area.** The area outside the Village's sewer service area, but inside or equal to the Village's planning area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.
- (14) **Incompatible Pollutants or Wastewater.** Wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.
- (15) **Industrial User.** Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, or fishing.
- (16) **Industrial Waste.** The wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from pretreatment facilities.

- (17) **Licensed Disposer.** A person or business holding a valid license to do septage servicing under NR 113, Wis. Adm. Code.
- (18) **May** is permissible.
- (19) **Milligrams Per Liter (mg/l).** A weight-to-weight ratio; the milligrams per liter value (mg/l) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (20) **Municipal Wastewater.** The wastewater 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 stormwater that may have inadvertently entered the sewer system.
- (21) **Natural Outlet.** Any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (22) **Normal Domestic Sewage.** Sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS and total kjeldahl nitrogen concentrations meet the following:
 - a. A five (5) day, twenty degrees Centigrade (20°C) BOD of not more than three hundred (300) mg/l.
 - b. A suspended solids content of not more than two hundred fifty (250) mg/l.
 - c. A total kjeldahl nitrogen content of not more than twenty-five (25) mg/l.
- (23) **Organic Nitrogen.** Organically bound nitrogen in the tri-negative oxidation state as determined quantitatively as Total Kjeldahl Nitrogen less ammonia nitrogen using the procedures set forth in the most recent edition of "Standard Methods".
- (24) **Parts Per Million (ppm).** 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. Equivalent to milligrams per liter (mg/l).
- (25) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.
- (26) **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 seven (7) and a hydrogen ion concentration of 10^{-7} .
- (27) **Pretreatment.** An arrangement of devices and structures, for the preliminary treatment of processing of wastewater required to render such wastes acceptable for admission to the public sewers.
- (28) **Private Sewer.** Any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the Village and the Village shall not be responsible for the construction and/or maintenance of such sewer.

- (29) **PSC.** The Public Service Commission of Wisconsin.
- (30) **Public Sewer.** Any sewer provided by or subject to the jurisdiction of the Village of Elk Mound. It shall also include sewers within or outside the corporate boundaries that serve more than one (1) person and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds. Public sewers shall not include private sewers or building sewers.
- (31) **Sanitary Sewage.** A combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.
- (32) **Sanitary Sewer.** A combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm and surface waters that are not admitted intentionally.
- (33) **Septage.** The wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (34) **Sewage.** The spent water of a community. The preferred term is "municipal wastewater".
- (35) **Sewer Service Areas.** The areas presently served and anticipated to be served by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan.
- (36) **Sewer Service Charge.** A service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as the operation, maintenance costs and replacement of said facilities. The Sewer Service Charge is regulated by the Public Service Commission.
- (37) **Sewer System.** The common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the Village.
- (38) **Sewerage System.** All structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (39) **Shall** is mandatory.
- (40) **Slug Load.** Any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

- (41) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (42) **Storm Drain (sometimes termed "storm sewer").** A drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.
- (43) **Stormwater Runoff.** That portion of the rainfall that is collected and drained into the storm sewers.
- (44) **Suspended Solids.** Solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (45) **Total Kjeldahl Nitrogen (TKN).** The combination of organic nitrogen and ammonia as determined analytically by the procedure set forth in the most recent edition of "Standard Methods".
- (46) **Toxic Discharges.** A discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Village, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.
- (47) **User Classes.** Categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, etc. For the purposes of this Ordinance, there shall be four (4) user classes: residential, commercial, industrial and public authority.
- (48) **Wastewater Facilities.** The structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (49) **Wastewater Treatment Works.** An arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with sewage treatment facility.
- (50) **Watercourse.** A natural or artificial channel for the passage of water, either continuously or intermittently.
- (51) **WPDES.** Wisconsin Pollutant Discharge Eliminator System permit, issued per NR 210, Wis. Adm. Code.

Sec. 9-2-3 Management, Operation and Control.

- (a) **Authority.** The management, operation and control of the wastewater facilities of the Village of Elk Mound is vested in the Village Board; all records, minutes and all written

- proceedings thereof shall be kept by the Village Clerk-Treasurer; the Clerk-Treasurer shall keep all the financial records.
- (b) **Construction.** The Village Board shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The Village Board shall have power by themselves, their officers, agents and representatives to enter all properties for the purpose of making examinations or conducting tests in the performance of their duties under this Chapter, without liability therefore; and the Village Board shall have power to purchase and acquire for the Village any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.
- (c) **Maintenance of Services.** The property owner shall maintain the building sewer from the property line to the house and including all controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All building sewers must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any is to be relaid and there are two (2) or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.
- (d) **Condemnation of Real Estate.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary to the wastewater facilities, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Village Board shall proceed with all necessary steps to take such real estate, easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used for the project associated with the real estate or easement.
- (e) **Title to Real Estate and Personalty.** All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, papers, books and records connected therewith said wastewater facilities, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the Village of Elk Mound.

Sec. 9-2-4 User Rules and Regulations.

- (a) **General.**
- (1) The rules and regulations of the Village of Elk Mound, hereinafter set forth, shall be considered a part of the contract with every person, company or corporation who is connected to or uses the sewer system or wastewater treatment works and every such person, company or corporation by connecting with the sewer system or wastewater treatment works shall be considered as expressing their assent to be bound thereby.

Whenever any of said rules and regulations, or such others as the Village Board or PSC may hereinafter adopt or place on file, are violated, the use or service shall be shut off from the building or place of such violation [unless two (2) or more parties are receiving service through the same connection] and shall not be re-established except by order of the Village Board and on payment of all arrears, the expenses and charges of shutting off and putting on, and such other terms as the Village Board or PSC may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village Board to change these said rules and regulations, and sewer rates from time to time as they may deem advisable; and make special contracts in all proper cases, subject to the approval and conformity with the standards and practices of the PSC.

- (2) The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established. The rules and regulations of the Public Service Commission provided in Ch. PSC 185, Wis. Adm. Code, are also adopted by reference.
- (b) **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 permission from the Village Board. All service connections to the sewer main shall comply with State plumbing code.
- (c) **Private Systems Prohibited.**
 - (1) **Septic Tanks Prohibited.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the Village serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after June 30, 1991, the use of septic tanks, holding tanks or any other private sewage disposal system within the area of the Village serviced by the sewer system shall be prohibited.
 - (2) **Mandatory Connection.**
 - a. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within ninety (90) days of notice in writing from the Village Board. Upon failure to do so, the Village Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such costs shall be assessed as a special tax lien against the property; however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village Board stating that he or she cannot pay such amount in one (1) sum and ask that there be levied in not to exceed ten (10) equal installments and that the amount

shall be so collected with interest at the rate of eight percent (8%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Sec. 144.06, Wis. Stats.

- b. In lieu of the above, the Village at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system, of a fine in the amount of Five Dollars (\$5.00) per day. Upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Sec. 144.06, Wis. Stats.
- c. This Chapter ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort and safety of the Village.

(d) **Applications for Service.**

(1) ***Application for Sewer Service.***

- a. Every person desiring to connect to the sewer system shall file an application in writing to the Clerk-Treasurer on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the Clerk-Treasurer. The application must state fully and truthfully all the wastes which will be discharged. 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 are referred to herein as "Users".
- b. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Clerk-Treasurer approves the application, it shall issue a permit for services as shown on the application upon payment of the sewer lateral installation charge per rate schedule Cz-1.

(2) ***Application for Septage Disposal.***

- a. Between August 1 and September 1 of each year, each licensed disposer wishing to discharge septage to the Village wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Clerk-Treasurer on such form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed in the wastewater treatment works.
- b. During the months of September, the Village Board will evaluate the applications and make a determination as to the amount and conditions of septage disposal. The Village Board shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septage disposal, then consideration shall be given to those generators of septage that are within the

sewer service or holding tank service areas (see NR 205.07(2)(h), Wis. Adm. Code).

- c. The person(s) or party disposing waste shall furnish bond to the Village in the amount of One Thousand Dollars (\$1,000.00) to guarantee performance. Said performance bond shall be delivered to the Clerk-Treasurer prior to the issuance of the permit hereunder. Any person or party disposing of septage agrees to carry public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
- d. All Village Board approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

(e) **Use of Sewers.**

- (1) **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.
- (2) **Backflow Preventor.** In areas where sewer main surcharging is known to occur, all floor drains shall have a backflow prevention valve installed at the owner's expense.
- (3) **User Use Only.** No user shall allow other persons or other services to connect to the sewer system through their building sewer.
- (4) **Vacating Sewer of Premises and Discontinuance.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the Clerk-Treasurer must be notified in writing.
- (5) **User to Permit Inspection.** Every user shall permit the Village 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; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Chapter and Sec. 196.171, Wis. Stats.

- (f) **Utility Responsibility.** It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor 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 of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the Village,

the Clerk-Treasurer shall, if practicable, give notice to each and every consumer within the effected area of the time when such service will be shut off.

(g) **Building Sewer Construction.**

(1) ***Excavations.***

- a. In making excavations in streets or highways for laying building sewers or making repairs, the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public.
- b. No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.
- c. In refilling the opening, after the pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, base course and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(2) ***Tapping the Mains.***

- a. No persons, except those having a tap permit from the Village or persons in their service and approved by them, will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits from the Village, to ensure that new sewers and connections to the sewer system are properly designed and constructed.
- b. Pipes should always be tapped on top, and not within six (6) inches [fifteen (15) cm] of the joint, or within twenty-four (24) inches [sixty (60) cm] of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.

(3) ***Installation of Building Sewers (House Laterals).***

- a. All building sewers pipes (laterals) on private property will be installed in accordance with Wis. Adm. Code, Chapter COMM 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Sec. COMM 82.04, Wis. Adm. Code, "Building Sewers."
- b. As required by Section COMM 82.04(5), Wis. Adm. Code, all laterals shall be inspected by the Village: "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."

- (4) **Clearwater Connection Prohibited.** No person shall make connections of roof downspouts, foundation drains, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected within sixty (60) days of written notice from the Village.
- (5) **Inspection of Connection.** The applicant for connection shall notify the Clerk-Treasurer when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the Village.
- (h) **Extensions of Sewer Mains.** The Village shall extend sewer mains for new customers as provided in PSC schedules Sx-2 and Sx-3 that are part of the rates and rules established by the Public Service Commission.
- (i) **Septage Acceptance Location.**
 - (1) Septage shall only be discharged to the Village's sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the Village Board.
 - (2) Septage discharges to the receiving facility at the wastewater treatment works shall be limited to the posted, normal working hours of the facility. Documentation of the discharge shall be submitted to the Village Clerk-Treasurer within one (1) working day of the discharge.
 - (3) Septage discharges to specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges shall be limited to the normal working hours of the Village and be approved in advance of each such discharge.
 - (4) The forms prescribed for the purpose of documentation of the discharge will be furnished at the Village Clerk-Treasurer's office and will include the following information:
 - a. Name, address and telephone number of the hauler.
 - b. License number.
 - c. Type of septage.
 - d. Quantity of septage.
 - e. Estimated quality of septage.
 - f. Location, date, time and feed rate of discharge.
 - g. Source of septage.
 - h. Name and address of septage generator.
 - i. Other information as required by the Village.

Sec. 9-2-5 Discharge Regulations.

- (a) **General Discharge Prohibitions.** No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the Village:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.
- (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (3) Any wastewater having a pH less than five (5.0) or higher than nine (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater.
- (4) Any wastewater containing arsenic, cadmium, copper, chromium, cyanide, lead, mercury, nickel, zinc or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which may cause the wastewater treatment works effluent, treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (7) Any substance which will cause violations of the WPDES and/or other disposal system permits.
- (8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer which exceeds one hundred twenty degrees Fahrenheit (120°F) unless the wastewater facilities are designed to accommodate such temperature.
- (10) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the wastewater treatment works.
- (11) Any unpolluted water including, but not limited to, non-contact cooling water.
- (12) Any wastewaters which may be acutely or chronically toxic to aquatic life or wild and domestic animals.
- (13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the Village in compliance with applicable State or Federal regulations.
- (14) Any wastewater which causes a hazard to human life or creates a public nuisance.

- (15) Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Village Board.
- (16) Any clear water inflow including, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, or any entrance of stormwaters or other surface waters.

(b) **Limitations on Wastewater Strength.**

- (1) National Categorical Pretreatment Standards shall, as promulgated by the U.S. Environmental Protection Agency, be met by all dischargers of the regulated industrial categories.
- (2) State requirements and limitations on discharges to the wastewater facilities shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than other applicable requirements.
- (3) The Village Board reserves the right to amend this Chapter to provide for more stringent limitations or requirements on discharges to the wastewater facilities where deemed necessary to comply with the objectives set forth in this Chapter.
- (4) No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter unless approved in writing by the Village.
- (5) a. No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the Village Board:

Material	Concentration (mg/l)
Biochemical Oxygen Demand	300 mg/l
Suspended Solids	350 mg/l
Fats, Oil and Grease (FOG)	100 mg/l

- b. The Village Board may also impose mass limitations on users which are using dilution to meet the Pretreatment Standards or requirements of this Chapter, or in other cases where the imposition of mass limitations is deemed appropriate by the Village Board.

(c) **Accidental Discharges.**

- (1) Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the Village for review, and shall be improved by the

Village before construction of the facility. Review and approval of such plans and operating procedures by the Village shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

- (2) Dischargers shall notify the Village immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any user who discharges a slug load or prohibited materials shall be liable for any expense, loss or damage to the Village's wastewater facilities on wastewater treatment works, in addition to the amount of any forfeitures imposed on the Village on account thereof under State or Federal law.
- (3) Signs shall be permanently posted in conspicuous places on industrial user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.
- (d) **Special Agreements.** No statement contained in this Article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works 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 are complied with.

Sec. 9-2-6 Sewer Service Charge System.

The Sewer Service Charge System for the Village of Elk Mound shall be as established by the Public Service Commission. Users shall be notified at least annually of the portion of utility service charges attributable to the wastewater treatment works.

Sec. 9-2-7 Control of Industrial and Septage Wastewaters.

- (a) **Discharge Conditions.** If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities which contain substances or possess the characteristics enumerated in Section 9-2-5 and which, in the judgment of the Village Board may be detrimental to the wastewater facilities, the Village Board may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the sewer system.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastewater not covered by existing sewer charges.

- (b) **Septage Discharges.** Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.
- (c) **Control Manholes.** Each person discharging industrial wastes into a public sewer shall construct and maintain one (1) or more control manholes or access points to facilitate observation, measurement, and sampling their waste, excluding domestic sewage when feasible. Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste 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 Board prior to the beginning of construction.
- (d) **Measurement of Flow.** The volume of flow used for computing the Sewer Use Charge for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility unless approved wastewater flow meters are provided.
- (e) **Provision for Deductions.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village Board that more than ten percent (10%) 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 wastewater volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial wastewater discharger.
- (f) **Metering of Wastewater.** Devices for measuring the volume of wastewater 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 wastewater shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village Board.
- (g) **Wastewater Sampling.**
 - (1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the Village.
 - (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 Village.
 - (3) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the Village Board or its duly authorized representatives. 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. All analysis shall be performed by a Wisconsin registered or certified laboratory.

- (h) **Pretreatment.** When required, in the opinion of the Village Board, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
- (i) **Grease and/or Sand Interceptors.** When required, in the opinion of the Village Board, grease, oil and sand interceptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger 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. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.
- (j) **Analyses.**
 - (1) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village Engineer.
 - (2) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated and required by the Village Board. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 Wis. Adm. Code, and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
- (k) **Submission of Information.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, of wastewater processing facilities shall be submitted for review or the Village Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
- (l) **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 Village, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The Village shall be notified sixty (60) days in

9-2-7

- advance of any plans that change the discharge by more than fifteen percent (15%) of flow or strength. Such a request shall be evaluated as provided in Section 9-2-7(a).
- (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 Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

Sec. 9-2-8 Payment for Charges.

- (a) **Payment and Penalty.** The Sewer Service Charge shall be for the corresponding period of the water bills, and shall be payable to the Clerk-Treasurer not later than twenty (20) days after the end of each period. A penalty and one and one-half percent (1-1/2%) per month shall be added to all bills not paid by the date fixed for final payment.
- (b) **Charges A Lien.** All sewerage charges shall be a lien upon the property serviced pursuant to Sec. 66.076(7), Wis. Stats., and shall be collected in the manner therein provided.

Sec. 9-2-9 Inspections.

The Director of Public Works or other duly authorized employee of the municipality or utility bearing proper credentials and identification shall have the right to enter all properties for the purpose of inspection, observation, or testing in order to ensure compliance with this Chapter.

Sec. 9-2-10 Audit.

The Village Board shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt service charges. The findings and recommendations of this audit shall be available for public inspection.

Sec. 9-2-11 Violations and Penalties.

- (a) **Damages.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

- (b) **Written Notice of Violation.**
- (1) Any person connected to the wastewater facilities found to be violating a provision of this Chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
 - (2) Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this Chapter or of any conditions of the Village's approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.
- (c) **Deleterious Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the facilities and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the Village Board.
- (d) **Discharge Reporting.** Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the Clerk-Treasurer.
- (e) **Continued Violations.** Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than Five Hundred Dollars (\$500.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (f) **Liability to Village for Losses.** Any person violating any provision 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.
- (g) **Damage Recovery.** The Village shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the wastewater facilities damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.
- (h) **Penalties.** Any person who shall violate any of the provisions of this Chapter or rules or regulations of the Village or Public Service Commission or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section 9-2-4(c)(2) for mandatory hookup.
- (i) **Appeal Procedures.** Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of

this Chapter may file with the Village Board 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 Village Board shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Village Board is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action file a written appeal with the Village Board. Any user may also file a complaint with PSC regarding the Village's rates, rules or procedures. The complaint procedures are governed by the provisions of PSC 185, Wis. Adm. Code.

Sec. 9-2-12 Validity.

- (a) **Repeal of Conflicting Ordinances.** All ordinances, resolution, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Chapter shall be and the same are hereby repealed.
- (b) **Savings Clause.** If any provision of this Chapter is found invalid or unconstitutional or if in the application of this Chapter to any person or circumstances is found to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the other provisions or application of this Chapter which can be given effect without the invalid or unconstitutional provision or application.
- (c) **Amendments.** The Village, through its duly qualified governing body, may amend this Chapter in part or in whole whenever it may deem necessary, but such right will be exercised only upon notice and proper hearing on the proposed amendment.

Sec. 9-2-13 Sanitary Sewer Line Maintenance.

- (d) **Procedures for Regular Maintenance.** The following shall constitute the procedures to be used for regular maintenance of the sanitary sewer lines:
 - (1) All lines will be rodded or jetted once every three (3) years.
 - (2) A log will be maintained recording the maintenance of each section of line rodded or jetted with the following information entered legibly in ink:
 - a. Date.
 - b. Location of main.
 - c. Operators.
 - d. Size of main and saw or jet used.
 - e. Length of rod pushed through if rodding was done.
 - f. Any unusual findings or occurrences.
 - (3) When rodding sewer mains the saw will be of the appropriate size for the pipe diameter [i.e. a ten (10) inch main requires a ten (10) inch saw]. In cases where solid

material or pipe deterioration prevents the use of a full-sized saw, the next size down may be used provided that the operator notes the use of the smaller size in the maintenance log and informs his supervisor of the problem.

- (4) Lines will be rodded starting from the most downstream line and working upstream.
 - (5) Where practical, rodding will be done from the upstream manhole to the next downstream manhole; where conditions prevent this, it will be permissible to rod from the downstream manhole.
 - (6) It will be the responsibility of the operator to inform his supervisor if access to any manhole is blocked in any way preventing maintenance from taking place.
 - (7) All lines will be flushed from a hydrant or tank truck to chase loosened material to the point of discharge.
 - (8) Operation of the rodding or jetting machine will be terminated each afternoon at an hour early enough to allow the visual inspection of downstream manholes to ensure that debris is carried completely to the point of discharge, and that no blockages occur.
 - (9) Should a blockage in the main be encountered during maintenance or at any other time, care will be taken to avoid excessive surge in downstream lines, including if necessary, pumping around the blockage to release head pressure prior to removing the blockage.
 - (10) Certain critical lines determined by the supervisor and designated on Village utility maps will be visually inspected quarterly.
 - (11) These critical lines in areas susceptible to backup damage due to the location of structures or heavy flow will be lamped and visually inspected following rodding or jetting to ensure that adequate removal has been accomplished.
- (e) **Sanitary Sewer Backups.**
- (1) ***Procedures for Clearing the Sewer Line.*** The following measures shall be taken when a blockage or other occurrence in the sewer main causes a backup and results in damage to adjacent property:
 - a. Personnel from the Village crew will investigate all complaints of sewer backups, and will take pictures of any significant property damage, including documentation of depth of water when possible, prior to releasing any blockage in the main.
 - b. The main in front of the affected property will be rodded or jetted following standard procedures and the results of the rodding or jetting recorded in the maintenance log.
 - c. If evidence of a blockage in the main is discovered, and if more than nominal damage to the property has occurred, as determined by the Public Works Director or his representative, two (2) Village workers will be assigned to assist the property owner with initial cleanup, if the property owner so desires.
 - d. Initial cleanup will consist of: Removal of water and gross deposits of sludge and solids; and removal of damaged furnishings to an unaffected area on the premises as directed by the owner.

- e. The Public Works Director will notify the Village President and the Chairman of the Public Works Committee of the backup.
- (2) **Village Liability.** The above measures are intended as good will gestures by the Village, and are not to be construed to imply liability for damages. The initial cleanup, described above, is not intended to render the dwelling safe and sanitary, and no warranty of such condition is made or implied.
- (3) **Claims.**
 - a. Village personnel are prohibited from discussing matters relating to legal claims or liability for damage resulting from sewer backups with anyone but Village officials or agents of the insurance carrier.
 - b. No claim or demand against the Village arising out of sewer backups shall be paid unless the claimant notifies the Superintendent of the Village Water and Sewer Utility, or his or her designate, and allows the Village to investigate the problem before the sewer line is cleared.