

## Title II – Chapter 6

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### Utility –Sewer

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#### 6.01 **Sewer Utility; User Charge System and Regulations.**

- (1) Authority. This Ordinance is adopted under the authority granted by §§ 62.18, 62.185 and 62.19 of the Statutes.
- (2) Title. This Ordinance shall be known as, referred to and cited as the "USER CHARGE AND SEWER USE ORDINANCE FOR THE VILLAGE OF POYNETTE, STATE OF WISCONSIN", and hereinafter referred to as the "Ordinance".
- (3) Findings and Declaration of Policy. The Village Board of the Village of Poynette, Columbia County, Wisconsin, hereby finds that the requirements for the issuance of State grants and the acceptance of such grants by the Village of Poynette under The Wisconsin Grant Fund Program, § 144.24, Stats., and the regulations of the Wisconsin Department of Natural Resources as set forth in Chapter NR 128, Wisconsin Administrative Code, for the construction of waste treatment works to improve the quality of effluent discharges from the Village of Poynette, establish:
  - (a) The necessity of adoption of a User Charge System that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
  - (b) The necessity of enacting regulations that control the use and inflow into wastewater treatment works.
- (4) Purpose and Intent. The purpose of the Ordinance is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Poynette, Columbia County, Wisconsin, and is designed to provide the legislative enactment's required under § 144.24(8)(a), Stats., NR 128.20(5), Administrative Code, and applicable (State) regulations for the acceptance of construction grants to improve the quality of effluent discharges from the wastewater treatment works. It is further intended to provide for administration and enforcement of the Ordinance and to provide penalties for its violations.

- (5) Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with, any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (6) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.

## 6.02 Revenue

- (1) Establishment of Revenue System. A user charge shall be assessed to all users by the Village in accordance with the provisions of the Ordinance.
- (2) Basis for Sewer Service Charges. A sewer service charge is imposed upon each User for the construction, reconstruction, improvement, extension, operation, maintenance, repair, and replacement of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including the replacement of funds advanced by or paid from the Village's general fund.
- (3) Metered and Unmetered Users.
  - (a) Sewer Users Served by Water Utility meters. There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.
  - (b) Sewer Users Served by Private Wells. If any user discharging wastewater into the System procures any part or all of its water from sources other than the Water Utility, all or part of which is discharged into the System, the user may be required to install one or more water meters (Source Meters) for the purpose of determining the volume of water obtained from these other sources. Source Meters shall be installed, owned, and maintained by the User, at the User's sole expense. All Source Meters shall be inspected and certified by the Water Utility prior to acceptance of the readings. The User shall submit Source Meter readings at the interval specified by the Water Utility.
  - (c) Metering Waste. Sewer Discharge Meters for measuring the volume of Waste Discharged may be required by the Sewer Utility if this volume cannot

otherwise be determined from the metered water consumption records. Such meters shall be installed, owned and maintained by the User, at the User's sole expense. All Sewer Discharge Meters shall be inspected and certified by the Water Utility prior to acceptance of the readings. Following certification, such meters shall not be removed without the consent of the Sewer Utility. Specifications for installation and maintenance of Sewer Discharge Meters shall be set forth in a written agreement or in a Permitted Industrial User's Discharge Permit.

- (d) Unmetered Users. Users may be metered or unmetered. Users shall be metered or unmetered only upon determination by the Sewer Utility.

(4) User Charge System.

(a) Operation and Maintenance Charges.

1. Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, TKN, Total Phosphorous (TP), chlorides and monitoring sampling/analysis. The percentage breakdown shall be reviewed annually by the Village and approved by the Village Board.
2. Operation and maintenance costs for flow, BOD, TSS, TKN, TP and chlorides are totaled for each. The unit charges for each are obtained by dividing the total costs of the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, TSS, TKN, TP and chlorides. The monitoring unit charge is obtained by dividing the total monitoring sampling/analysis costs for each industrial user by the number of samplings/analyses per year for that user class.

(b) Replacement Charges.

1. The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Village as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the Village Engineer in cooperation with the Village auditors, in accordance with experience of the Village, State and Federal guidelines and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventive maintenance programs or repairs.
2. Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, TSS,

TKN, TP and chlorides. This breakdown shall be reviewed annually by the Village Engineer and approved by the Village.

3. The yearly replacement costs attributable to flow, BOD, TSS, TKN, TP and chlorides shall be divided by the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, TSS, TKN, TP and chlorides respectively, and totaled to obtain unit replacement charges.

(c) Administrative and Sampling Charges.

1. The total administrative and overhead costs associated with billing, collection, and record keeping shall be determined by the Village and assessed against users.
2. Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring, proportionate to the number of samples and the unit sampling costs for their user class.

(d) Debt Service. Revenues to pay for debt service shall be collected as required for bond amortization.

(e) Additional Charges. Additional charges shall be billed, as required, for the following:

1. Actual costs incurred for user-requested samplings and analyses.
2. Actual costs incurred for meter inspection requested by the user.
3. Actual costs incurred for special handling not provided for elsewhere in this Ordinance.
4. Actual costs incurred for handling a user's check returned because of insufficient funds.
5. Each user which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs and toxic monitoring.

(5) Wastewater Treatment Charges.

- (a) All Users. The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, debt service, replacement, and any additional charges that may apply. The unit charges shall be applied to the user's billable flow, BOD, TSS, TKN, TP and chlorides respectively.

(b) Industrial and Commercial Users.

1. In addition to the basic wastewater treatment bill described in §6.02(5)(a) of the Ordinance for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 6.02(6)(c) of the Ordinance.
2. The Village shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD, TSS, TKN, TP and chlorides strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Village Engineer as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples of the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the Village Engineer as having special problems shall, if directed by the Village Engineer, install at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the Village Engineer to obtain exact information about the waste.

(c) Additional Charges. Additional charges as described in §6.02(4)(e) of the Ordinance shall, if required, be listed on the wastewater treatment bill.

(6) Sewer Service Charge Components.

- (a) Fixed Charge. To recover the fixed portion of allocated system costs the Sewer Utility will charge each customer a service charge that is based on the customer's meter size. The Fixed Charge is not billed to Unmetered Users.
  1. To equitably allocate the fixed charges, the Sewer Utility has a customer charge component and a meter charge component. The customer charge will recover the costs such as meter reading, billing costs, and other costs the utility incurs equally per customer. The meter component will recover similar costs as the customer charge plus other customer related costs that change as a function of meter size. These other costs typically include meter-related costs such as meter testing, repairs, and replacements.
- (b) Volume Charge. To recover variable costs that change based on customer usage the utility will charge a uniform rate per thousand gallons. A uniform rate demonstrates the similarities between customer groups in usage characteristics, ease of customer understanding and ease of administration.

1. The volumetric charge for unmetered users shall be determined based on 15,000 gallons of water usage per quarter, regardless of the actual usage (Unmetered Quarterly Flat Charge).

(c) High Strength Wastewater Surcharge.

1. A surcharge shall be imposed on the rates charged to users for the treatment of high strength wastewater. The surcharge shall be based on the volume, strength, and character of the high strength wastewater treated as compared to volume, strength and character of normal domestic sewage experienced by the Village.
2. High strength wastewater is defined as any sewage having waste characteristics greater than normal domestic sewage values as defined below:
  - a. BOD – 250 mg/l
  - b. TSS – 300 mg/l
  - c. TKN – 40 mg/l
  - d. TP – 7 mg/l
  - e. Chlorides – 250 mg/l
  - f. pH – 6 to 9
3. The surcharge for high strength wastewater shall be charged at a rate per lb. BOD, TSS, TKN, TP and chlorides for waste characteristics in excess of normal domestic sewage characteristics. The TP surcharge will be on a tiered basis for minor vs. major surcharge concentrations. The surcharge for pH outside the normal range shall be charged at an amount per pH point/1,000 gallons.
4. The surcharge, for users discharging high strength wastewater shall be determined in accordance with the following formula:

$$SU = [(B-250)*Vw*Cb*8.34] + [(S-300)*Vw*Cs*8.34] + [(N-40)*Vw*Cn*8.34] + [(P-7.0)*Vw*Cp*8.34 + (P-10.0)*Vw*Cp*8.34] + [(Cl-250)*Vw*Cl*8.34] + [(pH<6)*Vw*1000*Cph + (pH>9)*Vw*1000*Cph] **$$

Where:

SU = Surcharge to the user

Vw = Waste water volume in million gallons

B = Concentration of BOD in milligrams per liter (mg/l)

S = Concentration of TSS in milligrams per liter (mg/l)

N = Concentration of TKN, as N, in milligrams per liter (mg/l)

P = Concentration of TP, in milligrams per liter (mg/l)

Cl = Concentration of Chlorides, in milligrams per liter (mg/l)  
pH = Value of pH  
Cv = Cost per 1,000 gallons of flow  
Cb = Surcharge per pound of BOD  
Cs = Surcharge per pound of TSS  
Cn = Surcharge per pound of TKN  
Cl = Surcharge per pound of Chlorides  
Cp = Surcharge per pound of TP  
Cph = Surcharge per point of pH outside normal range.

\*\* Formula will require adjustment where TP is at times below and above 10 mg/l.

5. Surcharge Rates established above are set and adjusted from time to time by Resolution of the Poynette Village Board.

(d) Sewer Connection Fee

1. Pursuant to the authority granted by 66.0821, Wis. Stats., and in addition to all other sewer charges imposed under this Chapter, a sewer connection fee, , shall be paid to the Village by the owner of any property upon connecting any building or structure thereon to a sanitary sewer where such building or structure was not connected to a sanitary sewer served by the wastewater treatment utility on the effective date of this paragraph.
2. Connection Fee charges are set and adjusted from time to time by Resolution of the Poynette Village Board.

(e) Sewer Credits. The wastewater volume billed shall be based upon and equal to water consumption for the period and shall be billed at rates described in 6.02(6), above, except as modified below:

1. Meters previously known as deduct meters, as of January 1, 2019, will be referenced as an Additional Meter as described in Chapter 5.01. The Village will allow additional meter(s) to be installed for water which is used but does not enter the sanitary sewer system for seasonal outside use of water through exterior hose bibs for purposes of gardening, watering lawns, filling swimming pools/hot tubs, and washing vehicles.
2. Reference Appendix A Schedule Am-1 for rates, rules, and applicability.

(f) Leak Adjustments. When water consumption for a given period is substantially increased due to leaks in the plumbing system of a property, a

single family or two-family residential property owner may ask for an adjustment of the sewer volume to partially offset the increased cost for the period. No leak adjustments will be made for multi-family (3 units or more) or non-residential properties.

1. Adjustments will not be made until the problem which caused the increased consumption is corrected, and such correction is documented with the utility.
2. Upon such documentation, the wastewater charge for the period may be adjusted downward to reflect the average charge for the previous four quarterly periods, except where the volume for one or more of those periods was unusually high or low for the customer. In such case, the average of the most recent representative periods shall be used for averaging purposes.
3. Such adjustment shall not be made more than one time in any 12-month period.

### 6.03 **Financial Management**

- (1) **Budget and Appropriation.** On an annual basis, the Village shall prepare a Sewer Utility budget. The budgeted revenues shall be sufficient to cover projected Operation, Maintenance, Debt Service and Replacement Costs of the Sewer Utility.
- (2) **Accounts and Funds.** Income and revenues derived by the Sewer Utility shall be placed in an account which is separate and distinct from the General Fund. Other segregated funds, for example, a debt reserve fund or equipment replacement reserve fund, may be established and maintained as necessary.
- (3) **Audits.** The Village Board shall cause an annual audit of the financial report of the Sewer Utility to be made and shall make the audit report available for inspection during regular business hours.
- (4) **User Charges.**
  - (a) **Money.** All user charge payments shall be placed in the sewer utility fund. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxic, handling and sampling, and other costs as outlined in § 6.01 of the Ordinance.
  - (b) **Expenditures.** Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and Ordinance authorized by the Village Board.
  - (c) **Replacement Reserve Expenditures.** Expenditures from the accrued replacement reserve on facilities shall be for making renewals to



accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.

- (d) Renewals. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
  - (e) User Notification. That the users will be notified upon review of the User Charge System. The purposes of this review shall be to maintain the proportionality between Users and User Classes of the user charge System, and to ensure that adequate revenues are available in the event of increasing Operation, Maintenance, and replacement Costs, and to adhere to debt coverage requirements in connection with a Clean Water Fund Loan Financial Assistance Agreement. The charges established hereunder may be developed using either a utility ratemaking method, which would include Recovery of Operation and Maintenance Costs plus depreciation and a return on investment, or a cash-based ratemaking method, which would include Recovery of Operation and Maintenance Costs, debt service payments, capital outlay, taxes and a deposit to the equipment Replacement Fund.
  - (f) Method of Billing. Billing shall be performed quarterly at the end of each calendar quarter. Billing will normally be done as part of a combined invoice including fees for the Water Utility, Wastewater Utility, Stormwater Utility and such other utilities and special fees or assessments as may be added from time to time by the Village Board.
  - (g) Delinquent Bills. Policies and procedures for late payment will be treated in the same manner as the Water Utility Charges and can be found in Schedule labeled as "Mg" of Appendix A as established by the Public Service Commission of Wisconsin.
- (5) Rates and User Charge System. Rates and User Charges established and referenced in § 6.01 above are set and, may be adjusted from time to time by Resolution of the Poynette Village Board.

#### 6.04 Sewage Collection and Treatment Regulations

(1) Conditions for Discharge into Treatment System.

- (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposal of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.
- (b) No building or facility shall be connected in any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village, except as provided in § 6.04(5) of this Ordinance.
- (c) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewater within the corporate limits of the Village unless done so within adequately sized holding facilities approved by all applicable federal, state, and local agencies.
- (d) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this Ordinance.
- (e) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream, the air, or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such wastes' discharge in accordance with applicable Village, state and federal laws, ordinances and regulations.
- (f) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the Village an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the Village Engineer and updated by such information as periodically required by the Village, local, state and/or federal agencies.
- (g) Any person who owns property within the corporate limits of the Village of Poynette, which property is improved with one or more residences, houses, buildings, or structures for, or intended for, human use, occupancy, employment, or any other similar purpose whatsoever, and which property abuts on any street, alley or right-of-way in which there is located a sewer within 100 feet from the nearest property line shall within 90 days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the

facilities with the sewer in accordance with the terms and provisions of the Ordinance; provided, however, that in the event compliance with the section of the Ordinance causes economic hardship to the person, he may apply to the Village for exemption. An application for exemption shall state in detail the circumstances that are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this Ordinance shall be made only if the Village determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

- (h) Persons described in § 6.04(1)(e) through (g) of this Ordinance shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

(2) Limitations on Discharge.

- (a) No person shall discharge, or cause to be discharged, any stormwater, groundwater, surface drainage or unpolluted industrial cooling waters to any sewer connected to the Village's waste treatment plant. New connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited. Basement drainage entering the sewer at the time this Ordinance is adopted shall be permitted to continue, but no new connections emptying roof runoff or basement drainage into the sewer shall be permitted after the date of this Ordinance.
- (b) Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following material to any sewer connected to the Village's treatment plant:
  - 1. Any liquid or vapor having a temperature higher than 150° Fahrenheit.
  - 2. Any water or wastes which may contain more than 100 milligrams per liter of mat, oil, grease, or hexane extractable material, or substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit.
  - 3. Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatever kind or nature.
  - 4. Any garbage that has not been properly shredded.
  - 5. Any gasses, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

6. Any waste that discharges paint or any other coloring material that does not settle out from the waste.
7. Any water or wastes having a pH lower than six or higher than nine or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment, or personnel of the waste treatment works.
8. Any water or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant.
9. Any water or waste containing strengths or characteristics in excess of the following:

BOD – 250 mg/l  
 TSS – 300 mg/l  
 TKN – 40 mg/l  
 TP – 7 mg/l  
 Chlorides – 250 mg/l  
 pH - <6 or >9

and/or of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.

10. Any noxious or malodorous gas or substance capable of creating a public nuisance.
11. Any amount of the following constituents exceeding that listed below:

	<u>mg/l</u>		<u>mg/l</u>
Aluminum	800.0	Fluorides	1.2
Arsenic	.025	Iron, total	56.0
Barium	2.0	Lead	1.5
Boron	1.0	Manganese	1.0
Cadmium	2.0	Mercury	0.0005
Chlorides	700.0	Nickel	6.7
Chromium total	21.8	Phenols	0.3
Chromium (Hexavalent)	3.6	Selenium	1.0
Copper	17.6	Silver	0.1

Cyanide	1.2	Zinc	16.5
Total dissolved solids	1500.0		

12. No provision of this section of this Ordinance shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed or required by the United States Environmental Protection Agency or the State of Wisconsin Department of Natural Resources.

(3) Pretreatment.

- (a) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the Village Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Village Engineer.
- (b) Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- (c) In the event the Village approves the admission of any materials into its sewers as set forth in § 6.04(2)(b) of the Ordinance, the Village may direct the user causing admission of any such materials, to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to reduce the waste strength or characteristic to not exceed:

BOD – 250 mg/1	TP – 7 mg/l
TSS – 300 mg/1	Chlorides – 250 mg/l
TKN – 40 mg/l	pH – 6 to 9

- (d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State of Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from the State of Wisconsin Department of Natural Resources, and any other local, state or federal agency having regulatory authority with respect thereto.
- (e) All such preliminary treatment facilities as required by the Ordinance shall be maintained continuously in satisfactory and effective operating condition by

the user or person operating and maintaining the facility served thereby, and at the user's expense.

- (f) No provision contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village.
- (g) The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

(4) Private Sewage Treatment and Disposal.

- (a) Where a public sewer is not available, as set forth in § 6.04(1) of the Ordinance, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable Village, county, state and federal laws and regulations.
- (b) Within 90 days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 6.04(1)(g) of the Ordinance, a direct connection shall be made to the public sewer according to the terms and provisions of the Ordinance, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage, and other wastes shall be permanently filled with granular material.
- (c) The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.
- (d) No provision of the Ordinance shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(5) Service to Outlying Territory.

- (a) The Village, by proper resolution of the Village Board, shall have the right, at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer service property located wholly or partly outside the Village's corporate limits.

- (b) In the event a contract is made pursuant to § 6.04(5)(a) of the Ordinance, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this Ordinance, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- (c) If any property of a person desirous of becoming a user is situated outside the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village, the Village, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the Village and the user:
  - 1. The user may connect buildings situated on the fully-described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village, and local, state, and federal governments.
  - 2. The wastes and material discharge shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly. Unmetered connections to individual residential users shall be charged a user fee, which is the average of residential user fees paid in the metered system.
  - 3. The user, his successors and assigns shall, in addition to costs noted previously, pay annually the total of the average rate per Village resident for operation, maintenance and replacement, and the average rate per customer for capital cost recovery, plus a surcharge as determined by the Village Board for that part of the rate which relates to capital cost recovery.
    - a. The amount computed for use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
    - b. If the user, or any successor, or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the Village treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so

disconnected, and hereby gave and granted the Village an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.

- c. In addition to the right of disconnection, Village shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed or foreclosed, and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.
  - d. The Village shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorneys' fees incurred as a result of the suit.
  - e. All amounts charged under § 6.04(5)(c) of this Ordinance are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and, in addition, the Village shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of amounts due the Village for a period of two years.
4. The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.
  5. Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Deeds of Columbia County, State of Wisconsin.
  6. In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Village by proper ordinance, the agreement executed pursuant to § 6.04(5)(c) of this



Ordinance, as to such property or the sub-divided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

7. The agreement executed under § 6.04(5)(c) of this Ordinance shall be recorded in the Office of the County Register of Deeds, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be the subject.
8. If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors and assigns shall be promptly disconnected from any such system which ultimately connects to the Village treatment plant.
9. The applicant for treatment service under an agreement pursuant to § 6.04(5)(c) of this Ordinance shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable, and to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(6) Discharge Permits.

- (a) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of such notification.
- (b) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Village Board as the basis for the issuance of discharge permits for building connections to a sewer.
- (c) The application for a discharge permit shall be made on a form provided for that purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Village. The Village Engineer shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

- (d) \$25.00 shall be charged for a discharge application or permit.
  - (e) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Village Engineer, is not in conformance with federal, state, or Village statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Village in the manner hereinafter set forth. The Village shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within five days after denial.
  - (f) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village, in the same manner and form as originally made.
  - (g) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Village, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of § 6.04(6)(e) of this Ordinance, and a waiver of variance is required, the user may have the entire Village Board review the denial, or may request waiver-variance, provided the user shall give written notice of his request 30 days after receiving the denial. The Village Board shall review the permit application, the written denial, and such other evidence and matters as the applicant and Village Engineer shall present at its next regular meeting following receipt of request for its review, and the decision of the Village Board rendered publicly at said meeting shall be final.
  - (h) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Village Engineer, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Ordinance.
  - (i) A grant of waiver or variance by the Village Board may set forth such conditions, exceptions, time limitations, duration, and expirations, as the Village Board deems necessary and proper.
- (7) Construction of Sewers and Connections for Buildings.
- (a) The construction of sewers and connections for buildings shall be made as required by the applicable ordinances or the Village and by regulations of the Wisconsin Department of Natural Resources. Building drains-sanitary and

building sewers-sanitary, together with all connections thereto, shall be constructed watertight to exclude all infiltration and inflow.

- (b) A construction permit shall first be applied for and obtained from the Village before a person, after the effective date of this Ordinance, can connect to any sewer located on properties with the corporate limits of the Village or on properties outside the Village where services have been contracted for with the Village.
- (c) Construction permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.

(8) Reporting Criteria for Nonresidential Users.

- (a) The Village reserves the right to require any nonresidential user to submit quarterly to the Village on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the Village, or to any sewers connected to its treatment works. This statement shall be filed with the Village Engineer no later than the 10th day of the month following the quarter for which the report is required. The Village Engineer may require additional certified statements at any time if, in his judgment, the same shall be necessary to determine the source of materials, which have been found in the Village sewer.
- (b) The waste characteristics to be measured and certified by the user shall be:
  - BOD in mg/l
  - TSS in mg/l
  - TKN as N in mg/l
  - TP in mg/l
  - Chlorides in mg/l
  - Such other constituents of wastewater as directed by the Village Engineer.
- (c) Should there be a difference in understanding between the Village and user as to the characteristics in section (8) of this Ordinance, the Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten-day period, the Village shall use its results from analyses for purposes of billing.
- (d) Whenever required by the Village, the owner of any property serviced by a building sewer which carried nonresidential wastewater or material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications which have been submitted to and approved by the Village Engineer. Such device shall be installed and maintained at all times at the user's expense. Such device shall have ample room in each sampling chamber to accurately sample the wastewater effluent entering the

sewer and shall collect composite samples for analysis. The chamber shall be safely, easily, and independently of other premises and buildings of the user, accessible to authorized representatives of the Village at all times. The Village shall have exclusive access to such device, and no keys shall be in the possession of any user or any agent of the user. Where construction of such a device is not economically or otherwise feasible, the Village Engineer may approve alternate arrangements for sampling.

- (e) Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Village Engineer that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Village Engineer is made in the metered water supply to determine the liquid waste quantity.
  - (f) Samples shall be taken periodically with such degree of frequency as the Village Engineer shall, in his discretion, determine. They shall be properly refrigerated and composited in proportion to the flow so as to present a representative 24-hour sample. Such sampling shall be done as prescribed by the Village Engineer to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each 12-month period. The determination of representative quantities and characteristics shall include not less than seven consecutive calendar days of 24 hours composite samplings taken during periods of normal operation, together with acceptable flow measurements.
  - (g) The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Village Engineer.
  - (h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the Standard Methods for the Examination of Water and Wastewater (latest edition) or with any other method approved by the Village.
  - (i) The Village may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the Village Engineer for analysis. This procedure can also be terminated at any time by the Village upon reasonable notice.
- (9) Septic and Holding Tank Haulers.
- (a) Non-industrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for billable flow and billable BOD, TSS,

TKN, TP, Chlorides and pH. The charge per volume of septic and Holding Tank waste will be determined by the Village Engineer

- (b) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in § 6.04(2) of this Ordinance shall not be accepted.

#### 6.05 **Enforcement and Penalties**

- (1) **Inspection Rights.** The Village Engineer, or any duly designated agent of the Village Engineer bearing proper credentials and identification, shall be permitted at any time to enter upon all properties within the corporate limits of the Village, or outside the Village, that have contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required, in pursuance of the implementation and enforcement of the terms and provisions of this Ordinance.
- (2) **Nonpayment of Bills.**
  - (a) The Village reserved the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or capital surcharge bills become delinquent.
  - (b) All amounts continue to be due whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of all bills for a period of two years.
- (3) **Violations prohibited.**
  - (a) No person shall violate any provision of this Ordinance, a wastewater discharge permit, an order issued under this Ordinance, or any pretreatment standard or requirement. Any person in violation of any provision of this Ordinance, a wastewater discharge permit, or an order issued under this Ordinance, or any pretreatment standard or requirement shall be subject to the enforcement and penalty provisions of this Ordinance.
  - (b) No person shall knowingly make any false statement, representation, record, report, plan or other document filed with the Village or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance.
  - (c) 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 Wastewater Treatment Works. Any person violating this provision will be subject to the penalty provisions of this Section and enforcement of any other applicable local, state, or federal law.

- (4) Notice of Noncompliance. When the Village finds that a person has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, an order issued herein, or any pretreatment standard or requirement, the Village or its designee may serve upon the person a written notice of noncompliance.
- (a) Any notice of noncompliance shall:
1. Be in writing, personally served or delivered by certified mail, return receipt requested;
  2. State the nature of the violation, the approximate date and time of the violation, and the consequences of further violation;
  3. Describe the administrative procedures that are available to review the Village's determination.
- (b) A notice of noncompliance may require the person to take the following actions, within thirty (30) days of the issuance of the notice of noncompliance:
1. Identify in a written document to the Village the nature and cause of the violation and provide a description and plan of the remedy action and compliance schedule;
  2. Undertake any additional sampling, information, and corrective action required by the Village.
  3. Attend a meeting with the Village.
- (c) Nothing in this subsection shall limit the authority of the Village to take any action, including emergency actions or other enforcement actions, without first issuing a notice of violation.
- (d) Fulfillment of the requirements under this subsection in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation.
- (5) Orders. If the Village has determined that a person has violated or is violating any provision of this Ordinance, a wastewater discharge permit, an order issued herein, or any pretreatment standard or requirement, the Village may order the person to take certain action by a certain date to remedy or otherwise address the violation.

The Village need not proceed with notice under subsection (4) prior to issuing an order under this section. Orders shall:

- (a) Be in writing and personally served or delivered by certified mail, return receipt requested;
  - (b) State the reasons and actions required by the User to comply with the order;
  - (c) Describe the administrative procedures that are available to review the order.
- (6) **Emergency Actions Regarding Industrial Dischargers.** The Village may suspend wastewater treatment service to an Industrial User whenever it appears to the Village that an actual or threatened industrial discharge presents or threatens an imminent or substantial danger to the health or welfare of persons; a substantial danger to the environment; an interference with the operation of the Village's Wastewater Treatment Works; or violates any pretreatment limits imposed by state or federal law or this Ordinance.
- (a) The Village shall notify such Industrial User in the event of a determination to suspend wastewater treatment service hereunder.
  - (b) Such User shall cease all discharges immediately.
  - (c) The Village may reinstate the wastewater treatment service pending proof by the Industrial User and judged sufficient by the Village that the conditions creating the threat of imminent or substantial danger have been eliminated.
- (8) **Judicial Proceedings.** Following entry of any order by the Village with respect to the conduct of a User contrary to the provisions of this Ordinance, the Village may commence an action for appropriate legal and/or equitable relief in the appropriate local court. The Village may take further action as otherwise allowed by law.
- (9) **Penalties for Violations.**
- (a) Any person who fails to comply with the provisions of this Ordinance or any order of the Village shall forfeit an amount not less than \$100.00 no more than \$1,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
  - (b) Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss or damage incurred by the Village by reason of such violation. The Village shall be held harmless as a result of any expense, loss or damage incurred as a result of a violation of this Ordinance.

- (c) Any person found to be responsible for allowing discharge of a deleterious substance into the Wastewater Treatment Works which causes damage to the Wastewater Treatment Works and/or receiving body of water shall, in addition to a forfeiture, pay the amount to cover damage, both values to be established by the Village.
  - (c) The forgoing penalties are cumulative and not exclusive. Imposition of any penalty pursuant to this Section does not protect a violator from enforcement by any other unit of government.
- (10) Appeals. Any party to a proceeding under this Section resulting in a final determination may seek review thereof by any means provided by law, including filing for certiorari review to the circuit court within 30 days of receipt of the final determination.

#### 6.06 **Definitions**

- (1) For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.
- (a) Accrued Reserves shall mean a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.
  - (b) Authorized Expenditures shall mean those expenditures authorized by the Village Board of the Village and made payable from the accounts kept for the expenditures of the user charge. Expenditures from the reserve funds shall be limited to those for which the fund was created.
  - (c) Audit shall mean an audit as a separate report from other funds and shall cover the following:
    - 1. To determine that financial operations are properly conducted;
    - 2. Financial reports are presented fairly;
    - 3. Applicable laws and regulations have been complied with;
    - 4. Resources are managed and used in an economical and efficient manner; and,
    - 5. Desired results and objectives are being achieved in a financially effective manner.



- (d) Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Village Engineer.
- (e) Billable chlorides shall mean a user's loading in pounds of Chlorides calculated using the billable flow and concentration of Chlorides in the waste as determined by the Village Engineer.
- (f) Billable Flow shall mean a user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the Village approved percentage factor for wastewater entering the sewer system outside of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
- (g) Billable pH shall mean a user's loading in pounds of pH calculated using the billable flow and concentration of pH in the waste as determined by the Village Engineer.
- (h) Billable Total Kjeldahl Nitrogen (TKN) shall mean a user's loading in pounds of TKN calculated using the billable flow and concentration of TKN in the waste as determined by the Village Engineer.
- (i) Billable Total Phosphorous (TP) shall mean a user's loading in pounds of TP calculated using the billable flow and concentration of TP in the waste as determined by the Village Engineer.
- (j) Billable Total Suspended Solids (TSS) shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the Village Engineer.
- (k) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° Centigrade.
- (l) Building Drain - Sanitary shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.
- (m) Building Drain - Storm shall mean that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge but receives no wastewater from sewage or other drainage pipes and is located

inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.

- (n) Building Sewer - Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.
- (o) Building Sewer - Storm shall mean the extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.
- (p) Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.
- (q) Collection Sewer shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.
- (r) Combined Sewage shall mean a combination of both wastewater and storm or surface water.
- (s) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.
- (t) Commercial User shall mean for the purpose of the user charge system, a user engaged in the purchase or sale of goods, or in a transaction or business, or who otherwise renders a service.
- (u) Compatible Pollutant means BOD, suspended solids (SS), pH, and fecal coliform bacterial, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.
- (v) Deposited shall mean placing funds in control of the Village and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.
- (w) Depreciation shall mean an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.
- (x) Dissolved Solids shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

- (y) Village shall mean the Village of Poynette.
- (z) Village Engineer shall mean the Village Engineer of the Village of Poynette.
- (aa) Domestic Level User or Residential User shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.
- (bb) Easement shall mean an acquired legal right, less than fee simple, for the specific use of land owned by others.
- (cc) Fecal Coliform shall mean any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- (dd) Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.
- (ee) Force Main shall mean a pipe in which wastewater is carried under pressure.
- (ff) Functional Betterment shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterment's or is an indirect improvement to the process as a result of renewal on a cost-effective basis.
- (gg) Functional Obsolescence shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost-effective.
- (hh) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage and sale of produce.
- (ii) Incompatible Pollutant shall mean any non-treatable waste product, including nonbiodegradable dissolved solids.
- (jj) Industrial User shall include manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories, or mills characteristically using power-driven machines or material handling equipment.

- (kk) Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (ll) Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (mm) Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (nn) Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (oo) Village Board shall mean the governing body of the Village.
- (pp) Wisconsin Pollutant Discharge Elimination Permit shall mean a permit issued under the Wisconsin Pollutant Discharge Elimination System (WPDES) for discharge of wastewater to the navigable waters of Wisconsin pursuant to §147.02, Wis. Stats.
- (qq) Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (rr) Normal Domestic Strength Sewage as defined for the purposes of the Ordinance, shall mean wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 200 milligrams per liter.
- (ss) Operation and Maintenance Costs shall include all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewater, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.
- (tt) Person shall mean any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.

- (uu) Personal Property shall mean, for the purpose of the user charge system, all equipment owned by the Village, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical, or have movable parts.
- (vv) pH shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (ww) Physical Betterment shall mean the expansion of a physical facility to increase capacity of the treatment works.
- (xx) Physical Obsolescence shall mean the material deficiency of a functional element of a treatment plant to a point that repair is normal or preventative maintenance is not cost-benefit effective.
- (yy) Pretreatment shall mean the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.
- (zz) Private Sewer shall mean a sewer that is not owned by the Village.
- (aaa) Public Sewer shall mean a sewer which is owned and controlled by the Village and is separate from and does not include sewers owned by other governmental units.
- (bbb) Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (ccc) Real Property shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Village and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.
- (ddd) Renewal Costs shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.
- (eee) Replacement Costs shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and

Maintenance Costs", as defined in section (oo) of the Ordinance, includes replacement costs.

- (fff) Replacement Reserve shall mean an account for the segregation of resources to meet capital consumption of personal or real property.
- (ggg) Sanitary Sewer shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions, and to which storm, surface, and ground water are not intentionally admitted.
- (hhh) Sewage shall mean the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.
  - 1. Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
  - 2. Industrial Sewage shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
  - 3. Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (iii) Shredded Garbage shall mean garbage that has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.
- (jjj) Significant Industry shall mean any industry that will contribute greater than 10% of the design flow and/or design pollutant loading of the treatment works.
- (kkk) Slug shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than 15 minutes more than five times the allowable concentration of flows during a normal working day (i.e., 1, 2, or 3 shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (lll) Standard Methods shall mean the laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, 14th Edition, as amended, prepared and published jointly by the

American Public health Association, American Water Works Association, and Water Pollution Control Federation; *Methods of Chemical Analysis of Water and Wastes*, 1975, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, enumerated in 40 C.F.R. § 136.1 et. seq. (1975) and amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State of Wisconsin Department of Natural Resources.

- (mmm) Storm Sewer shall mean a sewer that carries only storm waters, surface run-off, street wash, and drainage, and to which sanitary and/or industrial wastes are not intentionally admitted.
- (nnn) Summer Quarter shall mean the user's quarter starting in June, July, or August and ending accordingly in August, September or October.
- (ooo) Suspended Solids (SS) or Total Suspended Solids (TSS) shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtration as prescribed in the "Standard Methods" enumerated in (hhh) of this Ordinance.
- (ppp) Total Solids shall mean the sum of suspended and dissolved solids.
- (qqq) Total Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to § 307(a) of Public Law 92-500 as amended.
- (rrr) Unpolluted Water is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (sss) Useful Life shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal or capital elements due to consumption, and physical and/or functional betterment, direct or indirect.
- (ttt) User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

- (uuu) Volatile Organic Matter shall mean the material in the sewage solids transformed to gasses or vapors when heated at 500° Centigrade for 15 minutes.
- (vvv) Wastewater Treatment Works shall mean all facilities, structures, equipment, and processes used to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.
- (www) Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (xxx) Water Works shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water.
- (yyy) User shall mean any person who discharges, or causes to be discharged domestic wastewater, industrial discharges, or any other wastewater into the Sewerage System.

6.07 **Sewer service Laterals; Maintenance and Repair.**

- (1) Lateral for purposes of this section shall mean the pipe conveying sewage from the point of discharge to the main pipes in the roadway or alley, referred to as the Sewerage Collection System. The word lateral shall not be construed to include any plumbing within the interior of any building.
- (2) Sewer service laterals shall be maintained and repaired by and at the expense of the owner of the property serviced. Repairs or maintenance shall include cleaning, root removal, and relaying any or all of said lateral.
- (3) Any property owner or his agent contemplating excavation of a lateral for repair or relaying shall comply with all provisions of this Code governing construction, installation, inspection, and use of plumbing in the Village.

6.08 **Sewer Main Extension Rules.** Sewer mains will be extended for new customers on the following bases:

- (1) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wisconsin Statutes § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- (2) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:



- (a) The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (1) (above).
- (b) The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (1) (above).
- (c) Part of the contribution required in (2)(a), above, will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under a., above, for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under a., nor will it exceed the total assessable cost of the original extension.
- (d) When a customer connects to a main installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under (1).