

**TITLE 8 WATER AND SEWER UTILITIES**

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## **8.1 ARTICLE 1 – WATER UTILITY**

### **8.1.1 INTRODUCTION & GENERAL PROVISIONS**

The Village of Fall Creek Water Utility is regulated by the Public Service Commission (PSC) of Wisconsin. Schedules of Rates and Water Utility Operating Rules as outlined by the PSC are on file in the Village Clerk's Office.

### **8.1.2 DEFINITIONS**

As used in this ordinance, the following terms shall have the meanings indicated:

- A. **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 Fall Creek Water System potable supply of water from any source.
- B. **BACKFLOW PREVENTION** – A means designed to prevent backflow caused by backpressure or backsiphonage; most commonly categorized as air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, (freeze resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.
- C. **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.
- D. **BACKSIPHONAGE** – 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.
- E. **CROSS CONNECTION** – Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water or unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of the flow depending on the pressure differential between the two systems.
- F. **CROSS CONNECTION CONTROL MANUAL** – Policies and procedures for cross connection control and backflow prevention for the Village of Fall Creek, Wisconsin.

### **8.1.3 MAINS**

- A. **Ownership**—Operation by unauthorized persons prohibited. The large pipes or mains which, in general, are laid in streets and alleys and distribute water service throughout

the village are the property of the utility and are maintained by the utility. No person except an authorized employee of the water department shall be permitted to operate any valves or hydrants in connection with the system, or to tap the said mains for connection purposes, except by permission of the Director of Public Works. Members of the fire department in discharge of their duties will use the hydrants.

- B. State statutes adopted by reference. Wisconsin Statutes Chapter 62.16, 62.18, 66.0821, 66.0703 relating to special assessments for the laying of water mains, are adopted and made a part of these regulations.
- C. Extension—Special application—Additional connections permitted when.
  - (1) In cases where special application has been made for extensions of water mains in streets where in the opinion of the Village Board the extension should not be ordered and the cost assessed against abutting property owners in accordance with Wisconsin Statutes, the extension may be made only if those seeking the service shall pay the total cost of the extension, said cost of extensions to be paid before work is commenced. Should new customers be connected to the water and sewer extension that was paid for in this manner who were not assessed as abutting property owners for the costs of special extensions, then said new customers who were not so assessed shall be assessed the proportionate cost of the total cost of the extension, and a refund shall be made to the original customers who sought the extensions in sufficient amounts to make the contribution of all equal.
  - (2) Before being allowed to connect to any extension financed as above, each new customer shall be required to deposit with the village treasurer a sum sufficient to cover the proportionate cost as set forth herein.
- D. Deferred special assessments. In those instances where water mains are extended by the village, the special assessment, at the Village Board's option, may be deferred until such time as the owner of the property connects to the village main. If such deferment is granted, it shall be in accordance with the terms and conditions as set forth in § 206-8.E. of this code.

#### **8.1.4 METERS**

- A. Meters —Owner responsible for damage when—Liability for repair costs.
  - (1) The resident of the property upon which the meter is installed will be held responsible for any willful or malicious damage sustained to the meters and will also be held liable for any damage the meters may sustain through freezing, hot water or backing up through the same and must bear the cost of repairing meters where same become damaged for any of the causes designated herein.
  - (2) Failure to pay said damage when requested to do so will result in a forfeiture as listed in the Village of Fall Creek Schedule of Fees. The actual expense of renewing, repairing, or maintaining said meters shall be paid by the property owner and if the same is not paid within thirty days, it shall be placed on the tax

roll and as a special tax on the property served and an additional charge of ten percent shall be added for all sums collected in said manner.

- B. Reading—Accessibility required—Refusal to permit inspection—Penalty. Meters shall be read by parties designated by the public works director and at all times must be accessible for reading. If the party having called once on the resident in person and having once telephoned with a request for an appointment at a certain time and hour, he shall make such a report on said meter and the charge for water used shall be an estimate based on historic usage and adjustment shall be made for the consumption registered at the next meter reading. In case any property owner shall refuse admittance on his property for the purpose of inspecting, reading, testing, or repairing his meter, his water service shall be turned off at the curblin.
- C. Testing—Fee—Refund when. The owner of property may have his water meter tested by depositing with the village treasurer the actual cost incurred by the village for testing testing. If on such test the meter should register two percent or over in excess of the amount of water passing through the same, this sum will be refunded to the property owner but should the meter be found to register less than one hundred percent of the water passing through the same, the sum will not be refunded.
- D. Secondary meters.
  - (1) The village shall be allowed to install a secondary meter, and there shall be an installation fee as listed in the Village of Fall Creek Schedule of Fees charged by the village for said installation. The secondary meter shall be read monthly, and a credit shall be given on the sewer charge for the amount of water which has passed to the outside of the house. No credit shall be allowed hereunder in the event that the water flowing through said secondary meter ultimately is disposed of in the village sanitary sewer system.
  - (2) At the request of any residential property owner, a secondary meter shall be installed in existing residential properties, provided that the property owner makes all arrangements and pays all expenses for making necessary modifications to interior plumbing to isolate exterior hose bibs from other water supply lines and ready the plumbing system for said meter. The Village shall charge the property owner the actual costs for the meter and fittings needed for said installation. Upon installation of a secondary meter under this subsection, the property owner shall be entitled to the credit provided for above.

#### **8.1.5 REGULATIONS**

- A. Connection—Required. The owner of any house, building or property used for human occupancy, employment, recreation, or other similar purpose, situated within the jurisdiction of the village, wherein water service is readily available, as determined by the village board, is required at the owner's expense to install suitable facilities therein, and to connect such facilities directly with the public wastewater collection system and water distribution system in accordance with the provisions of this chapter, within ninety days after the date municipal service is deemed available. Such time may be

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extended upon specific written authorization from the public works director in the event of unfavorable weather conditions, except when an imminent health hazard exists.

- B. Connection—Village action when—Assessment against property. If the owner or his agent fails to comply with the notice of connections, the public works director and the village board may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.
- C. Connection—Property owner expense. The expense of laying water service pipes shall be at the expense of the property owner. In case it may be proved necessary to replace the service pipe with a larger service, this cost shall also be an expense against the property served.
- D. Connection—Application—Contents. All applications for the installation of services for water and sewer must be made at the office of the village clerk prior to performance of work by the owner or a licensed plumber who will be considered as the authorized agent of the owner. The application shall state the ownership of the premises to be served, the legal description of the property, the street number, size of service and other pertinent data.
- E. Service to be laid prior to street improvement—Village Board authority. Services may be laid upon application of owner of premises by a licensed plumber, and the Village Board may cause a service to be laid into every lot or parcel of land before the street is permanently improved. In the latter case, this improvement will be made and cost assessed against the property in accordance with Wisconsin Statutes Chapter 62.16, 62.18, 66.0821, 66.0703.
- F. Single service limited to one premises. Any permit given for water and sewer service shall require that not more than one premises be served by one connection. Whenever a service has to be replaced, or where permanent street improvements are authorized, and conditions contrary to above rule exist, they shall be corrected.
- G. Alterations or additions—Notice required. No addition or alteration to service already laid shall be changed or added to, or meter moved without notification to and approval from the public works director.
- H. Discontinuance—Notice—Fee for reinstatement of service. If a property becomes vacant and the owner desires to discontinue service thereto he may do so by notice to the director of public works. In case he elects later to use said service again, he shall notify the director of public works to provide service. A fee as established in the Village of Fall Creek Schedule of Fees shall be made against the consumer for turning water on again.
- I. Maintenance and repair.
  - (1) Water service pipes, from the main up to and including the curb stop, must be maintained by the village. Maintenance of the remaining portion shall be the responsibility of the property owner.

- (2) A notice by the water department to the owner or qualified agent of the owner that their service requires repair or replacement shall be honored within fifteen days thereafter, or the water department may cause said service to be repaired or replaced and charge the cost of such repair or replacement to the owner.
- J. Water service shutoff valves—Unauthorized use prohibited. Each water service shall be controlled by a corporation shutoff at the main, and an approved curb shutoff at or near the curb. These valves are under the sole and absolute control of the water and sewer department, and must not be operated by others without the permission of the department, except that a plumber may for testing purposes turn on the water, but must do so only with consent in each case.
- K. Private fire protection—Permitted when—Connection testing procedure.
- (1) The installation of fire extinguisher service connections to supply water to sprinkler systems or private fire hydrants will be permitted only upon application of the owner after detail plans showing sizes and locations of all pipes, valves, hydrants, and sprinkler heads have been filed with and approved by the public works director. Such fire service connections shall not be tapped or used for general water service.
- (2) Water used for fire protection service shall not be charged for; rates for service connection being on file in the Village Clerk's office.
- (3) Private hydrants and apparatus connected thereto may be tested by owners or insurance inspectors as follows: Notice shall be given the public works director and agreement made as to the hour of the test. Tests are to be made in presence of the public works director or inspector assigned for such purposes.
- L. Service connection and shutoff location—water departments duty. It shall be the duty of the water department to locate by measurement each service connection and each curb shutoff, referring the same to some suitable permanent building or street line. This information shall be entered on the records of the department.
- M. State provisions adopted by reference. The rules, rates, and regulations of the Public Service Commission of Wisconsin, now on file with the Village Clerk pertaining to the Village of Fall Creek Water Utility, have been adopted by the Village Board and are adopted by reference.
- N. Violation. A separate offense shall be deemed committed on each day on which a violation occurs or continues provided no forfeiture shall be imposed when connection to the sewer or water main is enforced at the expense of the property owner.

#### **8.1.6 CROSS CONNECTIONS**

- A. Purpose.

The purpose of this ordinance is:

- (1) To protect the health and welfare of users of the public potable water supply of the Village of Fall Creek from the possibility of contamination or pollution of the



potable water system(s) under the direct authority of the Village Board.

- (2) To 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) To 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 Fall Creek Water System.
- B. Cross connections prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross connections. 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.
- C. Responsibility. The Fall Creek Water Utility shall be responsible for the protection of the public potable water distribution system from the contamination or pollution due to backflow of contaminants or pollutants. The utility shall charge fees according to the utility's fee schedule for maintaining a Comprehensive Cross Connection Control Protection Plan.
- D. Owner responsibility.
- (1) 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 the Department of Commerce Comm 82.21 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) The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type in the by-pass. 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) 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 Commerce Plumbing Code, Comm 82-84 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.

- E. 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 at time of meter change. 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 of 2 to 10 years depending on risk. 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 number 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.
- F. 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 s. 66.122, Wisconsin Statutes. The utility shall charge the property owner a fee of \$25.00 (twenty-five dollars) per day for refusal to allow entry to examine any property. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- G. 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 section 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 ordinance, the Department of Commerce Plumbing Code Comm 82-84 and the utility’s “Cross Connection Control Manual”, or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in this ordinance.

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- H. Reconnection of service. Water service to any property disconnected under provisions of this ordinance 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.
- I. 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 hearing under Chapter 68, Wisconsin Statutes within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Fall Creek Public Works Committee and shall conform to all existing due process requirements.
- J. Additional protection. In the case of premises having (a) cross connections that cannot be permanently corrected or controlled, or (b) 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. In the case of any premises where there is any material dangerous 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 water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water system. Examples of premises where these conditions will exist include premises with auxiliary water supplies either interconnected or not interconnected with the public water supply, premises where inspection is restricted, hospitals, mortuaries, clinics, laboratories, piers, docks, and other water front facilities, sewage treatment plants, sewage lift stations, food and beverage processing plants, chemical plants using a water process, metal processing plants or nuclear reactors, car washing facilities and premises with reclaimed water systems. In the case of any presence of toxic substances, the utility may require an approved air gap or reduced pressure principal backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the utility.
- K. Public water supplies. This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 810, but is supplementary to it.
- L. Plumbing code. The Village Board of Fall Creek adopts by reference the Wisconsin Uniform Plumbing Code being Chapter Comm 82-84, Wisconsin Administrative Code. This section does not supersede the Wisconsin Uniform Plumbing Code and/or the Building Code, but is supplementary to it.
- M. Conflicting ordinances. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

## **8.2 ARTICLE 2 – SEWER UTILITY**

### **8.2.1 INTRODUCTION & GENERAL PROVISIONS**

- A. This Ordinance 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 Fall Creek. 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 that 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 Fall Creek sewerage system.
- B. This Ordinance 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 Ordinance 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 of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

### **8.2.2 DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **APPROVING AUTHORITY** -- The Village Board of the Fall Creek, or its duly authorized committee, agent, or representative.
- B. **AMMONIA NITROGEN (NH<sub>3</sub>-N)** -- One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."
- C. **BIOCHEMICAL OXYGEN DEMAND (BOD)** -- The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, 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."
- D. **BUILDING DRAIN** -- That part of the lowest horizontal piping of a drainage system that 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 feet outside the inner face of the building wall.
- E. **BUILDING SEWER** -- The extension from the building drain to the public main, also

referred to as the lateral. Except as specifically provided in this Ordinance, the Village shall not be responsible for the construction and maintenance of building sewers or laterals.

F. CHEMICAL ELEMENTS & COMPOUNDS -- Typically found in wastewater and may be regulated by this ordinance.

(1)	Ammonia Nitrogen	NH <sub>3</sub> -N
(2)	Arsenic	As
(3)	Cadmium	Cd
(4)	Copper	Cu
(5)	Chromium	Cr
(6)	Cyanide	Cn
(7)	Lead	Pb
(8)	Mercury	Hg
(9)	Nickel	Ni
(10)	Nitrogen	N
(11)	Phosphorus	P
(12)	Radium	Ra
(13)	Zinc	Zn

G. 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.

H. 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.

I. EASEMENT -- An acquired legal right for the specific use of land owned by others.

J. 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.

K. GARBAGE -- The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

L. 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-

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half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

- M. HOLDING TANK SERVICE AREA -- The area outside the Village's current sewer service area, but inside or equal to the Village's future sewer service area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.
- N. 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.
- O. 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.
- P. 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.
- Q. LICENSED DISPOSER -- A person or business holding a valid license to do septage servicing under NR 113.
- R. MAY -- permissible.
- S. 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.
- T. 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 storm water that may have inadvertently entered the sewer system.
- U. NATURAL OUTLET -- Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- V. NORMAL DOMESTIC SEWAGE -- Sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS, total kjeldahl nitrogen, and phosphorus concentrations meet the following:
  - (1) A five day, 20°C BOD of not more than 250 mg/L.
  - (2) A suspended solids content of not more than 300 mg/L.
  - (3) A total kjeldahl nitrogen content of not more than 25 mg/L.
  - (4) A total phosphorus content of not more than 8 mg/L.
- W. 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).

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- X. PERSON -- Any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.
- Y. pH -- The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .
- Z. 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.
- AA. 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.
- BB. PUBLIC SEWER -- Any sewer provided by or subject to the jurisdiction of the Village of Fall Creek. It shall also include sewers within or outside the corporate boundaries that serve more than one 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.
- CC. PUBLIC USER -- Any user discharging Normal Domestic Sewage whose premises are used primarily by a governmental entity, private school, or public school.
- DD. RESIDENTIAL USER -- Any dwelling discharging Normal Domestic Sewage. This includes single-family homes, mobile homes, duplex units, and apartment units. Each single-family residential unit shall be separately metered and invoiced as a separate user.
- EE. 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.
- FF. 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.
- GG. SEPTAGE -- The wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms.
- HH. SEWAGE -- The spent water of a community. The preferred term is "municipal wastewater."
- II. 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.
- JJ. SEWER SERVICE CHARGE -- 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.

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- KK. SEWER SYSTEM -- The common sanitary sewers within a sewerage system that 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.
- LL. 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.
- MM. SHALL -- Mandatory.
- NN. SLUG LOAD -- Any substance released at a discharge rate and/or concentration that causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- OO. 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
- PP. Wastes", published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
- QQ. STORM DRAIN (sometimes termed "storm sewer") -- A drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.
- RR. STORMWATER RUNOFF -- That portion of the rainfall that is collected and drained into the storm sewers.
- SS. 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.
- TT. 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.
- UU. 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 user classes: residential, commercial, industrial, and public authority.



- VV. 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.
- WW. 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.
- XX. WATERCOURSE -- A natural or artificial channel for the passage of water, either continuously or intermittently.
- YY. WPDES -- Wisconsin Pollutant Discharge Elimination System permit, issued per NR210.

### **8.2.3 MANAGEMENT, OPERATION, & CONTROL-AUTHORITY**

The management, operation, and control of the wastewater facilities of the Village of Fall Creek is vested in the Village Board; all records, minutes and all written proceedings thereof shall be kept by the Village Clerk; the Village Clerk shall keep all the financial records.

### **8.2.4 CONSTRUCTION**

The Village Board shall have the power to construct wastewater treatment facilities, pumping stations and 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 upon any land for the purpose of making examination in the performance of their duties under this Ordinance, 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.

### **8.2.5 MAINTENANCE OF SERVICES**

The property owner shall maintain the building sewer from the street main 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 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.

### **8.2.6 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.

**8.2.7 TITLE TO REAL ESTATE & PERSONAL PROPERTY**

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 Fall Creek.

**8.2.8 USER RULES & REGULATIONS-GENERAL**

- A. The rules, regulations, and sewer rates of the Village of Fall Creek, 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 may hereinafter adopt, are violated, the use or service shall be shut off from the building or place of such violation (even though two 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 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, regulations, and sewer rates from time to time as they may deem advisable; and make special rates and contracts in all proper cases.
- B. The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established.

**8.2.9 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. All service connections to the sewer main shall comply with State plumbing code.

**8.2.10 PRIVATE SYSTEMS**

- A. Septic tanks prohibited. From June 1, 2007, the use of septic tanks, holding tanks or any other private sewage disposal system within the area of the Village shall not be permitted unless approved by the Village Board.
- B. Mandatory hook-up. The owner of each parcel of land within the Village 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 365 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 30 days, such costs shall be assessed as a special tax lien against the property; however, that the owner may within 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 sum and ask that there be levied in not to exceed 5 equal, annual installments and that the amount shall be so collected with interest from the completion of the work at 2.0 % above the rate applicable to special assessments, the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.

- C. In lieu of the above, the Village at its option may impose a penalty for the period that the violation continues, after 10 days written notice to any owner failing to make a connection to the sewer system, of a fine in the amount of \$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 Section 144.06 of State statutes.
- D. This ordinance 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.

#### **8.2.11 APPLICATION FOR SERVICE**

- A. Application for sewer service. Every person desiring to connect to the sewer system shall file an application in writing to the Village Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the Village Clerk. 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."
  - (1) Sewer service is limited to parcels within the Village limits unless a special contract for service is approved by the Village Board. Surcharged rates will apply to any non-Village parcel accepted for service.
  - (2) 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 Public Works Director approves the application, it shall issue a permit for services as shown on the application upon payment of the connection charge.
- B. Application for septage disposal. 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 Village Clerk 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 Village Clerk. 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.
  - (1) During the month 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 first to those generators of septage that are within the sewer service or holding tank service areas (see NR 205.07(2)(h)).

- (2) The person(s) or party disposing waste shall furnish bond to the Village in the amount of \$1,000.00 to guarantee performance. Said performance bond shall be delivered to the Village Clerk 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 (\$100,000.00) 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.
- (3) All Village Board's approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems 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.

#### **8.2.12 CONNECTION CHARGE**

Persons attaching to a public sewer main shall have the building sewer from the sewer main installed at their own expense and shall pay a connection charge as listed in §206-5.D.(3) & (4).

#### **8.2.13 USE OF SEWERS**

- A. User to keep in repairs. 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.
- B. 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.
- C. User use only. No user shall allow other persons or other services to connect to the sewer system through their building sewer.
- D. 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 Village Clerk must be notified in writing.
- E. 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 Ordinance and Section 196.171, Wisconsin Statutes.

**8.2.14 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 Village Clerk shall, if practicable, give notice to each and every consumer within the affected area of the time when such service will be shut off.

**8.2.15 BUILDING SEWER CONSTRUCTION**

- A. Excavations. An excavation permit shall be obtained before beginning work. 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.
  - (1) 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.
  - (2) In refilling the opening, after the pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, 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.
- B. Tapping the mains. No persons except those having special permission 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.
  - (1) Pipes should always be tapped on top, and not within six inches (15 cm) of the joint, or within 24 inches (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.
- C. Installation of building sewers (house laterals). All building sewers pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter Comm 82 "Design, Construction, Installation, Supervision, and Inspections

of Plumbing,” especially, Section Comm 82.30 “Sanitary Drain Systems.”

(1) As required by Section Comm 82.21, 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.”

- D. Clearwater connection prohibited. No person shall make connections of roof downspouts, foundation drains, sump pumps, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected within 60 days of written notice from the Village.
- E. Inspection of connection. The applicant for connection shall notify the Village Clerk when the building sewer is ready for inspection and connection to the public sewer.
- F. The actual connection shall be made under the supervision of the Village.

#### **8.2.16 EXTENSION OF SEWER MAINS**

The Village shall extend sewer mains in accordance with the following charges and the following conditions:

- A. Extension by Village. When an extension of a sewer main is made by the Village, the Village Board shall assess costs in accordance with Chapter 206 Public Improvements.
- B. Application by prospective user. When an extension of a sewer main is requested by the prospective user, said person should make an application for such an extension in writing to the Village Board by filing of a written application. After the filing of such an application, the Village Board shall first determine the logical location of the next manhole or manholes. Next, the Board shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. The minimum length of an extension shall be the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
- C. Payment by users. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension.
- D. Method of dividing cost. After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village Board shall determine the benefits to be received by any parcel that will be served by said extension. Before making a determination as to benefits received, the Village Board shall first divide the area to be served into logical building lots. The Village Board may consider the recommendations of the landowner in determining said building lots if the landowner as part of his or her application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user. Payments are to be

considered contributions to construction.

- E. Future users. After the original contribution, any future connection by reason other than to a lot owned by a party making a previous contribution, such user may be required to pay to the original contributor their pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors. No refund shall be made to the original contributors after the extension has been in service for 5 years.
- F. Assessments. For those improvements which will be partially or fully paid for by the property owners, special assessment charges may be made at the Village Board's discretion and the benefit accruing to property per Chapter 206 Public Improvements.
- G. Construction. All requirements under §267-24 shall be met before construction begins. If the developer constructs the extension, no construction shall begin until plans are approved by the Village Board, the Village Engineer, and the Department of Natural Resources. The Village shall assume responsibility for the extension when construction is completed, tests have been satisfactorily completed and the necessary right-of-way or easement has been recorded.
- H. Other Costs. In addition to the charge made as above provided to each lot, each user shall pay the connection charge and the full cost of the building sewer from the main to their building.

#### **8.2.17 SEPTAGE ACCEPTANCE LOCATION**

- A. 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.
- B. Septage discharges to the receiving facility at the main lift station shall be limited to the posted, normal working hours of the facility. Documentation of the discharge shall be submitted to the Village Clerk within one working day of the discharge.
- C. 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.
- D. The forms prescribed for the purpose of documentation of the discharge will be furnished at the Village Clerk's office and will include the following information:
  - (1) Name, address, and telephone number of the hauler.
  - (2) License number
  - (3) Type of septage
  - (4) Quantity of septage
  - (5) Estimated quality of septage

- (6) Location, date, time and feed rate of discharge
- (7) Source of septage
- (8) Name and address of septage generator
- (9) Other information as required by the Village.

**8.2.18 RV DUMPING STATIONS**

Sewage dumping stations serving domestic waste holding tanks on Recreational Vehicles and trailers shall be permitted only by written approval of the Village Board. The owner of the dumping station shall be solely responsible for maintaining compliance with all rules and regulations and for controlling the type and quantity of wastewater discharged. The dumping station shall be kept locked with the key issued for each individual use. The owner shall maintain records of usage including date, time and estimated quantity. These records shall be provided to the Village upon request or when usage exceeds 5 per month. For those dumping stations serving 5 uses per month or less, no sewer surcharge will be applied. A \$1.00 per use surcharge shall apply for all uses greater than 5 per month.

**8.2.19 ADDITIONAL AUTHORITY**

The Village Board may at any time establish specific connection and lateral charges for any main not covered by other provisions in this ordinance or when the Village Board has made an extension and the Village Board has failed to provide lateral or connection charges. It is further provided that the Village Board may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

**8.2.20 REGULATION-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:

- A. 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.
- B. 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.
- C. Any wastewater having a pH less than 5.0 or higher than 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.
- D. 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.

- E. 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.
- F. Any substance that may cause the wastewater treatment works effluent, treatment residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- G. Any substance that will cause violations of the WPDES and/or other disposal system permits.
- H. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature that 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 that exceeds 120oF unless the wastewater facilities are designed to accommodate such temperature.
- J. 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.
- K. Any unpolluted water including, but not limited to, non-contact cooling water.
- L. Any wastewaters that may be acutely or chronically toxic to aquatic life or wild and domestic animals.
- M. 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.
- N. Any wastewater that causes a hazard to human life or creates a public nuisance.
- O. Any storm water, 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.

#### **8.2.21 LIMITATIONS ON WASTEWATER STRENGTH**

- A. National categorical pretreatment standards shall, as promulgated by the U.S. Environmental Protection agency, be met by all dischargers of the regulated industrial categories.
- B. State requirements and limitations on all facilities shall be met by all dischargers who are subject to such standards in any instance in which they are more stringent than other applicable requirements.
- C. The Village Board reserves the right to amend this Ordinance 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 Ordinance.

- D. Dilution. 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 ordinance unless approved in writing by the village.
- E. Supplementary limitations. 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:

<u>Material</u>	<u>Concentration (mg/L)</u>
Biochemical Oxygen Demand	250 mg/L
Suspended Solids	300 mg/L
Fats, Oil and Grease (FOG)	100 mg/L
Phosphorus	8 mg/L

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

**8.2.22 ACCIDENTAL DISCHARGES**

- A. Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. 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 approved 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 Ordinance.
- B. Dischargers shall notify the Village immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. 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.
- C. 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.

**8.2.23 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.

#### **8.2.24 SEWER USER CHARGE SYSTEM ADDITIONAL DEFINITIONS**

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

- A. DEBT SERVICE CHARGES -- Includes all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities.
- B. NORMAL DOMESTIC STRENGTH WASTEWATER -- Wastewater with concentrations of BOD<sub>5</sub> no greater than 250 milligrams per liter (mg/L), suspended solid no greater than 250 milligrams per liter (mg/L) and phosphorus no greater than 7 milligrams per liter (mg/L).
- C. NORMAL USER -- A user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
- D. OPERATION AND MAINTENANCE (O&M) COSTS -- All costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various classes of sewer users.
- E. REPLACEMENT COSTS (R) -- All costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used only for replacement of equipment designated by the fund.
- F. SEWER SERVICE CHARGE -- A service charge levied on users of the sewer system for payment of Debt Service, Operation and Maintenance costs and Replacement of said facilities.

#### **8.2.25 POLICY**

It shall be the policy of the Village to obtain sufficient revenues to pay the costs for the debt service, operation, and maintenance of the wastewater facilities, including a replacement fund, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such facilities. A portion of the Debt Service capital costs may be collected via the General Fund and transferred to the Sewer Fund.

#### **8.2.26 BASIS FOR SEWER SERVICE CHARGE**

- A. The sewer service charge shall be based on two parts, the Fixed Meter Charge plus the Sewer Use Charge.

- B. The Fixed Meter Charge and the Sewer Use Charge shall be sufficient to pay the costs of net Debt Service for capital costs, Operation and Maintenance, and the Replacement fund for the wastewater facilities. The rates in this ordinance shall be reviewed not less than biennially. Such review will be performed by the Village Board. Rates shall be adjusted, as required, to reflect the actual number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to debt service and operation, maintenance, and replacement.

**8.2.27 FIXED METER CHARGE**

A Fixed Meter Charge (FMC) is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. Such Fixed Meter Charge shall be payable as herein provided and shall be on the basis of the size of the water meter in accordance with the table in Appendix A.

**8.2.28 SEWER USE CHARGE**

- A. A Sewer Use Charge is hereby imposed on all users of the sewerage system based upon the metered water used thereon or therein as calculated by the Water Utility. On or before October 15 of each year, the Village Clerk shall recompute the Sewer Use Charge per 1,000 gallons of water used. This charge shall be computed by dividing the proposed yearly debt service (net total debt cost less FMC revenue), operation, maintenance and replacement budget as provided in this Ordinance by the previous year's average billable water usage.
- B. Such Sewer Use Charge shall be payable as hereinafter provided and in an amount determinable as follows:
  - (1) Category A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD5) no greater than 250 milligrams per liter (mg/L) and suspended solids no greater than 250 milligrams per liter (mg/L). The Sewer Service Charge for Category A wastewater shall be established by resolution of the Village Board from time to time and notice of any rate established shall give notice at least one month before the change is effective.
  - (2) Category B is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD5) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 250 mg/L BOD5 and 250 mg/L SS. The Sewer Service Charge for Category B shall be established by the Village Engineer.
  - (3) Category C is defined as septage or holding tank wastewater that has organic concentrations of biochemical oxygen demand (BOD) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 300 milligrams per liter (mg/L). Charges will be based on the unit prices provided in

the current rate schedule plus an administrative charge of \$25.00 per load. It will be assumed that holding tank wastewater has a BOD of 600 mg/l and a S.S. of 1,800 mg/L and septic tank wastewater has a BOD of 5,000 mg/L and S.S. of 15,000 mg/L unless an actual analysis is furnished by the discharger.

- (4) RV DUMPING STATIONS. Sewage dumping stations serving domestic waste holding tanks on Recreational Vehicles and trailers shall pay a \$1.00 per use surcharge for all uses greater than 5 per month.

#### **8.2.29 CONTROL OF INDUSTRIAL & SEPTAGE WASTEWATERS DISCHARGE CONDITIONS**

- A. If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities that contain substances or possess the characteristics enumerated in this Article and which, in the judgment of the Village 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.

#### **8.2.30 SEPTAGE DISCHARGES**

Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from hold tank wastes. Under no circumstances shall the Village accept more than 2500 gallons of septage discharge per week.

#### **8.2.31 CONTROL MANHOLES**

- A. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, excluding domestic sewage when feasible.
- B. 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.
- C. 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.

#### **8.2.32 MEASUREMENT OF FLOW**

The volume of flow used for computing the Sewer Use Charge for non-septage 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.

#### **8.2.33 PROVISIONS 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 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the wastewater volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial wastewater discharger.

#### **8.2.34 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.

#### **8.2.35 WASTEWATER SAMPLING**

- A. 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.
- B. 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.
- C. 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 certified laboratory.

#### **8.2.36 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.

#### **8.2.37 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 that 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.

**8.2.38 ANALYSES**

- A. All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinances 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.
- B. 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 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.

**8.2.39 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.

**8.2.40 SUBMISSION OF BASIC DATA**

- A. Within three (3) months after passage of this Ordinance, 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 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength.
- B. 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.

**8.2.41 PAYMENT AND PENALTY**

The Sewer Service Charge shall be for the corresponding period of the water bills, monthly for all users. Charges shall be payable to the Village Clerk not later than 20 days after the date of the invoice. A penalty of one percent (1%) per month shall be added to all bills not paid by the date fixed for final payment.

**8.2.42 CHARGES A LIEN**

All sewage charges shall be a lien upon the property serviced pursuant to Section 66.0809(3), Wisconsin Statutes, and shall be collected in the manner therein provided.

**8.2.43 DISPOSITION OF REVENUE**

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account that shall show all receipts and expenditures of the wastewater facilities. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village Board, the credits to the account shall be available for the payment of costs of wastewater facilities consistent with NR 162. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from this fund as to both principal and interest.

**8.2.44 ADDITIONAL CHARGES**

Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the Village to equalize local capital costs.

**8.2.45 ANNUAL 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.

**8.2.46 VIOLATIONS & PENALTIES DAMAGES**

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

**8.2.47 WRITTEN NOTICE OF VIOLATION**

- A. Any person connected to the wastewater facilities found to be violating a provision of this Ordinance 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.
- B. Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this ordinance 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.



**8.2.48 DELETERIOUS DISCHARGES**

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.

**8.2.49 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 Village Clerk.

**8.2.50 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.

**8.2.51 LIABILITY TO VILLAGE FOR LOSSES**

Any person violating any provision of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned by reason of such violation that the Village might suffer as a result thereof.

**8.2.52 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.

**8.2.53 PENALTIES**

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Village 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 \$50.00 nor more than \$500.00 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out for mandatory hookup.

**8.2.54 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 Ordinance 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 thirty (30) 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 days after notification of the action, file a written appeal with the Village Board. A fee of \$100.00 shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant.

**8.2.55 VALIDITY-REPEAL OF CONFLICTING ORDINANCES**

All ordinances, resolution, orders, or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

**8.2.56 SAVINGS CLAUSE**

If any provision of this Ordinance is found invalid or unconstitutional or if in the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**8.2.57 AMENDMENTS**

The Village, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only upon proper notice.