

## **CHAPTER 62**

## **SEWERS**

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## CHAPTER 62

## SEWERS

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### SECTION 62.01 Introduction and Purpose.

- (a) This chapter regulates the use of public and private sewers and drains, the disposal of holding and septic tank wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the Village of Cross Plains Water-Sewer Utility. It provides for the levying and collecting of wastewater treatment service charges and industrial cost recovery charges; sets uniform requirements for discharges into the wastewater collection and treatment system; and enables the Utility to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards and any other discharge criteria which are required or authorized by the State of Wisconsin or federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Utility sewerage system.
- (b) This chapter provides a means for determining wastewater volumes, constituents and characteristics; setting charges and fees; and issuing permits to certain users. Revenues derived from the application of this chapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, BOD service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of Section 66.0821, Wis. Stats.

### SECTION 62.02 Definitions.

The following words and phrases shall have the designated meaning when used in this chapter unless a different meaning is expressly provided or the context clearly indicates a different meaning. “Shall” is mandatory; “may” is intended to mean permissible.

- (a) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20° C. and expressed in milligrams per liter.
- (b) **Building Sewer.** A sanitary sewer beginning at the immediate outside of the foundation wall of any building being served to its connection with the main.
- (c) **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued to the Village of Cross Plains wastewater treatment facility, provided that such wastewater treatment facility was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (d) **Delinquent Account.** An account which has a bill for service unpaid after payment is due.

- (e) **Director.** The Director of Public Facilities for the Village of Cross Plains.
- (f) **Domestic Wastewater.** Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes, and in which the average concentration of suspended solids and the BOD is established at or below 250 milligrams per liter.
- (g) **Equivalent Meters.** The number of equivalent five-eighths-inch water meters and shall be based on the following:

Meter Size (inches)	Number of Equivalent 5/8-Inch Meters
5/8	1
3/4	1.5
1	2.5
1 1/4	3.5
1 1/2	5
2	8
3	17.5
4	25
6	50

- (h) **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 shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.
- (i) **Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.
- (j) **General User.** Any user producing wastewater from residences, commercial buildings, public buildings or institutions or from any other source not specifically defined.
- (k) **Holding Tank Waste.** Any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
- (l) **Incompatible Pollutant.** Wastewater of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system.
- (m) **Industrial Cost Recovery (ICR).** Recovery by the Utility from the industrial users of the wastewater works of the amount allocable to the construction of facilities for the treatment of wastes from such users.
- (n) **Industrial Discharge.** Any waterborne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user as defined herein.
- (o) **Industrial User.** Any user which has an industrial discharge.

- (p) **Lateral.** Service sewer connecting the building sewer and the main.
- (q) **Main.** A publicly owned sanitary sewer located within the street right-of-way or a private easement.
- (r) **Major Industrial User.** A nongovernmental user of the publicly owned wastewater facilities which has a waste discharge equivalent to or more than 5,000 gallons per average workday of domestic wastewater in terms of flow, BOD or suspended solids, which has an average workday discharge flow greater than 5% of the average daily flow received at the wastewater treatment plant, which has a toxic pollutant in toxic amounts defined by Ch. NR 215, Wis. Adm. Code, or which has a major impact on the publicly owned treatment works either singly or in combination with other wastes when so as defined in writing by the Village.
- (s) **Parts Per Million.** A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (t) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (u) **Pretreatment.** Treating industrial wastes as required by a government agency to remove or reduce the quantity of one or more pollutants prior to discharge to a public sewer.
- (v) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- (w) **Public Sewer.** A sewer owned and maintained by a municipality or public utility.
- (x) **Public Sewerage System.** All structures, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, except plumbing inside and in connection with buildings and properties served, and building sewers.
- (y) **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions.
- (z) **Significant Industrial Contributor.** A nongovernmental user which is required to file effluent reports for discharges made to the public sanitary sewer collection system by Ch. NR 101, Wis. Adm. Code (which includes, but is not limited to, any facility whose discharge is a volume greater than 10,000 gallons per day and contains one or more of the industrial wastes or toxic and hazardous substances defined in Ch. NR 101, Wis. Adm. Code, or whose discharge is less than 10,000 gallons per day but is subject to a pretreatment standard), or which has been notified in writing by the Department of Natural Resources that it is necessary to provide the agency with information concerning the concentration and quantity of pollutants discharged.
- (aa) **Slug.** Any discharge of sewage or industrial wastewater, the concentration of any constituent of which, or the quantity of flow of which, exceeds instantaneously more than five times the average twenty-four-hour concentration or flow of the

- user during normal operation. For industrial users, a more stringent definition of “slug” may be established.
- (bb) **Standard Methods.** The examination and analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation.
  - (cc) **Storm Sewer.** A sewer which carried storm and surface drainage but excludes domestic wastewater and industrial wastes.
  - (dd) **Suspended Solids (SS).** Total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods and referred to as “nonfilterable residue.”
  - (ee) **Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
  - (ff) **User.** Any person who discharges, or causes to be discharged, domestic wastewater or industrial discharges into the public sewerage system.
  - (gg) **User Charge.** A charge levied on users of wastewater facilities for the cost of operation, maintenance and replacement of such wastewater facilities.
  - (hh) **Utility.** The Village of Cross Plains.
  - (ii) **Village Engineer.** The Engineer of the Village of Cross Plains or his designee.
  - (jj) **Wastewater Facilities.** The structures, equipment and processes designed to collect, carry and treat domestic wastewater and industrial discharges.
  - (kk) **Wastewater Treatment Plant.** An arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with “wastewater treatment” or “wastewater treatment works” or “water pollution control works.”
  - (ll) **WPDES Permit.** A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Ch. 147, Wis. Stats.

### **SECTION 62.03 General Requirements.**

- (a) **Disposing of Pollutants on Land.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private land within the area served by the Utility or in any area under the jurisdiction of said Utility any human or non-farm-animal excrement, garbage or other incompatible pollutant.
- (b) **Discharge into Waterways.** It shall be unlawful to discharge to any waterway or other natural outlet within any area served by the Utility any wastewater or other polluted waters, except where suitable treatment has been provided in accordance

with subsequent provisions of this chapter and with all federal, state and local statutes, ordinances and regulations which are applicable.

- (c) **Privies, Septic Tanks or Similar Facilities.** It shall be unlawful to construct or maintain any privy, privy vault, cesspool, holding tank or similar facility within the area served by the Utility. Septic tanks and other effluent absorption systems may be constructed and maintained only as hereinafter provided.
- (d) **Connection to Utility.** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the area served by the Utility and abutting on any street, alley or right-of-way in which a public sanitary sewer is located, shall at his expense install sanitary facilities as required by State codes and shall connect such facilities directly with the public sewer. Service laterals and all other connections shall be installed as required by Chapter 84 of this Code.
- (e) **Maintenance of Services.**
  - (1) The property owner shall maintain sewer service laterals from the street main to the house without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions by and at the expense of the owner or occupant of the property. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.
  - (2) All building sewers, both new and existing, shall be maintained in such condition as to prevent infiltration or inflow of unpolluted waters from the groundwater table, storm runoff, or other sources. If, during an inspection of the sewer, upon plugging the building sewer at or near its point of entry into the sanitary sewer, unpolluted water should be observed by the Village's designated representative to back up into the building being served, the building sewer shall be declared defective and correction shall be ordered under the provisions of this chapter.

#### **SECTION 62.04 Connection to Public Sewerage System.**

- (a) **Connection to Utility Sewers.**
  - (1) **General.** Any person desiring to connect directly with any sewer owned by the Utility shall make application to the Director for permission to make such connection. The Director shall not grant permission for connection where the sewer owned by the Utility is not adequately sized to transport the additional flow. No work of laying a building sewer shall begin or be continued without a permit being on the premises.
  - (2) **Application for Connection of Building Sewer to Utility Sewer.** Applications for permission to connect a building sewer to a sewer owned by the Utility shall be made in writing to the Director or its designee. The

application shall be made by the owner or his representative and shall include a statement giving the exact location of the premises, the purpose for which the connection is to be used, the time when the work is to be done, and such other information as may be required by the Village Engineer or the Director. The application may be incorporated into the building permit but must be reviewed by the Director or its designee. A nonrefundable permit fee as set by the Village Board for each residential or commercial user and for an industrial user shall be paid upon filing the application. At the time of the connection, each building sewer shall be inspected by the Village Engineer, the Plumbing Inspector or their designees.

(b) **Connection of New Community Sewers to Existing Utility Sewers.**

(1) **General.** Any developer or builder desiring to construct a sewer which will subsequently be dedicated to the Utility and connected to an existing Utility sewer shall make application for permission to make such connection. No work of laying the proposed community sewer shall be commenced or continued without first obtaining approval by the Director of the plans and specifications and without first obtaining the required connection permit. The connection permit shall be on the premises or in the hands of a professional engineer licensed to practice in the State of Wisconsin at all times during construction. The Director shall not grant permission for connection to the sewer system unless all downstream components have a reserve capable of accepting them and unless the new sewers and connections to the sewer system are properly designed and constructed in accordance with accepted practice and codes.

(2) **Application for Connection of New Community Sewer to an Existing Utility Sewer.** Applications for permission to construct a new community sewer which will subsequently be dedicated to the Utility and connected to an existing Utility sewer shall be made in the following manner:

- a. Application shall be made to the Director or its designee in writing by a professional engineer licensed to practice in Wisconsin.
- b. Application shall describe the location of the requested connection, the character of the wastewater to be transmitted, the time when the work is to be done and such other information as may be required by the Director or its designee and shall include a statement that the design, construction, operation and maintenance of the system shall be subject to the lawful rules and regulations of the Director and that all necessary connection charges, as described in Subsection (a)(2), shall be made. The plans and specifications shall be prepared by a professional engineer licensed to practice in the State of Wisconsin and shall conform to state and local plumbing codes and the requirements of the Department of Natural Resources.

- c. Plans and specifications shall be submitted to the Director or its designee at least 15 calendar days prior to the Director meeting at which the application shall be considered. The Village Engineer shall first review said plans and specifications for conformity with all design standards as periodically adopted by rule or regulation of the Director and shall then transmit the plans and specifications along with his recommendations to the Director. A copy of design standards as established by rule or regulation of the Director shall be on file at all times at the office of the Village Engineer.
- d. The Director shall review the plans and specifications for conformity with all ordinances, administrative rules and regulations and for any other matter within its jurisdiction. The Director shall then approve, conditionally approve or reject the plans and specifications. The applicant shall be informed in writing of the action taken and, if the plans and specifications are approved conditionally or rejected, the conditions of approval or reasons for rejection shall be given in writing. Unless the time is extended by written agreement between the applicant and the Director, failure to complete the action required herein within 90 days of the filing of the plans and specifications with the Director or its designee shall constitute approval of the plans and specifications by the Director. However, in no event shall construction proceed until all State of Wisconsin and any other required approvals are granted. The Director's approval of the plans and specifications and the issuance of the connection permit shall be conditioned upon approval by the State of Wisconsin.
- e. All outstanding charges due against the lands for local sewers, interceptors, force mains, and lift stations previously installed by the Utility and/or other sewerage districts shall be paid in full prior to making connection to any community sewer.
- f. All floor drains shall have a backflow prevention valve installed at the owner's expense.
- g. It is expressly stipulated that no claim shall be made against said Utility, or its 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 or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the Village of Cross Plains, the Utility shall, if practicable, give notice to each and every consumer within such affected district of the time when such service will be so shut off.

(c) **Supervision of Construction of Community and Building Sewers.**

- (1) **Engineering Services.** Construction of community sewers within the area served by the Utility shall be under the direction of a professional engineer licensed to practice in Wisconsin. The engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the wyes. The developer or builder will be charged for engineering, inspection, consulting and legal services performed by or on behalf of the Utility in conjunction with the design, inspection and review of private construction of a proposed community sewer to be subsequently dedicated to the Village. Engineering, inspection, consulting and legal fees shall be the actual costs to the Utility on the basis of submitted invoices plus twice the actual payroll costs for time spent by any employees of the Village. Such fees may be billed monthly or upon completion of the project, as determined by the Director. Upon acceptance by the Village of the construction covered by the plans and specifications for the new community sewer, the developer shall furnish to the Director two complete sets of correct prints and one complete digital pdf file, and one digital autocad file of the system as built. In accordance with this chapter and the provisions of Chapter 83 of this chapter, the developer shall be responsible for performing replacement or acceptable repairs of any defective workmanship or materials that appear during the one-year guarantee period following completion of the project and acceptance of the project.
- (2) **Standards.** All building sewers served by the Utility shall be constructed and inspected as required by Ch. SPS 382, Wis. Adm. Code.
- (3) **User to Permit Inspection.** Every user shall permit the Utility, or its duly authorized agent, at all reasonable hours of the day, to enter its premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate and must at all times, frankly and without concealment, answer all questions asked relative to its use, all in accordance with this chapter and Section 196.171, Wis. Stats.
- (4) **Mandatory Hookup.** The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation, or in a block through which such system is extended, shall connect to such system within one year of notice in writing from the Utility. Upon failure to do so, the Utility may cause such connection to be made and bill the property owner for such cost. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 281.45, Wis. Stats.; provided, however, that the owner may, within 30 days after the completion of the work, file a written petition with the Village Administrator/Clerk-Treasurer stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five equal installments, and the amount shall be so collected with interest at the rate of

12% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 281.45, Wis. Stats.

- (5) **Penalty.** The Utility at its option may impose a penalty for the period that a violation of this Chapter continues, after 10 days' written notice to any owner failing to make a connection to the sewer system, in an amount of \$3,000 per month for each residential unit equivalent, payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45, Wis. Stats.
- (d) **Special Assessments.** The cost of any sewerage system work or improvement and the cost of required fees may be levied at approved rates and collected by special assessments upon property in accordance with the provisions of Section 66.0703 Wis. Stats.
- (e) **Alternative to Special Assessments.** Where the municipality is unwilling to make a special assessment because of low density of prospective consumers or for some other reason, extensions may be allowed on a customer-financed basis.

#### **SECTION 62.05 Use of Public Sewers.**

- (a) **Prohibited Discharges.**
  - (1) **General Prohibitions.** No person shall discharge wastes or incompatible pollutants to a community or intercepting sewer which cause or are capable of causing, either alone or with other substances:
    - a. A fire or explosion.
    - b. Obstruction of flow or damage to the wastewater facilities.
    - c. Danger to life or safety of persons.
    - d. Air pollution as defined in Section 285.01(3), Wis. Stats.
    - e. Prevention of effective maintenance or operation of the wastewater facilities.
    - f. Any product of the Utility's treatment processes or any of the Utility's residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes.
    - g. A detrimental environmental impact, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the Utility.
    - h. Any sanitary sewer or the Utility's wastewater facilities to be overloaded.
    - i. In the opinion of the Village Engineer, excessive Utility collection and treatment costs, or use of a disproportionate share of the Utility's facilities.
    - j. A violation of the Utility's WPDES permit.

- (2) **Specific Prohibited Discharges.** Prohibited discharges shall include, but not be limited to:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - b. Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. The toxins prohibited include any published in the current list as mandated by Section 307(a) of the Clean Water Act of 1977.
  - c. Any waters or wastes having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or treatment works personnel.
  - d. Solids or viscous substances, including but not limited to such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, and milk containers, either whole or ground by garbage grinders.
  - e. Any wastewater from industrial plants containing floatable oils, fats or greases.
  - f. Any wastewater which contains organi-sulfur or organi-phosphate pesticides, herbicides or fertilizers.
- (b) **Prohibitions on Stormwater, Drainage, Groundwater and Unpolluted Water.** Stormwater, groundwater, rainwater, street drainage, roof runoff, subsurface drainage and unpolluted water, including but not limited to cooling water, process water or blowdown from cooling towers or evaporative coolers, shall not be discharged into any community sewer.
- (c) **Limitations of Discharge Characteristics.** The limitations on the characteristics of wastewater discharged to any public sewer in the Utility shall be as follows:
- (1) Limitations related to treatment plant influent. Discharge to the public sewerage system of the following described substances, materials, waters or waste shall be limited to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not endanger pollution or other detrimental environmental effects, and will not constitute a nuisance. Substances prohibited are:
    - a. Liquid or vapor having a temperature higher than 150° F.
    - b. Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.

- c. Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency.
  - d. Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
  - e. Wastewater containing more than 100 milligrams per liter of oil or grease of animal or vegetable origin.
  - f. Wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.
  - g. Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference with the Village wastewater treatment facilities.
  - h. Any wastewater containing 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 state or federal categorical pretreatment standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Ch. NR 215, Wis. Adm. Code.
- (2) **Changes to Requirements.** The Village Engineer may change the requirements established in the regulations above as necessary to meet the objectives of this chapter or the conditions of the Utility's WPDES permit.
  - (3) **Limitations Related to Treatment Plant Effluent.** No person shall discharge any wastewater to the public sewerage system which, in combination with other discharges, results in a treatment plant effluent having concentrations exceeding those established in the Utility's WPDES permit.
- (d) **Limitations on Wastewater Strength.**
    - (1) **National Categorical Pretreatment Standards.** National categorical pretreatment standards as promulgated by the United States Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.
    - (2) **State Requirements.** State requirements and limitations on discharges to the Village wastewater treatment facilities shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or any other applicable ordinance.

- (3) **Right of Revision.** The Utility reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the Village's wastewater collection and treatment system where deemed necessary to comply with the objectives set forth in this chapter.
  - (4) **Dilution.** No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
  - (5) **Supplementary Limitations.** The Utility may impose mass limitations on discharges where the imposition of mass limitations is deemed appropriate by the Utility.
- (e) **Accidental Discharge of Prohibited Wastewater.** Any person who discharges into the public sewerage system wastes or wastewater prohibited under this chapter shall immediately report such a discharge to the Village Engineer. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Village Engineer.
  - (f) **Alternatives to Acceptance of Wastewater.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers in excess of those limitations enumerated in Subsection (c) or (d) above, the Utility may:
    - (1) Reject the wastes;
    - (2) Require pretreatment;
    - (3) Control the quantities and rates of discharge; and/or
    - (4) Recover the increased costs of handling and treating such wastes.
  - (g) **Pretreatment of Industrial Wastes.** Industrial users may be required to pretreat their wastewater when necessary to protect the wastewater facilities or prevent discharge of incompatible pollutants. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the user. Pretreatment facilities shall be operated by qualified personnel.
  - (h) **Sand and Grease Trap Installations.** The installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes, and other industrial or commercial establishments where necessary to prevent discharge of sand, flammable wastes, oil or grease in amounts exceeding the limits of Subsection (c) is hereby required. All such traps shall be constructed and maintained by the owner at his expense, in accordance with the Wisconsin Plumbing Code and the specifications of the Utility, and shall be readily accessible for cleaning and inspection.

## SECTION 62.06 Wastewater Measurement, Sampling and Reporting.

- (a) **Monitoring Facilities.** Wastewater characteristics and constituents other than domestic wastewater shall be monitored to determine compliance with this chapter and to facilitate an equitable system of user charges.
- (1) **New User.** A new user which expects to discharge or which is capable of discharging wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
  - (2) **Existing User.** An existing user whose discharges are different from domestic wastewater may be required by the Director to install a monitoring facility. Construction of such facility shall be completed within 90 days after the user has been notified in writing by the Director of the requirement, unless the Director grants an extension of time.
  - (3) **Others.** In addition to those required to monitor, any user which so desires may install and operate monitoring facilities and report its wastewater characteristics to the Director for billing purposes.
  - (4) **Monitoring Facilities.** All monitoring facilities shall be constructed at the owner's expense in accordance with plans approved by the Village Engineer. The monitoring facility shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes and shall be maintained by the owner so as to be safe and accessible at all times.
  - (5) **Special Rules for Significant Industrial Users and Major Industrial Users.**
    - a. All significant industrial users shall report the characteristics of their discharges by February 1 of each year for the preceding calendar year.
    - b. All significant industrial users shall install a single suitable sampling and flow measurement manhole in accordance with Ch. SPS 382. Wis. Adm. Code. The manhole shall be installed by the discharger at its expense and shall be maintained by it so as to be safe and accessible at all times.
    - c. All major industrial users shall install and maintain a special control manhole at that user's expense. The special control manhole shall be approved by the Utility prior to installation. The special control manhole shall consist of a manhole on the discharge line with a permanently installed flow rate measuring device and provision for housing recording instruments and an automatic flow proportional sampler. Major industrial users, unless specifically exempted by the Utility, shall install a flow recorder and a sampler of design approved by the Utility and shall operate the flow meter continuously and provide the records to the Utility. Unless otherwise directed by the Utility, the flow proportional sampler shall be

operated continuously, and the Utility will collect samples for analysis on the three days per week on which the Utility performs similar tests at the Utility wastewater treatment plant. The Utility will perform analyses of those wastewater constituents which it deems important for user charge or operational purposes. All costs of collecting samples and sample analysis shall be paid by the major industrial user. If the Utility determines it is necessary, the Utility may elect to operate and maintain the control manhole and the associated equipment and to charge the industry for the costs of such construction, operation and maintenance. The sample shall automatically, in proportion to flow volume, collect samples of the waste. The location and access to the special control manhole shall be as provided for in Ch. SPS 382, Wis. Adm. Code.

- d. Special control manholes may be required by the Utility should the industrial wastewater contain a toxic or deleterious fluid or solid not reflected by volume, BOD or suspended solids.
  - e. All measurements, tests and analyses of the characteristics of fluids and solids to which reference is made in this section shall be determined in accordance with the latest edition of Standard Methods. The control manhole shall be considered to be the most representative location in the sewage flow system of the premises.
  - f. The Utility shall have the power by itself or its officers, agents, and employees to enter upon the land of any industrial user to inspect and sample from control manholes or from any other location deemed necessary to define the characteristics of the industrial discharge.
  - g. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial wastewater of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern, provided that the agreement is not in conflict with the intent of rates established by this chapter or Wisconsin Code requirements. Any special agreement must be subject to the consent of the holder of any outstanding mortgage revenue bonds.
  - h. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Wisconsin Administrative Code.
- (6) **Waiver.** The requirements of Subsection (a)(1) of this section may be waived upon special written permission of the Village Engineer and the Village Board.

- (b) **Powers and Authority for Inspection and Sampling.**
- (1) **Access to Monitoring Facilities.** Agents of the Director or Utility shall be allowed access to all monitoring facilities.
  - (2) **Utility Inspections.** The Director may designate Utility inspectors who, bearing proper credentials and identification, shall be allowed access to all property serviced by the Utility for the purpose of inspection, observation, measurement, sampling and testing of discharges to the wastewater facilities, or for the purpose of inspection, repair or maintenance of any portion of the Utility wastewater facilities.
  - (3) **Information Furnished.** The Village Engineer or his designee may require industrial users to provide information about industrial processes which may have an effect on the nature of the industrial discharges. Such industrial process information may be withheld if the industrial user demonstrates to the satisfaction of the Village Engineer that release of such information to the public would reveal trade secrets or result in an advantage to competitors. No effluent data may be withheld from the Utility, but it shall be kept confidential by the Utility if necessary to protect the trade secrets of an industrial user.
  - (4) **Inspections.** In accordance with Section 200.11(3), Wis. Stats., and with this chapter, the Village Engineer or his authorized representative shall be permitted to enter the area served by the Utility at reasonable times for the purpose of making surveys or examinations.
  - (5) **Control Manhole.** The Utility reserves the right to require any user of the system to install and maintain, at the user's expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the Utility free and unobstructed access to the installed manhole.
- (c) **Reporting Requirements.**
- (1) **Information Required.** The Director may require a user to provide information concerning, but not limited to:
    - a. Volume, time and peak rate of discharges.
    - b. Chemical analysis of discharges.
    - c. Raw materials, processes and products relevant to discharge characteristics.
    - d. Discharges of specific wastes such as sludge, oil, solvent or incompatible pollutants.
    - e. Plot plans of sewers on the user's property showing locations of sewers, monitoring facilities and pretreatment facilities.
    - f. Details of pretreatment facilities.
    - g. Details of systems to prevent losses of materials through spills to the Utility sewer system.
  - (2) **Annual Report.** Each significant industrial contributor, unless monitored by the Village for user charge purposes, shall submit to the Director and the

Village Engineer by the 15th of March each year a report on the quality and quantity of wastes discharged to the sanitary sewer system.

- (3) **Reports of Discharge.** If any significant industrial contributor discharges incompatible pollutants which require pretreatment prior to discharge to the public sewerage system, the quality and quantity of the discharge will be reported to the Director and the Village Engineer by March 15, June 15, September 15, and December 15 for billing purposes.
- (d) **Letter of Intent and Compliance Requirements.** The Village Engineer may request any industrial contributor to submit a letter of intent to the Village Board. The purpose of the letter of intent is to assure that the industrial contributor will use the wastewater treatment facilities and to project the quality and quantity of the contributor's industrial discharges for a given period. The request shall be in writing and shall include a letter of intent form to be returned by the industrial contributor. The form provided by the Village Engineer shall specify the waste load characteristics and flows to be projected and the period of time to be covered by the letter of intent, not to exceed 20 years. No provisions of this action shall be construed to provide less stringent discharge standards than are required by state or federal regulation.
  - (1) **Letter of Intent Required.** Within 60 days after receipt of the Village Engineer's written request for a letter of intent, the industrial contributor shall return the signed and completed letter of intent form to the Village Engineer. The returned letter of intent shall contain all the information requested and shall be signed by one having full authority to enter contracts for the industrial contributor.
  - (2) **Compliance With Terms of Letter of Intent.** The projected quality and quantity of industrial discharges specified in the letter of intent shall not be exceeded by the industrial contributor during the period established unless a written exception is granted by the Village Board. The Village Board may refuse to accept any flow or waste load discharge by an industrial contributor in excess of the limitations in the letter of intent.
  - (3) **Pretreatment May be Required.** In the event that an industrial contributor exceeds the waste load and flow projections contained in its letter of intent, the Village Board may, after a hearing thereon, require the contributor to pretreat the industrial wastes. The industrial contributor shall construct, install and operate the necessary pretreatment facilities at its own expense and in accordance with plans and specifications approved by the Village Engineer and any other local, state or federal agency having regulatory authority with respect to such pretreatment facilities. A pretreatment facility shall be operated by qualified personnel. Agents of the Village or any other local, state or federal agency having regulatory authority shall at reasonable times be allowed access to all pretreatment facilities for purposes of inspection, observation, measurement, sampling and testing.

- a. The industrial contributor shall be in violation of flow or waste load limitations set forth in its letter of intent and may be required to pretreat where, in the determination of the Village Engineer, either of two conditions exist:
  - 1. If any limitation, when calculated on a monthly average, is exceeded more than three times in any twelve-month period.
  - 2. If during any twenty-four-hour period the industrial discharge exceeds the limitations to such a degree that the Village Engineer or Director of Public Facilities determines that such discharges will be harmful to the wastewater treatment system or will prevent compliance with the terms and conditions of the Village discharge permit. Such substantial violations are sufficient to require pretreatment even if the waste load and flow limitations are not exceeded when calculated on a monthly basis.
- b. Unless the Village Board grants a written extension of time, any required pretreatment facilities shall be constructed and in operation between a minimum of 90 days and a maximum of 360 days after the industrial contributor has been notified in writing by the Village Board of the requirement to pretreat. The exact timing of the facility shall be mutually agreed by the Village Board, the Village Engineer, the industrial contributor and any involved state or local agency through a task-oriented compliance schedule meeting the above-stated time constraint.
- c. The Village Board may, at its sole discretion, undertake to construct, install, operate or maintain the required pretreatment facilities if the industrial contributor fails to do so. The industrial contributor shall pay for the actual work, charges and expenses related to such construction, installation, operation and maintenance of the facilities, including engineering, inspection, consulting and legal services performed by, or on behalf of, the Village.

**SECTION 62.07 Sewer Service Charges.**

- (a) **General Principles.** Service charges to each Utility user shall be based on the quantity and quality of its wastewater and on the size of the water meter(s) serving that user. The service charges shall consist of the Utility user charges and the Utility debt service charges such that each user will pay its proportionate share of the costs of operation, maintenance and debt service of all waste treatment services provided by the Utility. The Utility may distinguish between industrial and nonindustrial users in establishing rates.
  - (1) The Utility shall review the contributions of its users at least biennially to ensure sufficient revenues to recover actual costs and to pay total operation,

maintenance and replacement costs. Users will be notified annually of the user charges for wastewater treatment services.

- (2) This system of sewer service charges shall take precedence over preexisting agreements inconsistent with this chapter.
  - (3) Debt service charges shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (b) **Service Charge Rates for General Users.** Quarterly charges to each general user shall be calculated based on the quantity of water used, as determined from regular water meter readings, and on the size of the water meter(s) serving the user. The fixed part of the service charge shall be based on the water meter in use as represented by an equivalent number of five-eighths-inch water meter equivalent (defined in Section 62.02).
- (1) **Fixed Charge.** The fixed charge shall be:  
$$\text{(Charge per 5/8" water meter equivalent)} \times (\# \text{ of 5/8" water meter equivalents}) = \text{(fixed charges from annual O\&M costs)} + \text{fixed charges from annual debt service costs} \times (\# \text{ of 5/8" water meter equivalents for meter in use) total number of 5/8" water meter equivalents}$$
  - (2) **Volume Charge.** The volume charge shall be:  
$$\text{Volume charge} = \text{annual O\&M cost} + \text{annual debt service cost} - \text{quarterly fixed charges} - \text{surcharges} \times (\# \text{ of gallons of water metered) net gallons of water sold}$$
- (c) **Service Charge Rates for Major Industrial Users.** Quarterly service charges to each major industrial user shall be calculated based on the metered quantity and quality of its wastewater, the metered water quantity and the size of the water meter(s) serving the user and any costs directly attributable to monitoring or pretreating that industrial discharge. Where sewage strength exceeds domestic equivalents of 250 parts per million for BOD and for suspended solids, suitable measurement facilities must be installed by the industry to permit periodic determination of the sewage strength characteristics, and surcharges shall be made as stated below. If continuous wastewater meters are not used, water meter records shall be used for determination of the surcharge. The service charge shall consist of the following:
- (1) **Fixed charge:**  
$$\text{(Charge per 5/8" water meter equivalent)} \times (\# \text{ of 5/8" water meter equivalents}) = \text{(fixed charges from annual O\&M costs)} + \text{fixed charges from annual debt service costs} \times (\# \text{ of 5/8" water meter equivalents for meter in use) total number of 5/8" water meter equivalents.}$$

- (2) **Volume charge.** The volume charge shall be:  
 Volume charge = annual O&M cost + annual debt service cost - quarterly fixed charges - surcharges x (# of gallons of water metered) net gallons of water sold
- (3) **Surcharge.** The surcharge shall be: for each pound of BOD and/or suspended solids over 2.085 pounds per 1,000 gallons (250 parts per million), the additional cost of treatment per pound of BOD and/or suspended solids, multiplied by the total pounds of BOD5 and/or suspended solids discharged to the sanitary sewer by that user. Plus, any additional cost incurred by the village for the operation and maintenance of a pretreatment facility, through the use of personnel, facilities or equipment, shall be itemized and added to the major industrial contributor's bill.
- (d) **Charges for Standby Sewer Service.** Each lot or equivalent parcel of land shall pay a charge for sewer facilities available but not connected. Where more than one lot or equivalent is used as a unit and a customer is connected, the total charge for general sewer service to such customer shall be not less than the standby charge applicable to the several lots. An equivalent parcel of land shall be each full 60 feet where unplotted, except that any isolated parcel of less than 60 feet shall be equivalent to a lot, if classed as buildable by the Village.
- (e) **General Unmetered Service.** General unmetered service is available only for domestic sewage, where the customer either is not a metered customer of the Water Utility or has not elected to rent a water meter to measure a private supply.
- (1) **Base.** Single-family or small commercial contributor: equivalent fixed charge of a two-inch water meter.
- (2) **Note.** Larger sewer customers (multifamily or large commercial) not taking metered water service will be required to rent a water meter from the Utility to measure the water used.
- (f) **Dane-Iowa Reserve Capacity Connection Fee.**
- (1) Beginning on the effective date of this Subsection, and continuing through December 31, 2020, any person applying for a building permit for construction that will require an additional water meter or a larger water meter shall pay, upon filing the application, a connection fee calculated to pay for the reserve capacity of the Dane-Iowa biosolids facility to be used by that person.
- (2) At least biennially, the Village shall review the projections relating to population growth and the Village's share of the Dane-Iowa debt service used in calculating the connection fee, and prospectively reduce or increase the connection fee accordingly.
- (g) **Wastewater Treatment Facility Excess Capacity Connection Fee.**
- (1) Beginning on January 1, 2005, any person applying for a building permit for construction that will require an additional water meter or a larger water meter shall pay, upon filing the application, a connection fee calculated to pay for the excess capacity of the new and upgraded wastewater treatment

facility to be used by that person. This fee shall not apply to a connection dedicated solely to a fire protection system.

- (2) At least biennially, the Village shall review the projections relating to population growth and the Village's debt service used in calculating the connection fee and prospectively reduce or increase the connection fee accordingly.
- (h) **Annual Audit.** The Utility shall have conducted an independent annual audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. The findings and recommendations of this audit shall be published in the Village's official newspaper.

#### **SECTION 62.08 Billing and Collection.**

- (a) **Quarterly Billing.** Sewer charges shall be billed quarterly. Payments shall be due by the end of the quarter in which the bill is received.
- (b) **Delinquent Payments.** On October 15 of each year, the Village Administrator/Clerk-Treasurer shall give notice pursuant to Section 66.0821, Wis. Stats., to the owner or occupant of all lots or parcels of real estate to which sewer services have been furnished prior to October 1 and for which payment is due and owing at the time of giving such notice. Any remaining delinquency on November 15 of each year shall thereafter be subjected to an additional ten-percent penalty which shall be levied as a tax against the lot or parcel pursuant to Section 66.0821, Wis. Stats.

#### **SECTION 62.09 Appeal Procedure.**

- (a) **Appeal to the Public Facilities Director.** Any person who objects to any action or decision of the Director or its designee shall first appeal to the Director for reconsideration.
  - (1) **Notice of Appeal.** A written notice of appeal must be filed with the Director of Public Facilities within 30 days of the date of the action or decision appealed from.
  - (2) **Contents.** The notice of appeal shall state the action or decision of the Director appealed from.
  - (3) **Hearing Procedure.** The Director of Public Facilities shall schedule the appeal for consideration by the Director at a meeting, open to the public, within 30 days of the filing of the notice of appeal. The Director of Public Facilities shall send notice of the time scheduled for the consideration of the appeal to the appellant at least 10 days prior to the hearing.

- (4) **Decision.** Within 30 days of the appeal hearing, the Director shall affirm, modify or reverse the action or decision. Notice of the final decision of the Director shall be sent to the appellant.
- (b) **Appeal to the Village Board.** Any person who objects to any final decision of the Director after appeal to the Director may appeal to the Village Board.
  - (1) **Notice of Appeal.** A written notice of appeal must be filed with the Village Administrator/Clerk-Treasurer within 14 days of the date when notice of the final decision of the Director is mailed.
  - (2) **Contents.** The notice of appeal shall state the action of the Director appealed from, shall specify the reasons stated by the Director for taking such action, and shall specify why the appellant believes said action was inappropriate.
  - (3) **Hearing Procedure.** The Village Administrator/Clerk-Treasurer shall file the notice of appeal with the Village Board and shall schedule the appeal for consideration by the Village Board at a meeting open to the public within 45 days of the filing of the notice of appeal. The Village Administrator/Clerk-Treasurer shall send notice of the time scheduled for the consideration of the appeal to the appellant and to the Secretary of the Director.
  - (4) **Decision.** Within 30 days of the appeal hearing, the Village Board shall affirm, modify or reverse the action of the Public Works and Utility Director or shall refer the matter back to the Director for further consideration. Notice of the decision of the Village Board shall be sent to the appellant and the Director.
- (c) **Application of Ch. 68, Wis. Stats.** The provisions of Ch. 68, Wis. Stats., shall not be applicable to any determination made pursuant to the provisions of this chapter.

**SECTION 62.10 Enforcement; Violations and Penalties.**

- (a) **Notice of Violation and Special Order of Abatement.** Any person found in violation of this chapter or of any prohibition, limitation or requirement contained therein will be served by the Director with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy thereof, pursuant to Section 1.06 of this Code.
- (b) **Penalties for Violations.** Except where another penalty is provided herein, any person who fails to comply with the provisions of this chapter or any rule, order or special order of the Director shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 for each day such failure continues plus the costs of prosecution. In addition to said forfeiture, the remedial provisions in Ch. 823, Wis. Stats., relating to public nuisances are incorporated and adopted herein by reference and shall be enforced when applicable.

- (c) **Falsifying of Information.** No person shall knowingly make any false statement, representation, record, report, plan or other document filed with the Village or the Utility or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter. Any person who violates this provision shall be subject to the penalties imposed under subsection (b) of this section.