

CHAPTER 13 MUNICIPAL UTILITIES

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WATER UTILITY

13.01 WATER AND SEWER COMMITTEE

(1) There is hereby created a committee on public water and sewer to be known as the Water and Sewer Committee of the Village, which shall have charge of the Water Utility owned and operated by the Village. Such committee shall have the powers and duties as other committees of the Village Board.

(2) Such Committee shall be governed by §1.02 of this Municipal Code, including selection and number of members of such Committee.

13.02 CONTROL, FACILITIES AND OWNERSHIP

(1) CONTROL OF WATER UTILITY. The Village hereby creates and establishes a Water Utility for the Village. The management, operation and control of such water system is vested in the Village Board, provided the management and operation of such water system shall be performed by the Water and Sewer Committee, subject to the ultimate control by the Village Board. All records, minutes, written proceedings and financial records shall be kept and maintained by the Village.

(2) FACILITIES AND OWNERSHIP. The Water Utility shall consist of deep wells; storage tanks; distribution facilities, including fire hydrants, fountains, softening facilities, filtration facilities; and other facilities required in connection therewith. The Village acting through the Village Board and Water and Sewer Committee shall have the power to lay mains through alleys and streets, acquire and install required facilities and to do all such work as necessary or convenient in the management of the water system. The President, trustees or their officers, agents and employees shall have the right to enter upon any land to examine or supervise in the performance of their duties under this subchapter without liability therefore. The Village Board shall have the power to purchase for the Village all real and personal property necessary for construction of the water system or for any repair, remodeling or additions thereto.

(3) CONDEMNATION OF REAL ESTATE. Whenever any real estate or easements therein or use thereof shall in the judgment of the Village Board be necessary to the operation of the water system and whenever an agreement for purchase cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate or easement by condemnation in accordance with State Statutes.

(4) TITLE TO REAL ESTATE AND PERSONALTY. All property, real, personal and mixed, acquired for construction of the water system, all plans, specifications, diagrams, papers, books and records connected therewith and all buildings, machinery and fixtures pertaining thereto shall be Village property.

13.03 CONSUMER RULES AND REGULATIONS

The rules, regulations and water rates of the water system of the Village set forth herein shall be considered a part of the contract with each person who is supplied with water through the water

system. Such person by taking water or connecting with such system shall be considered as expressing his assent and be bound thereby.

Whenever any such rules and regulations or such conditions as the Village Board or Water and Sewer Committee may hereafter adopt are violated, the water shall be shut off from the building or place of such violation even though 2 or more parties are receiving water through the same pipe and shall not be turned on again except by order of the Water and Sewer Committee after payment of all arrears, expenses and established charges of shutting off, turning on and such other terms as the Committee may determine. These rules shall conform to the established rules and regulations of the State Public Service Commission or State Statutes applicable thereto. In case of such violation, the appropriate authority may declare any payment made for the water by the party committing such violation to be forfeited. The Village Board or Water and Sewer Committee has the right to change such rules, regulations and water rates from time to time as they may deem advisable and to make special rates and contracts in all property cases, subject to the authority of the Wisconsin Public Service Commission.

13.04 OPERATING RULES

(1) ESTABLISHMENT OF SERVICE.

(a) Public Service Commission Rules Adopted. (11/09) All persons now receiving a water supply from the Water Utility or who may hereafter make application therefore, providing that such application is for the provision of water supply to a structure located within the corporate boundaries of the Village, and any person, firm or corporation by attachment to the water system, or otherwise by contract or agreement coming within the Village water service area, shall be considered as having to be bound by all the rules and regulations as filed with the State Public Service Commission.

(b) Application. Application for water service shall be made in writing on a form furnished by the Water and Sewer Committee. The application shall contain a legal description of the property to be served, including tax key number, name of applicant, use to be made of service and such other information as the Utility may require.

(c) Conditions for Service. Service shall be furnished only if the following conditions are met:

1. Applicant has installed or agrees to install a service pipe from the water main in the street to the point of use in conformance with §13.05 specifications.
2. Applicant pays required hookup charge.
3. Premises have adequate piping beyond metering point.

(d) Multi-Unit Metering. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner by selecting this option shall provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection shall be a separate Water Utility customer for the purpose of the filed rules and regulations. The owner is responsible for and subject to §13.03 of this subchapter.

(e) Division of Water Service Prohibited. No division of water service of any lot or parcel of land shall be made for extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for 2 or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.

(f) Approval May be Withheld. The Committee is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly set forth by the applicant property owner.

(g) Extraterritorial Water Service Area Delineated. (11/09) The Water Utility is hereby authorized to provide water service to the following delineated areas only, located outside the corporate boundaries of the Village:

1. A part of the SW ¼ of Section 30, T2N, R17E, Walworth County, Wisconsin described as follows: Parcel more particularly described as commencing at the SW corner of Section 30, T2N, R17E; thence S 89° 57' 32" E, 60.00 feet to the place of beginning; thence N 0° 06' 28" E parallel to the West line of Section 30, 796.66 feet; thence S. 89° 53' 32" E, 155.76 feet to the centerline of State Highway 50; thence S 37° 01' 32" E, along the centerline of said Highway 50, 391.17 feet; thence S 0° 28' 32" E, 484.34 feet to the South line of said Section 30, thence N 89° 57' 32" W along the South line of said Section 30, 396.72 feet to the place of beginning.

EXCEPTING THEREFROM that part conveyed to the State of Wisconsin, Department of Transportation by Deed recorded February 13, 2003 as Document No. 543841.

Tax Key No: JG 3000010

2. Lots 1 and 2 of Certified Survey Map No. 1386, recorded September 7, 1984 in Volume 6 of Certified Surveys on page 243 as Document No. 107713, being located in the Northwest ¼ of Section 31, T2N, R17E, Town of Geneva, County of Walworth and State of Wisconsin.

Tax Key No: JA 138600001 and JA 138600002

3. A parcel of land located in the Southeast ¼ of the Northeast ¼ of Section 2, Town 1 North, Range 16 East, Town of Walworth, County of Walworth, State of Wisconsin, described as follows, to-wit:

Commencing at the East ¼ Section corner of said Section 2; thence North 389.18 feet along the East line of Section 2; thence West 280.00 feet; thence South 389.18 feet; thence East 280.00 feet to the point of beginning.

Tax Key No. EW2000009

The Water Utility shall not provide water service to areas located outside the corporate boundaries of the Village other than the areas delineated above.

(2) SERVICE CONTRACT.

(a) The minimum service contract period shall be one year, unless otherwise specified by special contract or in the applicable rate schedule. Where a customer requests that he be disconnected prior to expiration of his minimum contract period, where his account is not delinquent and where thereafter he requests the reconnection of service, a reconnection charge of \$15 payable in advance shall be collected. The minimum contract period is renewed with each reconnection.

(b) There shall be a reconnection charge of \$15 for consumers whose services are disconnected because of nonpayment of bills when due, including disconnection for failure to comply with deposit or guarantee rules.

(c) A person shall be considered as the same consumer provided the connection is required for the same premises by any member of the same family or, if a place of business, by any partner or employee of the same business.

(3) TURNING ON WATER. Water cannot be turned on for a consumer, except by an authorized employee of the Utility during normal business hours. When a plumber has completed his work, he shall leave the water turned off. Such plumber may test his work, but when such testing is completed, he shall leave water shut off. A water service that is turned on without authorization shall subject the property owner to a forfeiture for such violation.

(4) STOP BOXES. The consumer shall protect the stop box on his property and shall keep the same free from dirt and other obstructions.

The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises. The consumer shall allow access to the stop box by and not interfere with Utility personnel.

(5) THAWING FROZEN SERVICES.

(a) Frozen services shall be thawed out by and at the expense of the Utility, unless freezing was caused by contributory fault or negligence by the consumer, such as reduction of grade, improperly installed consumer service pipe, etc.

(b) Following freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to allow the water to flow to prevent refreezing. The consumer shall make provisions for proper disposal of the wastewater. The charge for water shall be adjusted to allow a credit for water permitted to run as a result of Utility instructions. Credit will not be allowed if ordered to run due to negligence or fault as stated in par. (a) above.

(6) INSTALLATION OR REMOVAL OF METERS

(a) Meters shall be furnished and placed or removed by the Utility upon a minimum 24 hours advance notice during normal business hours. The property owner or agent must be present when water is turned on by the Utility. Meters are not to be disconnected or tampered with by the consumer. All meters shall be located in the basement or other suitable place within the building so that they are protected from obstructions and permit ready access thereto for reading, inspection and servicing, such location to be designed or approved by the Director of Public Works. Outdoor meter pits shall not be acceptable. All piping within the building shall be supplied by the consumer. The consumer shall allow access to the meter by the Utility on a regular and reasonable basis in order to read the meter and perform maintenance.

(b) There shall be only one meter permitted per residential Water Utility Customer. A residential Water Utility Customer shall not have the option of being served by more than one water meter.

(7) SERVICE PIPING FOR METER SETTINGS.

(a) Where a new customer whose service is to be metered installs the original service piping, where an existing metered customer changes his service piping for his own convenience or where an existing flat rate customer requests to be metered, the customer shall at his expense provide a suitable location and proper meter connections.

(b) The Director of Public Works shall be consulted as to the type and size of meter setting. For 1" diameter meters, a pre-assembled meter yoke shall be installed. For meters larger than 1" diameter, the setting shall be designed by a master plumber and approved by the Director of Public Works. The setting shall include a valved bypass, meter isolation valves, an in-line tee to permit water diversion to a comparison meter and couplings that allow easy removal of the service meter.

(8) REPAIRS TO METERS.

(a) Meters shall be repaired by the Utility. The cost of such repairs caused by ordinary wear and tear shall be borne by the Utility.

(b) Repair of any damage caused by carelessness of the owner of the premises, his agents or tenants or from the negligence of any of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises should the consumer fail to pay.

(9) CHARGES FOR WATER WASTED DUE TO LEAKS. When the meter registers losses due to pipe leaks, the Utility shall determine whether the defect in the piping or equipment was known to the customer or, being known, he had used his best efforts to correct the conditions. If the Utility determines that the loss occurred without the consumer's knowledge or, having known about it, he had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of loss by comparison with the use of the water during a like period and the excess may be billed at the lowest step in the rates. However, if the consumer knew of the leak and failed to give proper attention to it, the Utility shall bill for the total consumption shown by the meter at regular rates.

(10) FAILURE TO READ METERS.

(a) Where the Utility is unable to read a meter after 2 successive tries, that fact shall be indicated on the bill, the minimum charge applied and the difference adjusted when the meter is read again. The bill for the succeeding quarter shall be computed with the gallons in each block of the rate schedule doubled and credit shall be given on that bill for the amount of the minimum bill paid the preceding month.

(b) Only in unusual cases or when approval is obtained from the consumer shall more than 2 consecutive estimated bills be rendered where the billing period is 2 months or more. A period of estimated billing shall not exceed one year.

(c) If the meter fails to operate, the bill shall be based on average use during the corresponding quarter of the past year, unless there is some reason why the use was not normal. If the average use cannot be properly employed, the bill shall be estimated by some equitable method.

(11) REPAIRS TO MAINS. The Utility reserves the right to shut off water in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances permit sufficient delay, the Utility shall give notification by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages shall be allowed to consumers for such temporary suspension of supply.

(12) HANDLING WATER MAINS AND SERVICE PIPES IN TRENCHES.

(a) Where excavating machines are used in digging, all water mains shall be maintained at the expense of the contractor.

(b) Contractors shall ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction, the contractor shall at his own expense cause them to be replaced or repaired at once. Such repair shall not cause water service to any consumer to be shut off more than 6 hours.

(13) SETTLING MAIN OR SERVICE TRENCHES. Trenches in streets shall be refilled with approved granular backfill in accordance with State highway specifications or Village specifications where more restrictive. The contractor shall be responsible for repair of all settled trenches for one year from date of completion.

(14) RELIEF VALVES. On all closed systems (i.e., systems having a check valve, pressure regulator or reducing valve, water filter or softener) an effective pressure relief valve shall be installed, either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A 1/2" drain pipe shall be connected to the relief valve for

discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.

(15) NO CLAIMS FOR DAMAGES. No person shall enter a claim for damages against the Village, the Water and Sewer Committee as a Utility or any officer thereof for damage to any pipe, fixture or appurtenances by reason of interrupted service, variation of pressure or for damage caused by turning off or turning on, whether wholly or partially, the water supply or for the discontinuance of the premises' water supply for violation of any rule or regulation of the Water Utility.

No claims shall be allowed against the Village on account of the interruption of the water supply caused by the breaking of pipes or machinery or by stoppage for repairs from fire or other emergency. No claims shall be allowed for any damage caused by the breakage of any pipe or machinery.

(16) PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS. Every person owning or occupying a premises receiving Village water supply shall maintain such water supply free from any connection, either of a direct or indirect nature, with a water supply from a foreign source or of any connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the Village water system. Installation shall be subject §9.04 of this Municipal Code and must adhere to all the requirements of NR 811.09.

(17) OPERATION OF VALVES AND HYDRANTS. Any person who shall without authority of the Committee operate any valve connected with the street or supply mains, open any fire hydrant connected with the distribution system except to extinguish fire or who shall damage or impair the same shall be subject to a forfeiture as provided herein.

(18) INSPECTION OF PREMISES. Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to any premises supplied with service for inspection or enforcement of the Utility's rules and regulations.

(19) VACATION OF PREMISES. Before premises are to be vacated, the Utility shall be notified so it may remove the meter and turn off the water at the curb valve. The owner of the premises shall be liable to prosecution for any damage to Utility property by failing to notify the Utility of vacancy.

(20) TAP PERMITS.

(a) After water connections have been made to any building or upon any premises, no person shall have any tap or connection with the pipe upon such premises for alterations, extensions or attachments, unless the person requesting such work shall have obtained and shall exhibit the proper permits therefore from the Village. All plumbing work shall be subject to the State and local regulations regarding plumbing.

(b) If any internal plumbing changes are required at the time of connection to the Utility, the cost of such changes and related permits are the responsibility of the property owner.

(21) CONSUMERS TO CONSERVE WATER. Consumers shall keep the hydrants, taps, water closets, urinals, baths or other fixtures allotted to their use closed, except when obtaining water for use, and shall be responsible for any damage or injury that may result to others from the improper use of such water.

(22) SURREPTITIOUS USE OF WATER.

(a) When the Utility has reasonable evidence that a consumer is obtaining his water supply, in whole or in part, by means of devices or methods used to stop or interfere with proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference. Such bill shall be payable subject to a 24 hour disconnection of service. When the Utility has disconnected the consumer's service for such reason, the Utility shall reconnect the consumer's service upon the following conditions:

1. The consumer shall deposit with the Utility an amount sufficient to guarantee payment of his bills for Utility service.
2. The consumer shall pay the Utility for any damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
3. The consumer shall agree to comply with reasonable requirements to protect the Utility against further losses including, but not limited to, inspections of the premises by the Utility.

(b) Sections 98.26 and 943.20, Wis. Stats., relating to water service are hereby adopted by reference and made a part of these rules.

(23) **CONSUMER TO KEEP IN REPAIR.** Consumers shall keep their own service pipes, stop cocks and apparatus in good repair and protected from frost at their expense and shall prevent any unnecessary waste of water and overburdening of the system. All expenses related to bringing water into buildings or private premises and connections with the system shall be paid by the applicant. No charge shall be made for the services of the Utility employee to direct where and how the mains shall be tapped and excavations made in the street for laying pipe.

(24) **CONSUMERS' USE ONLY.** No consumer shall supply water to others nor allow others to take it off his premises or to connect to the system.

(25) **CONSUMER TO PERMIT INSPECTION.** Each consumer shall permit the Utility or its authorized agent at any reasonable hour to enter their premises or building to examine the water meter, pipes, fixtures and the manner in which water is used and drains operate. Such consumers shall answer all questions put to them relative to water consumption.

(26) **TURNING ON SERVICES.** Water shall not be turned on into any building or private service pipe without a written order of the authorized agent or employee of the Utility. Plumbers are hereby prohibited from turning water into any service pipe, except with permission of the Utility or its agent. This rule shall not be construed to prevent any plumber from admitting water to the pipes. When the water has been turned off by order of the Utility or its agent, no consumer shall turn it on nor permit it to be turned on without written permission of such Utility or agent thereof.

13.05 WATER LATERAL INSTALLATION.

(1) **PERMIT REQUIRED.** No person shall install water laterals, unless he is a master or journeyman plumber licensed by the State Board of Health and shall have obtained a permit from the Village Clerk.

(2) **BOND REQUIRED.** No plumber shall be issued a permit hereunder, unless he shall have filed with the Village Clerk a bond in the amount of \$1,000 approved by the Village Attorney, conditioned that he will indemnify the Village for all damages arising from his work and that he will restore the streets, sidewalks and pavements to as good a condition as when he found them, which include proper backfilling and settling.

(3) **TAPPING MAINS.**

(a) No person, except a master plumber with the Water and Sewer Committee's special permission or persons in the Committee's service and approved by it, shall tap into mains or distribution pipes or insert stop cocks or ferrules therein. The kind and size of connection with the mains shall be those specified in the permit or order from such Committee. The expense thereof shall be paid by the permittee. This function shall include the tapping of the main, the placing of the corporation cock and the inspection of the line before the ditch is backfilled.

- (b) Mains shall be tapped on the side and not within 24" of any joint nor within 12" of another tap. Taps less than 3' apart shall be staggered from each other at a minimum angle of 30°. The minimum diameter standard tap service shall be 1".
- (4) NOTICE OF TAPPING. The Utility shall be given at least 24 hours notice by the permittee before the time when the tap is desired to be made.
- (5) QUALITY OF MATERIALS AND WORK. All materials used by the permittee must be as specified by the Utility.
- (6) EXCAVATIONS.
 - (a) In making excavations in streets or highways to lay service pipes or make repairs, paving and earth removed shall be deposited to cause the least inconvenience to the public and provide for passage of water along gutters.
 - (b) No person shall leave any open excavation without barricades in any street or highway. At night, warning lights shall be maintained at such excavations.
 - (c) In backfilling the opening after the service pipes are laid, the earth shall be laid in layers of not more than 9" in depth with each layer thoroughly rammed or puddled to prevent settling. Backfill shall be as specified by the Utility.

This work, together with replacing sidewalks, ballast and paving, shall be done to make the street as good as before it was disturbed and to the satisfaction of the Director of Public Works. No excavations shall be made in the right-of-way without first obtaining a street opening permit in compliance with Ch. 7 of this Municipal Code. All sidewalks and pavements shall be saw cut to provide a neat edge.

- (7) DEPTH OF PIPE.
 - (a) All pipes shall be laid in the ground at a depth which will provide not less than 6' of cover. Water services shall be insulated where a 6' depth of cover is impossible and actual depth of cover is less than 5' or where a service passes within 2' of an underground structure which may experience freezing temperatures.
 - (b) Insulation shall be closed-cell expanded polystyrene boards with a minimum 2" thickness and 1' width. Insulating boards shall be placed over a 6" deep layer of leveled and compacted bedding material placed over the top of the pipe. Insulating boards shall be placed with the long side parallel to the centerline of the water pipe at a minimum width of O.D. + 24". Total insulating board thickness shall be 2" for every foot less than 5' of cover. Boards shall be positioned to minimize continuous joints.
 - (c) The first lift of backfill material over the boards shall consist of a 6" depth of bedding material which shall be dumped and spread in a manner that avoids displacement and damage to the insulating boards. It shall be compacted with equipment that exerts a contact stress of 75 psi. The remaining layers of backfill shall be placed using conventional procedures.
- (8) LAYING OF PIPE. The pipe shall be laid in such a manner and be of such surplus length as to prevent breakage or rupture by settlement. This shall be accomplished by leaving not less than 18" of surplus length. A horizontal gooseneck shall be formed at the corporation cock at the main. Such gooseneck shall be in addition to the surplus length of pipe above mentioned. Pipe shall be installed without any coupling or joint from the corporation cock to the curb stop.
- (9) STOPCOCK. Each service must have a "T" handle roadway stopcock inserted into the service pipe 1' from the property line and off the main traveled way or easement. Such stopcock

must be protected with a cast iron adjustable "Buffalo" stop with box at least 5' long and 2 1/2" in internal diameter with the work "water" cast on the cover and include a 39" extension rod.

(10) PIPE MATERIAL AND SIZE. No pipe of a different material or size than herein specified shall be used and all service pipe less than 2" internal diameter must be of A.S.T.M. B-88, type "K" soft annealed seamless copper tubing. The minimum diameter standard water service shall be 1".

(11) "MUELLER" BRAND TO BE STANDARD. No nipple, ferrule or union shall be used, unless they be of the best quality brass, free from defects and equal to the brand known to the trade as "Mueller". All corporation cocks and roundway curb cocks shall be of the best quality brass, free from defects and equal to the brand known to the trade as "Mueller".

13.06 WATER SERVICE RATES.

Water rates and regulations will be as established by the State Public Service Commission and the rates and regulations so ordered are adopted as the rates and regulations of the Village and incorporated in this subchapter as part hereof. Any further changes in rates and regulations ordered from time to time to time by the Public Service Commission are adopted by the Village and incorporated in this subchapter as a part hereof.

(1) CHARGES TO BE LIEN ON REAL ESTATE. All water services, charges and special assessments shall be a lien on the lot, part of a lot or real estate on which service is supplied or available for service. All charges accrued during the preceding year not paid by October 15 of the following year shall be certified to the Village Clerk and placed upon the real estate tax roll for collection as provided by State Statutes.

(2) SPECIAL ASSESSMENTS. There may be levied from time to time special assessments against certain properties benefited by public work or improvements to the Water Utility.

(3) MANDATORY HOOKUP.

(a) The owner of each parcel of land presently occupied and serviced or capable of being serviced by such water system shall be hooked up to the water system within 30 days after notification by the Committee. If unoccupied, hookup shall be before occupancy. Such mandatory hookup shall apply to all buildings located within the Village capable of being served if such property is not served by a private well which tests safe according to standards of the Wisconsin Department of Natural Resources.

(b) The owner of each parcel of land required to hookup under par. (a) which is not hooked up to such water system shall be subject to a forfeiture for such violation. In addition to such forfeiture, he shall pay the Village Treasurer upon billing therefore an amount equal to 100% of the minimum quarterly charge for water service of the required size to be collected in the event of nonpayment as a special assessment on the real estate tax bill.

(4) MAINTENANCE OF SERVICES. All water services within the Village from the street main to the curb stop, including all controls between the same, shall be maintained by the Utility without expense to the property owner, except when damaged as a result of negligence or carelessness of the property owner, tenant or owner's agent, where they shall be repaired at the property owner's expense. All water services from the point of maintenance by the system to and throughout the premises shall be maintained free of defective conditions by and at the expense of the property owner or occupant. If the property owner does not repair a leak between the curb stop and building within 24 hours, the water shall be shut off until the repair is made.

(5) USE OF PRIVATE WELLS UPON CONNECTION TO MUNICIPAL WATER SERVICE.

(a) Restricted. Since it is recognized that the entire private water supply in the Village has the potential for pollutions, the building distribution system upon connection to the municipal water system shall be completely severed from the private well. Well owners shall comply with §9.10 of this Municipal Code. Thereafter, such private well shall be restructured

to be used only for sprinkling lawns, washing cars and other outside uses not involving human consumption. If such private well does not test safe according to standards of the State Department of Natural Resources, such well shall be permanently sealed and abandoned in accordance with §NR 811.17, Wis. Adm. Code.

(b) Reconnection. Once the private water supply has been severed from the municipal system, there shall be no reconnection of such private supply to the municipal system.

After severance of the private well, no cross connection between the public and private system will be allowed.

(c) Permit Procedure for New Wells. New wells will be permitted to be constructed only under the following conditions:

1. Such new well must be located in an area where municipal water service is not available and cannot readily be made available.
2. The new well is constructed in complete conformity with State and local regulations and codes.

(6) **BILLING AND PAYMENT.**

(a) Billing. Billing for water service shall be on a quarterly basis with quarters ending March 31, June 30, September 30 and December 31. The property owner is held responsible for all water bills on the real estate he owns. All water bills and notices relative to water service shall be addressed to the owner and mailed to the address of the premises referred to on such bill or notice.

(b) Failure to Receive Bill No Excuse. Reasonable care shall be exercised in proper delivery of water bills. Failure to receive a water bill shall not relieve any owner of responsibility for payment of a water bill within the prescribed period and not exempt any person from any penalty imposed for delinquency in the payment thereof.

(7) **PENALTY FOR POLLUTING WATER OR INJURING WATERWORKS**. No person shall willfully pollute or otherwise injure any water supplied by the system in any tunnel, aqueduct, reservoir, pipe, etc.; willfully injure or cause damage to the system, building, machinery or fixture pertaining thereto; willfully and without authority of the Water and Sewer Committee impede or divert the flow of water in any tunnel, aqueduct, pipe, etc., belonging to such system; or willfully and without authority of such Committee bore or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe, etc., used in the system to hold, convey or distribute water.

(8) **DAMAGE RECOVERY.**

(a) The Utility shall have the right to recover from any person any expense incurred by such utility for repair or replacement of any water pipe, curb cock, gate valve, hydrant or valve box damaged in any manner by any person by reason of operation of any electrical system, performance of any work under their control or by negligence.

(b) Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant damaged by such vehicle. The Utility or the Village shall not be responsible for the damage caused to the motor vehicle by reason of such accident.

13.07 PENALTIES.

Any person who shall violate any provision of this subchapter or rules or regulations established by the Village or Water and Sewer Committee relating to the Village water system, any person who shall turn on the water into any premises from which the water has been shut off or has not yet been turned on, any person who shall connect any water main or service pipe without a permit therefore or any person who shall violate any provision of State Statutes applicable hereto, Wisconsin

Administrative Code or any other provisions which are incorporated by reference shall upon conviction thereof be subject to a penalty as provided in §20.05 of this Municipal Code.

SEWER USER REGULATIONS

13.10 CREATION.

The Village Board does hereby declare that the sewer system of the Village, consisting of the collection system, waste collection and disposal operations, system of sewerage and all other appurtenances and equipment used for such purposes or wastewater works shall be designated the "Village of Williams Bay Sewer Department" (hereinafter referred to as "Department") as of the date of this subchapter.

13.11 MANAGEMENT.

(1) The operation, management and control of the Department is hereby vested in the Village Board and is hereinafter referred to as the "Board" or the "Approving Authority." All records of the Department shall be kept by the Village Treasurer and the Director of Public Works.

(2) The rules, regulations and rates hereinafter set forth shall be considered part of the contract with every individual or entity connected to the sewer system. The rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.

(3) The Village Board shall cause an annual audit of the books of the Department and made and shall make the books and records relating to the Department available for inspection during regular business hours.

13.12 APPLICATION.

The application of this chapter, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limits of the Village and any person, firm or corporation by attachment to the sewer system or otherwise by contract or agreement coming within the Village sewer service area subsequent to the effective date hereof.

13.13 DEFINITIONS.

The meaning of terms used in this subchapter shall be as follows:

ACT. The Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub.L. 92-500) and Pub. L. 93-243 or modified by Ch. 147, Wis. Stats., or appropriate section of the Wisconsin Administrative Code adopted pursuant to Ch. 147.

APPROVING AUTHORITY. The Village Board or its duly authorized deputy, agent or representative.

BOD. The quantity of oxygen expressed in milligrams per liter (mg/l) utilized in the biochemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20⁰ C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

BUILDING SEWER, LATERAL OR SERVICE PIPE. A sewer which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.

COLLECTION SYSTEM. The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.

DEBT RETIREMENT. All annual principal and interest requirements and obligations of the Village for the wastewater works.

DEPARTMENT. The Village Sewer Department established by this subchapter.

DOMESTIC WASTEWATER. Water-borne 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 is established at or below 200 mg/l and the BOD is established at or below 250 mg/l.

FLOW PROPORTIONAL COMPOSITE SAMPLE. A sample consisting of portions of waste taken in proportion to the volume of flow of such wastes.

INDUSTRIAL COST RECOVERY. Recovery by the grantee (Department) from the industrial users of a wastewater works of the grant amount allowable to the treatment of wastes from such users pursuant to §204(b) of the Federal Act.

INDUSTRIAL USER.

(a) Any nongovernmental, nonresidential user of publicly owned wastewater works which discharges more than the equivalent of 2,000 gals. per day (GPD) of sanitary wastes and whose activities are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

1. Division A. Agriculture, Forestry and Fishing.
2. Division B. Mining.
3. Division D. Manufacturing.
4. Division E. Transportation, Communications, Electric Gas and Sanitary Services.
5. Division I. Services.

(b) In determining the amount of a user's discharge for purposes of industrial and cost recovery, the Village may exclude domestic wastes or discharges from sanitary conveniences. After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 2,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 2,000 GPD of sanitary waste are considered industrial users. Sanitary wastes for purposes of this calculation of equivalency are the wastes discharged from residential users. Any nongovernmental user of a publicly owned wastewater works which discharges wastewater to the wastewater works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals; creates a public nuisance; creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, shall be an industrial user, even if it does not discharge the equivalent of 2,000 gals. per day of sanitary wastes.

INDUSTRIAL WASTE. Any water-borne solids, liquids or gaseous wastes other than domestic wastewater resulting from discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these with water or domestic wastewater.

INTERCEPTING SEWER. A sewer constructed to receive the dry water flow or untreated or inadequately treated sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any

waters of the State and convey the flow to a treatment works or is to serve in lieu of an existing or proposed treatment works.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL SEWAGE. Sanitary sewage in which BOD, suspended solids or phosphorus concentrations do not exceed normal concentrations of:

- (a) A 5 day 20⁰ C. BOD of not more than 250 parts per million;
- (b) A suspended solids concentration of not more than 200 parts per million; or
- (c) Phosphorus not more than 12 parts per million.

OPERATION AND MAINTENANCE COST. The actual sums spent by the Department in the operation and maintenance of its wastewater works consisting of, but not limited to, each and all of the following purposes:

- (a) Wages, salaries and employee related expenses of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State Workmen's Compensation coverage.
- (b) Electrical power.
- (c) Chemicals, fuel and other operating supplies.
- (d) Repairs to and maintenance of the equipment associated therewith.
- (e) Premiums for hazard insurance.
- (f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
- (g) Rents and leasing costs.
- (h) Operation, licensing and maintenance costs for trucks and heavy equipment.
- (i) Consultant and legal fees.

PERSONS. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees.

pH. The logarithm (base 10) of the reciprocal of the hydrogenion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in "Standard Methods."

PUBLIC SEWER. A sewer in which all owners or abutting properties have equal rights and is controlled or owned by public authority.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL EQUIVALENCY CHARGE. A charge levied on users for debt retirement. The charge shall be based on the total debt retirement divided by the number of existing resident equivalent connections (RECs).

RESIDENTIAL EQUIVALENT CONNECTION. (amended 6-10) Shall be derived by dividing the total amount of sewage contributed to the system by the total number of residential equivalency units (hereinafter referred to as "RECs" defined as follows:

Water Meter Size	No. of RECs
5/8"	1.0
3/4"	1.0
1"	2.5
1 1/4"	3.5
1 1/2"	5.0
2"	8.0
3"	16.0
4"	25.0
6"	50.0

SANITARY SEWER. A sewer that conveys domestic wastewater or industrial waste or a combination of both and into which storm, surface and groundwaters or unpolluted industrial wastewater are not intentionally passed.

SEWER SYSTEM. All facilities for collecting, pumping, treating and disposing of domestic wastewater and industrial wastes.

SEWER USE CHARGE. A charge levied on users for operation maintenance and replacement costs based on a cost per 1,000 gals. of flow.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

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 Pollution Control Federation.

STORM SEWER. A sewer which carries storm and surface drainage, but excludes domestic wastewater and industrial wastes.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER. Any person discharging domestic wastewater or industrial wastes into the collection system.

WASTE. Any solids, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions and industrial establishments into the collection system or storm sewer.

WASTEWATER. A combination of the water carried waste discharged into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.

WASTEWATER PUMPING STATION. A pumping facility utilized to pump wastewater within the collection system.

WASTEWATER TREATMENT FACILITIES. Any Department owned facility, devices and structures used for receiving and treating wastewater from the Department collection system.

WPDES PERMIT. A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES), pursuant to Ch. 147, Wis. Stats.

13.14 RULES AND REGULATIONS.

(1) **DECLARATION OF POLICY.** The Village Board finds and declares that the public health, comfort and safety is preserved and enhanced by the provisions of the sewer system in the promotion of a clean and healthful environment and that the failure to connect to the sewer system is contrary to minimum health standards.

(2) **CONNECTIONS.**

(a) To assure preservation of public health, comfort and safety, the owner of any houses, buildings or properties used for human occupancy, employment, recreation or other habitations situated within the Village and adjacent to a public sewer or in a block through which a public sewer extends is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 9 months after the public sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the Health Officer or Plumbing Inspector.

(b) If a person fails to comply with the notice to connect within the given period of time, the Department may at its option:

1. 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, unless the owner within 30 days after the completion of the work, files a written option with the Village Clerk stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments and the amount shall be so collected with interest at the rate of 10% per annum from the completion of the work, the unpaid balance to be a special tax lien; or

2. Impose a standby charge for the period that such failure continues after 10 days written notice to any owner failing to make a connection to the sewer system for an amount equal to 150% of the residential equivalency charge payable monthly for the period in which the failure to connect continues and, upon failure to make such payment, the charge shall be levied as a tax against the lot or parcel to which sewerage service was furnished.

(3) **ALTERNATIVE DISPOSAL PROHIBITED.**

(a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of domestic wastewater if a public sewer is available.

(b) No person shall discharge to any natural outlet within the Village in any area under the jurisdiction of the Village sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(4) PLUMBERS. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the wastewater works without first receiving a license from the State.

(5) MAINTENANCE OF SERVICES. All street mains shall be maintained and repaired by the Department without expense to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner or occupant, they will be repaired at the expense of the property owner. All building sewers from the point of connection to the street main and all facilities throughout the premises served shall be maintained free of defective conditions at the expense of the owner or occupant of the property served.

(6) USERS.

(a) Application for Service.

1. Every person requesting connection to the sewer system shall file an application in writing to the Building Inspector in such form as is prescribed for that purpose. If any change in use from that in the application is contemplated, the user shall obtain further application and permission from the Department. If the applicant is not the owner of the premises, the owner's written consent shall accompany the application. If the service pipe from the street main to the premises to be served traverses a lot or otherwise legally described parcel of property other than the lot or otherwise legally described parcel of property on which the premises to be served is or will be located, there shall be obtained from the owner of the lot or otherwise legally described parcel of property across which the service pipe from the street main to the premises to be served is to traverse, an easement at least 20' wide for the purpose of maintaining such service pipe. The easement shall be granted to the property to be served by the service pipe and shall run with the land. This provision shall apply irrespective of ownership of the parcels of property. The application may be for service to more than one building or more than one unit or service through one service connection and charges shall be made accordingly.

2. Application may be for service to more than one building or more than one unit of service through one service connection and charges shall be made accordingly.

3. If it appears the service applied for will not provide adequate service for the contemplated use, the Department may reject the application. If the Department approves the application, it shall issue a permit for services as shown on the application.

4. All expenses relating to the connection to the wastewater works shall be paid by the applicant or owner.

(b) Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions or attachments, unless the party ordering such tapping or other work shall obtain and exhibit the proper permit from the Department.

(c) User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary

overburdening of the sewer system. The user is responsible for their service pipe from the point of connection to the street main through their premises.

The point of connection to the street main for which the user is responsible includes the saddle or tee connection which joins the service pipe to the street main.

(d) User Use Only. No user shall allow other persons to connect to or permit other uses to be made of the sewer system through his lateral.

(e) User to Permit Inspection. Every user shall permit the Department or its agent at all reasonable hours to enter the 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 relative to its use.

(f) Responsibility. No claim shall be made against the Department, its agents or employees by reason of breaking, clogging, stoppage or freezing of any service pipe nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the Utility, absent gross negligence of the Department, its agents or employees.

The Village may cut off the service at any time for repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it becomes necessary to shut off the sewer service within an area of the Village, the Department shall, if practicable, give notice to each affected user.

(7) EXCAVATIONS. Excavation requirements shall be as specified and required in Ch. 7 of this Municipal Code.

(8) LATERALS.

(a) All laterals on private property will be installed in accordance with the Wisconsin Administrative Code as from time to time amended.

(b) The building sewer shall be inspected by the Building Inspector or his designee upon completion of placement of the pipe and before backfilling and tested before and after backfilling.

(9) TAPPING THE MAINS.

(a) No persons, except those having special permission from the Department or persons in their service and approved by them, will be permitted under any circumstances to tap the public sanitary sewers. The kind and size of the connection with the public sanitary sewers shall be that specified in the permit or order from the Department.

(b) Pipes should always be tapped at the top and not within 6" (15 cm.) of the joint or within 24" (60 cm.) of another lateral connection.

(c) When any building sewer service is to be re-laid and there are 2 or more buildings on such service, each building shall be disconnected from such service and a new building sewer shall be installed for each building.

13.15 SEWER SERVICE CHARGES AND RESERVE CAPACITY ASSESSMENT.

(1) BASIS FOR SEWER SERVICE CHARGES. The sewer service charge shall be based on 2 parts, the residential equivalency charge plus the sewer use charge.

(2) RESIDENTIAL EQUIVALENCY CHARGE. (1/2010)

(a) A residential equivalency charge is hereby imposed upon each lot, parcel of land, building or premises served by the sewer system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. Such residential equivalency

charge shall be payable as provided in this section and shall be on the basis of one unit for each residential equivalent unit.

(b) On or before February 1st of every year the Village Treasurer shall re-compute the assignment of residential equivalent units to all users within the system. The summation of residential equivalent units will then be divided into the yearly budget debt service and depreciation and as provided in §13.16 to arrive at the charge per residential equivalent unit. The assignment method shall apply only to buildings that are attached to the sanitary collection system.

(c) Debt Service shall include that of the sewer infrastructure owned by the Village of Williams Bay plus the allocable share of the Walworth County Metropolitan Sewerage District.

(d) Depreciation shall include that of the sewer infrastructure owned by the Village of Williams Bay plus the allocable share of the Walworth County Metropolitan Sewerage District.

(3) SEWER USER CHARGE. A sewer user charge is hereby imposed upon all users of the sewer system based upon operation, maintenance and replacement charges as defined in §13.13 of this chapter less those costs defined in section 13.15 (2). The Village Treasurer shall re-compute the sewer user charge annually by dividing the proposed net yearly operation, maintenance and replacement budget as provided in §13.16 by the estimated annual metered water usage to determine a usage rate per 1,000 metered gallons.

(4) INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTEWATER. Charges for wastewater other than domestic wastewater shall be based on flow, BOD, suspended solids, phosphorus and such other constituents which affect the cost of collection and treatment. All persons discharging wastes into the sewer system are subject to a surcharge in addition to any other wastewater service charge if their wastewater has a concentration greater than domestic wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption or the actual volume of waste as determined by an industrial waste meter in installation. The amount of surcharge shall reflect the cost incurred by the Department in removing BOD, suspended solids, phosphorus and other pertinent constituents. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.

(5) RESERVE CAPACITY ASSESSMENTS. There is hereby levied and assessed upon each lot or parcel of land currently within the Village, but not having an existing connection to the sewer system and upon land subsequently attached to the Village, a reserve capacity assessment (RCA). Such RCA charge shall be payable as herein provided and shall be on the basis of one RCA charge for each residential equivalent connection connected to the sewer system.

(a) Existing and Future Connections. For the purpose of this subchapter, sewer connections in the Village shall be classified as existing connections or future connections. Existing connections shall be those in existence and connections for which a sewer connection permit has been issued and construction started as of the effective date of this subchapter. Future connections shall be those not in existence as of 11:59 p.m. on the effective date of this subchapter.

(b) Schedule of Charges. The reserve capacity assessment for a single-family residence shall be \$1,000 which shall also be the unit of charge for a residential equivalent connection. The Village Engineer shall determine the residential equivalency units for all other categories of buildings. Special charges may be determined by the approving authority for large commercial or industrial user. The RCA charge shall be increased as required from time to time by the Village Board.

(c) Payments. There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be made in full upon the issuance of a building permit.

(6) READY-TO-SERVE CHARGE. The owner of each premises to which sewer service has been provided by the Department, but not connected to the sewer system for sewer service, shall pay for the availability thereof a ready-to-serve charge of 100% of the rate provided by sub. (2). Any ready-to-serve charge becoming effective during any year shall be charged on a pro rata basis for that year in which the charge becomes effective.

(7) SPECIAL RATES. It is understood, however, that the approving authority may at any time hereafter set special rates for any large commercial service, industrial use or any other unique user that does not readily fit into other categories of users.

13.16 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.

(1) Annually before December 1, the Village Treasurer shall prepare a budget for the following fiscal year.

(2) Revenues for the operation and maintenance budget shall include any projected year-end balance (excluding replacement funds), operating fund investment income, contract revenues, permit fees, special rates and sewer user charges.

(3) Expenditures for the operation and maintenance budget shall include all costs defined in §13.13, Operation and Maintenance Cost, plus any projected year-end deficit.

(4) Revenues for the debt service budget shall include any projected year-end balances in the special assessments funds, transfers from the tax incremental financing fund, projected residential equivalency charges, sinking fund interest income, reserve capacity assessments and property taxes.

(5) Expenditures for the debt service budget shall include annual expense for long term debt including principal, interest, premiums, paying agency fees, depreciation expense and other expenses relating to debt. Any surpluses generated shall be restricted to capital improvements.

(6) Sewer service charges may be billed quarterly and shall be payable at the Village Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this subchapter shall become due and payable within 20 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty of 3% will be added thereto.

(7) The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and/or occupant and delivered to the address by first class mail.

(8) Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(9) On October 15 of each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Department shall furnish the Village Treasurer with a list of all such lots or parcels of real estate and the notice shall be given by the Treasurer.

(10) Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such Department, that unless the same is paid by within 20 days, a penalty of 10% of the amount of such arrears will be added thereto and that unless such

arrears and penalty is paid within 20 days, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. The notice may be served by delivery to either the owner or occupant personally or by letter addressed to the owner or occupant at the post office address of the lot or parcel of real estate. After 20 days have passed from the date of mailing, the Treasurer issuing the notice shall certify and file a list of all lots or parcels of real estate, giving the legal description thereof and the amount of unpaid arrears and penalty. Each such delinquent amount, including the penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent and the Village Clerk-Treasurer shall insert the same as a tax against the lot or parcel of real estate.

All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

13.17 ACCOUNTS AND FUNDS.

(1) The operation and maintenance fund shall be used for payment of any items defined in §13.13, OPERATION AND MAINTENANCE COST.

(2) The debt service fund shall contain all revenues transferred from special assessments, tax incremental financing funds, property taxes, residential equivalency charges, reserve capacity assessments and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to debt payment.

(3) The depreciation fund shall be used for the following purposes:

- (a) Cost of the replacement of existing sewer mains.
- (b) Cost of substitution of larger size for existing mains.
- (c) Cost of new primary sewer mains and installation of same in excess of such charge or cost payable by statutory assessment.
- (d) Cost of road repair required by such construction.
- (e) Cost of contracted engineering service to insure a planned program.
- (f) Renewals or expansion of the sewer system in excess of \$5,000.

13.18 PROHIBITED DISCHARGES.

(1) No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, yard drainage, yard fountain, swimming pool or pond overflow into the collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet.

(2) No person shall discharge or cause to be discharged to the collection system, either directly or indirectly, any of the following described wastes or wastewater:

- (a) Any liquid having a temperature higher than 150^o F. (65^o C.)
- (b) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32^o to 150^o F. (0^o to 65^o C.)
- (c) Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the sewer system.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers (100% passing 1/2" screen, 90% passing 1/4" screen).

(f) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.

(g) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the sewer system.

(h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewer system.

(i) Any wastewater or wastes containing a toxic or poisonous substance, such as plating or heat treating wastes, in sufficient quantity to injure or interfere with wastewater treatment process, constitute a hazard to humans or animals, create any hazard in the sewer system or which would cause the Department wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.

(j) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.

(k) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both or combinations of free or emulsified oil and grease if, in the opinion of the Superintendent, it appears probable that such wastes or wastewater:

1. Can deposit grease or oil in the collection system in such manner to cause it to clog.
2. Are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes.
3. Can have deleterious effects on the wastewater treatment process due to the excessive quantities.

(l) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 mg/l by weight as cyanide in the wastes.

(m) Wastes or wastewater which:

1. Cause unusual concentrations of solids or composition, for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate).
2. Cause excessive discoloration in the wastewater treatment facilities discharge.
3. Has BOD in excess of 900 mg/l based upon a 24 hour composite sample.

4. Has a total BOD or suspended solids loading in excess of the wastewater discharge permit described in §13.24.
 5. Is discharged without application for a wastewater discharge permit or contractual agreement as required under §13.24.
 6. Cause damage to the collection system or impair the treatment process.
- (3) No person shall allow the discharge of slugs, water or wastes to the collection system which may be harmful to the operation of the sewer system. Where in the opinion of the Superintendent slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his own expense a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24 hour period.
- (4) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of their WPDES permit.
- (5) No person shall connect to and discharge to the collection system, unless there is capacity in all downstream components of the sewer system as determined by the Village Engineer.

13.19 ACCIDENTAL DISCHARGES.

Any person who accidentally discharges wastes or wastewater prohibited under §13.18 into the storm sewer shall immediately report such discharge to the Superintendent.

13.20 PRETREATMENT FACILITIES.

- (1) The approving authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste if the waste or wastewater:
- (a) Could cause damage to the collection system.
 - (b) Impair the treatment process.
 - (c) Cause the Department to incur treatment costs exceeding those of domestic wastewater.
 - (d) Have any of the characteristics of the prohibited discharges described in §13.18.
 - (e) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids or pollutant.
 - (f) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids or any other pollutant.
- (2) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.
- (3) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Superintendent and Village Engineer prior to the start of construction.
- (4) In accordance with Ch. NR 114, Wis. Adm. Code, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the Wisconsin Department of Natural Resources.

13.21 SAND AND GREASE TRAP INSTALLATIONS.

Grease, oil and sand interceptors shall be provided at repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner at his expense in continuous, efficient operation at all times.

13.22 WASTEWATER MEASUREMENT AND SAMPLING.

Wastewater flows shall be assigned in accordance with the residential equivalency connection provided in §13.13, unless:

(1) Any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system, the owner or occupant of such property shall cause to be installed necessary metering equipment as approved by the Superintendent to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Superintendent shall determine the estimated volume of water discharged into the wastewater works.

(2) The Superintendent may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined or if the user discharges over 2,000 gals. on any day. The metering devices shall be owned and maintained by the person and may not be removed without consent of the Superintendent.

(3) All persons discharging industrial wastes into the wastewater works shall construct and maintain control manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all his wastes or wastewater. Control manholes shall be located and constructed in a manner approved by the Superintendent. Plans shall be submitted to the Superintendent prior to construction.

13.23 INDUSTRIAL WASTE ANALYSIS.

(1) The Village will collect samples and perform laboratory tests on industrial waste discharges as necessary to verify quantity of flow and character and concentration of an industrial waste. The Department test results shall be used to determine the applicable surcharge.

(2) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24 hour composite sample. Samples shall be taken at intervals to be established by contractual agreement under §13.17 intervals as determined by the Superintendent.

(3) When Chs. NR 101 or NR 102, Wis. Adm. Code, require the submittal of the character and concentration of wastes, waste volume and production information to the Department or Wisconsin Department of Natural Resources (DNR), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and DNR reports shall be submitted to the Superintendent.

(4) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods."

13.24 WASTEWATER DISCHARGE PERMIT SYSTEM.

(1) WASTEWATER DISCHARGE PERMIT.

(a) A wastewater discharge permit is required under this section if a person's discharge into the Department wastewater works has any of the following:

1. A BOD greater than 350 mg/l.
2. A suspended solids concentration greater than 250 mg/l.
3. A volume of 2,000 gals. per day or greater is discharged by any user at one or more points of discharge.
4. Any of the characteristics listed is §13.18.

(b) Any such persons planning to discharge, change the characteristics of their discharge or whose discharge permit has expired shall make application to the Superintendent within 60 days prior to the discharge. All persons currently discharging shall make application to the Superintendent within 60 days after passage of this subchapter and must have an executed permit within 60 days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the Department wastewater works. No person shall discharge waste or wastewater into the Department wastewater works without a wastewater discharge permit, if required by this section.

(2) PERMIT APPLICATION. Users seeking a wastewater discharge permit shall complete and file with the Superintendent an application on the form prescribed by the Superintendent. In support of this application, the user shall submit the following information:

- (a) Name, address and standard industrial classification number of applicant.
- (b) Average daily volume of wastewater to be discharged.
- (c) Wastewater constituents and characteristics as determined by a method approved by the Superintendent.
- (d) Time and duration of discharge.
- (e) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are or could be discharged.
- (h) Each product produced by type, amount and rate of production.
- (i) Number and type of employees and hours of work.
- (j) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

(3) PERMIT CONDITIONS. Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other regulations, user charges and fees established by the approving authority. The conditions of wastewater discharge permits shall be uniformly enforced by the Superintendent in accordance with this subchapter and applicable State and federal regulations. Permit conditions will include the following:

- (a) The residential equivalency charge, sewer use charge and schedule for surcharge fees for the wastewater to be discharged to the wastewater works.
- (b) The average and maximum wastewater constituents and characteristics.

- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation of control manholes.
- (e) Pretreatment requirements.
- (f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Superintendent and affording the Village access thereto.
- (g) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.
- (h) All persons required to make application for a wastewater discharge permit shall before issuance of the permit enter into a contractual agreement with the Village. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the approving authority.
- (i) Other conditions as deemed appropriate by the Superintendent to insure compliance with this subchapter.

(4) **DURATION OF PERMITS.** A permit shall be issued for one year and shall be automatically renewed on a year to year basis thereafter, unless the person is notified by the Superintendent within 60 days prior to the expiration of the permit or any renewal thereof. After such notification by the Superintendent, the permit shall expire on the end of that year. The terms and conditions of the permit shall be subject to modification and change by the Superintendent during the life of the permit if so required because of any ordinances, statutes or rules and regulations of the approving authority or any applicable State or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) **TRANSFER OF A PERMIT.** Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.

(6) **REVOCAION OF PERMIT.** Any user who violates any of the conditions of his permit, contractual agreement or this subchapter or of applicable State and federal regulations is subject to having his permit revoked.

13.25 ADMISSION TO PROPERTY.

The Village shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this subchapter.

13.26 CONFIDENTIALITY OF CRITICAL INFORMATION.

When requested by the user furnishing a report or permit application or questionnaire, the portions of the report or other document which might disclose trade secrets or secret processes shall not be made available for use by the Village or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

13.27 VIOLATIONS.

(1) Any person who fails to comply with any of the provisions of this subchapter or with an order of the approving authority issued in pursuance of this subchapter or shall tamper with metering or sampling equipment shall be liable to the Village for any expense, loss or damage occasioned by

such violation, including reasonable attorney's fees and other expenses of litigation and, upon conviction of any violation of this subchapter, shall be subject to a forfeiture of not less than \$100 nor more than \$2,500 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this subchapter shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this subchapter shall not be cause for reducing or eliminating charges due and penalties for violations.

(2) Any user who discharges a waste or wastewater with a BOD concentration of 900 mg/l or greater as defined in §13.18(1)(m)3., shall pay a penalty of \$200 per violation. Each day a violation occurs shall constitute a separate violation. The penalty shall be added to the monthly or quarterly billing statement.

(3) In addition to the court proceedings and penalties described in subs. (1) and (2), whenever a person violates any provision of this subchapter or fails to comply with any order of the approving authority, the approving authority may order an action be commenced on behalf of the Department in the Circuit Court for Walworth County for the purpose of obtaining an injunction restraining such person from making any further discharges into the Village sewer system.

13.28 STATE REGULATIONS.

The Village shall operate the Sewer Department and enforce this subchapter in accordance with §NR 128.13, Wis. Adm. Code. The main items included in §NR 128.13 are as follows:

(1) The Village shall maintain a proportionate distribution of operation and maintenance costs among users and user classes.

(2) The Village shall generate sufficient revenues to pay total operation, maintenance and replacement costs.

(3) The Village shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(4) All user charges specifically collected for replacement shall be deposited in a separate and distinct fund which shall be used exclusively for replacement.

(5) Users discharging toxic pollutants shall pay for any increased operation, maintenance and replacement costs caused by toxic pollutants.

(6) Users shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(7) This subchapter shall take precedence over any terms or conditions of agreement or contracts between the Village and users which are inconsistent with the requirements of §NR 128.13, Wis. Adm. Code.

13.35 PENALTY.

Except as otherwise provided, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §20.05 of this Municipal Code.