

## ORDINANCE NUMBER 5.04

### AN ORDINANCE ESTABLISHING A SEWER USE AND USER CHARGE SYSTEM FOR THE TOWN OF BLOOMING GROVE UTILITY DISTRICT NO. 10

The Town Board of the Town of Blooming Grove and the Commission of the Town of Blooming Grove Utility District No. 10, all located within Dane County, Wisconsin, does ORDAIN AND ENACT as follows:

#### CHAPTER I

#### INTRODUCTION AND GENERAL PROVISIONS

Section 1.1 INTRODUCTION This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Town of Blooming Grove Utility District No. 10. It provides for and explains the method used for levying and collecting wastewater treatment services charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the said Utility District to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal Law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sewerage system.

Section 1.2 GENERAL PROVISIONS This Ordinance provides a means for regulating the use of the public sewers, effectuating connections thereto, determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinances, Rules or Regulations of the Town of Blooming Grove Utility District No. 10 relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Wisconsin Statute shall control in such instance.

## CHAPTER II

### DEFINITIONS

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

Section 2.1 APPROVING AUTHORITY of the Utility District shall mean the Commission of that utility district, or its duly authorized committee, agent, or representative.

Section 2.2 BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer.

Section 2.3 BUILDING SEWER shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.

Section 2.4 CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20 degrees Celsius when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods.

Section 2.5 COMMISSION shall mean the Commission of the Utility District.

Section 2.6 COMPATIBLE POLLUTANTS shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

Section 2.7 FLOATABLE OIL shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.

Section 2.8 GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Section 2.9 GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

Section 2.10 INCOMPATIBLE POLLUTANTS OR WASTEWATER shall mean wastewater or septage with pollutants 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 facility.

Section 2.11 INDUSTRIAL WASTE shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

Section 2.12 MAY is permissible.

Section 2.13 MMSD ORDINANCE shall mean the Sewer Use Ordinance of the Madison Metropolitan Sewerage District (herein "MMSD") adopted in September 1984, and any amendments thereto or restatements thereof.

Section 2.14 MUNICIPAL WASTEWATER shall mean the wastewater of a municipality, including the Utility District. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the sewerage system of the municipality.

Section 2.15 NATURAL OUTLET shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.

Section 2.16 PARTS PER MILLION shall mean 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.

Section 2.17 PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.

Section 2.18 pH shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

Section 2.19 PUBLIC SEWER shall mean any sewer owned or provided by or subject to the jurisdiction of Utility District or any other municipality.

Section 2.20 SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.

Section 2.21 SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.

Section 2.22 SEPTAGE shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

Section 2.23 SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment on use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.

Section 2.24 SEWER SYSTEM means the public sanitary sewers within a sewerage system. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Utility District. For example, a Building Sewer is not part of the sewer system.

Section 2.25 SEWERAGE SYSTEM means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main, i.e., a Building Sewer.

Section 2.26 "SHALL" is mandatory.

Section 2.27 SLUG LOAD shall mean any substance release at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.

Section 2.28 STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods of the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", all as amended from time to time.

Section 2.29 STORM DRAIN (sometimes termed "STORM SEWER") shall mean drain or sewer for conveying surface water, groundwater, subsurface water of unpolluted water from any source.

Section 2.30 STORM WATER RUNOFF shall mean that portion of the rainfall that is collected and drained into the storm sewers.

Section 2.31 SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.

Section 2.32 TOWN shall mean the Town of Blooming Grove, a municipal corporation located in Dane County, Wisconsin.

Section 2.33 TOWN BOARD shall mean the Town Board of the Town.

Section 2.34 UTILITY DISTRICT (OR DISTRICT) shall mean the Town of Blooming Grove Utility District No. 10.

Section 2.35 TOTAL KJELDAHL NITROGEN (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.

Section 2.36 WASTEWATER FACILITIES shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

Section 2.37 WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes use an synonymous with waste treatment.

Section 2.38 WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

Section 2.39 TOTAL PHOSPHORUS (TP) shall mean the quantity of total phosphorus as determined in accordance with the Standard Methods.

### **CHAPTER III**

#### **MANAGEMENT, OPERATION, AND CONTROL**

Section 3.1 MANAGEMENT The management, operation, and control of the sewer system for the Utility District shall be vested in the Commission of the District. All records, minutes and all written proceedings thereof shall be kept by the secretary. The treasurer shall keep all the financial records thereof.

Section 3.2 DISTRICT'S CONSTRUCTION AUTHORITY The Commission of the Utility District shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the public alleys, streets, and public grounds located within the District; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Utility District shall have power by itself, its officers, agents, and servants, to enter upon any land in the District for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Utility District shall have power to purchase and acquire for the District all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

Section 3.3 OWNER'S MAINTENANCE OF BUILDING SEWER The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Utility District, except when they are damaged as a result of negligence or carelessness on the part of the Utility District. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all Building Sewers; and the ownership thereof shall at all times be vested in such property owner. 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. In the event of any obstruction of, damage to or repair of a Building Sewer, the same shall be the responsibility of the property owner, except as otherwise provided for herein.

Section 3.4 TITLE TO REAL ESTATE AND PERSONAL PROPERTY All property, real, personal, and mixed, acquired for the construction of the Utility District sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the district.

Section 3.5 AUTHORITY Nothing contained in this Ordinance shall be construed as limiting the power and authority of the Commission or the Utility District as provide for by applicable Wisconsin Statutes; and the Commission and the Utility District shall have all rights and authority as provide for by law.

Section 3.6 ADDITION TO DISTRICT Territory may be added to the District in the manner provided for by law. In the event of any such addition, the Commission of the Utility District may condition the provision of sewer service to such territory upon the owner thereof making such contributions, dedications and payments as the Commission may reasonably require in order to provide such sewer service.

## **CHAPTER IV**

### **ADMINISTRATIVE RULES AND REGULATIONS**

The following rules and regulations for the government of licensed plumbers, sewer users, property owners and others, are hereby adopted and established:

#### **Section 4.1 GENERAL PROVISIONS**

- (a) Agreement to Rules and Regulation All persons now receiving sewerage service from the Utility District or who may hereafter make application for such service or who otherwise receives such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Ordinance, as amended from time to time; and such agreement is a condition precedent to the provision of such sewerage service.

- (b) Application for Service Every person desiring to connect property, buildings or structures to public sewers shall make application in writing to the Utility District on such forms as are prescribed for that purpose, prior to commencing use of such service. The application must describe fully and truthfully all the wastes which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. Persons connected to the public sewers of the Utility District are referred to herein as "Users". By submitting such an application, all users are deemed to have agreed to be bound by this Ordinance, as amended from time to time. If it appears that the service applied for will not provide adequate service for the contemplated use, the Commission of the Utility District may reject the application. If the Commission approves the application, it shall issue a connection permit as shown on the application. No service shall be provided or application approved without prior payment of all applicable fees.
- (c) Application Fee Where the application for service is for a connection to the District's public sewers, the application shall be accompanied by an Application Fee(s) in an amount to be determined from time to time by the Commission of the Utility District. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between residential users and commercial/industrial users. The payment of this fee shall be in addition to any Connection Fees that may be charged to or on account of new users by the Commission of the Utility District or by MMSD.
- (d) Disconnection and Refusal of Service Sewer service may be disconnected or refused for any of the following reasons:
- (1) Violation of this Ordinance, as amended from time to time;
  - (2) Violation of the MMSD Ordinance, as amended from time to time;
  - (3) Failure to pay the Application Fee, any Connection Fee or delinquent account of the user.
- (e) Disconnection for Delinquent Accounts A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility District may disconnect service for a delinquent bill by giving the user, at least eight calendar days prior to disconnection, a written disconnect notice which may be included in the bill for service. For purposes of this rule, the due date shall not be less than twenty days after issuance of the bill. The Utility District may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any user for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.
- (f) Subsequent Amendments The Commission reserves the right to subsequently amend, modify, repeal and modify, any or all provisions of this Ordinance.

Section 4.2 PLUMBERS No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Utility District in which the work is to be performed. All service connections to the sewer main shall comply with the State plumbing code, as amended.

Section 4.3 MANDATORY CONNECTIONS

- (a) Within the Utility District, the owner of each parcel of land adjacent to a public sewer main on which there exists a building used or usable for human habitation or in a block through which such system is extended, shall connect to the sewer system within 120 days of notice in writing from the Commission. Upon failure to do so the Commission may cause such connection to be made and bill the property owner for all such costs. If such cost are not paid within thirty (30) days, such cost shall constitute a special tax lien against the property, in the manner provided for by law. However, the owner may within thirty (30) days after the completion of the work file a written election with the Commission stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five (5) or less equal installments. The amount shall be so collected with interest at the rate not to exceed fifteen percent (15%) per annum from the completion of the work, the unpaid balance shall constitute a special tax lien, all pursuant to sec. 144.06, Stats., as amended.
- (b) In lieu of the above, the Commission, at their option, may impose a penalty for the period that the violation continues after ten (10) days written notice to any owner failing to make a connection to the sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, said penalty shall be assessed as a special tax lien against the property, all pursuant to sec. 144.06, Stats., as amended.
- (c) This Ordinance ordains that any such failure to connect to the sewer system is contrary to the minimum health standards of the Utility District and fails to assure preservation of public health, welfare, comfort, and safety; and that such failure constitutes a public nuisance under sec. 823.02, Stats., as amended, subject to abatement as provided for therein.

Section 4.4 BUILDING SEWER CONNECTION EXPENSE Persons attaching to a public sewer shall have the Building Sewer, or lateral, installed at their own cost and expense.

Section 4.5 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 exhibits the proper permit for the same from the Utility District.

Section 4.6 OBSTRUCTION OF BUILDING SEWERS IN PUBLIC RIGHT OF WAYS In the event of any blockage, damage or break in any Building Sewer, which occurs within a public street, alley, highway, or other public right of way, the Utility District shall have the exclusive right and option to repair the Building Sewer within said street, alley,



highway, or right of way. In such event, the owner of the Building Sewer shall promptly reimburse the District for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.

Section 4.7 BACKFLOW PREVENTER All floor drains shall have a backflow prevention valve installed at the owner's expense.

Section 4.8 USER USE ONLY No user shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.

Section 4.9 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE Whenever premises served by the sewer system are to be vacated, or whenever any person desires to discontinue sewer service from the system, the Utility District must be notified in writing prior to such vacation or disconnection.

Section 4.10 USER TO PERMIT INSPECTION Every user shall permit the District or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and sec. 196.171, Stats., to the extent possible.

Section 4.11 UTILITY DISTRICT RESPONSIBILITY It is expressly stipulated that no claim shall be made against the Utility District or its commissioners, agents, employees and representatives by reason of breaking, clogging, stoppage, or freezing of any 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 sewer service at any time for the purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any Utility District, the Utility District shall, if practicable, give notice to each and every user within the affected area of the time when such service will be shut off.

Section 4.12 EXCAVATIONS WITHIN PUBLIC RIGHT OF WAY In making excavations in public streets or other public highways for laying pipe or making repairs, the paving and the earth removed must be deposited in a matter that will result in the least inconvenience to the public. Prior to commencing any such excavations, an excavation permit shall be obtained from the Town. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations. In refilling the opening, after the pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Town and the Utility District. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

Section 4.13 TAPPING THE MAINS Connections to the sewer system other than Building Sewer connections, shall be done only in accordance with Article IV of the MMSD Ordinance, as amended.

Section 4.14 INSTALLMENT OF BUILDING SEWERS All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section ILHR 82.04, "Building Sewers," as amended. As required by Section ILHR 82.04(5), all laterals shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

Section 4.15 APPLICATION OF MMSD ORDINANCE Notwithstanding anything to the contrary contained herein, any connection to the public sewers shall be subject to the provisions of Article IV of the MMSD Ordinance, as amended from time to time, to the extent applicable. In the event of any conflict between the provision of this Chapter IV and Article IV of the MMSD Ordinance, the MMSD Ordinance shall control.

Section 4.16 NEW CONNECTIONS New connections to the District's sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the Utility District and MMSD.

## **CHAPTER V**

### **USE OF THE PUBLIC SEWER**

Section 5.1 NO CLEAN WATER DISCHARGES No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof rain, subsurface, drainage or collecting water to any sanitary sewer.

Section 5.2 COMPLIANCE WITH MMSD ORDINANCE No person shall discharge wastes into a public sewer within the Utility District, except in accordance with the provisions of Article V of the MMSD Ordinance, as amended from time to time.

Section 5.3 SPECIAL ARRANGEMENTS No provision contained in this Chapter shall be construed as prohibiting any special agreement between the District and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense by the person.

Section 5.4 NO DISCHARGE TO VIOLATE GENERAL PERMIT FOR BYPASSING No person shall discharge or cause to be discharged any waters, wastewaters or other substances of any kind or nature that will result or otherwise cause a violation of any General Permit For Bypassing issued by the Wisconsin Department of Natural Resources and held by the Utility District.

## CHAPTER VI

### **PUBLIC SEWER MAIN EXTENSIONS**

**Section 6.1 APPLICATION AND APPROVAL** The extension of public sewer mains to serve new customers/users is subject to the prior review and approval of the Commission of the Utility District and any other governmental agency having appropriate jurisdiction thereof. Any person seeking to develop real property and requiring sewer service in connection with such development, shall make application to the Utility District for a public sewer main extension, if so required in order to serve such development. Such application shall be in writing and shall set forth the following information.

- (a) Name of development and the legal description of the property involved.
- (b) Plat map or certified survey map or other map showing street layout and lot sizes.
- (c) Zoning of the property.
- (d) Proposed plans and specifications for the sewers.
- (e) Name and address of consulting engineer.
- (f) Number of housing units and/or other units to be constructed.
- (g) Such additional information as the Utility District may require.

**Section 6.2 CONDITIONS OF APPROVAL** The Utility District shall have the sole discretion to approve or disapprove the requested public sewer main extensions. In granting such approval, the Commission of the Utility District may condition its approval upon compliance with:

- (a) Any applicable ordinances of the Utility District, Town, MMSD, or Dane County.
- (b) Any applicable statute, rules, orders, or codes of the State of Wisconsin.
- (c) The preparation of plans and specifications for the sewer main extension, subject to the approval of the Utility District.
- (d) The applicant making and installing the public sewer main extension or otherwise providing a surety bond or other security to ensure that the main will be so constructed within a reasonable period of time.
- (e) The dedication of such rights of way, easements and sewerage facilities as the Commission of the Utility District may reasonably require.
- (f) Any other condition determined by the Commission to be fair and reasonable in order to protect the interest of the Utility District in connection with the proposed development.

**Section 6.3 CONTRACT FOR SEWER IMPROVEMENTS** The Commission of the Utility District may require the person filing an application pursuant to Section 6.1 hereof, to enter into a written development agreement with the District, as a condition of the approval of the sewer main extension. Such agreement shall define the scope of

the work, the obligations of the applicant to construct fewer facilities, the requirement of security for performance of the applicant's obligations set forth therein, and such other matters as the Commissioner may reasonably determine.

Section 6.4 SEWER EXTENSION BY DISTRICT The Commission of the District may, on its own, cause any public sewer main to be extended at such time and under such conditions as the Commission deems appropriate in its sole discretion.

## CHAPTER VII

### SEWER USER CHARGE SYSTEM

Section 7.1 DEFINITIONS The following terms shall have the following meaning under this Ordinance:

- (a) Debt Service Charges shall include all costs associated with repayment of debt(s) incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (b) Normal Domestic Strength Wastewater shall mean wastewater with concentrations of CBOD, Suspended Solids, Total Kjeldahl Nitrogen, and Total Phosphorus no greater than 200, 250, 40, and 10 milligrams per liter (mg/l) respectively.
- (c) Normal User shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting of distinct household, business or commercial enterprise.
- (d) Operation and Maintenance Costs shall include all costs associated with the operation and maintenance of the sewerage system, including but not limited to administrative costs and expenses.
- (e) Replacement Costs shall include all costs necessary to replace equipment as required to maintain capacity and performance during the design life of the sewerage facilities. When required, a separate, segregated, distinct replacement fund shall be established and used for only replacement of equipment.

Section 7.2 MEASUREMENT The unit of volume measurement for wastewater or other wastes discharged into the District's sewerage system shall be 1,000 gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.

Section 7.3 POLICY It shall be the policy of the Utility District to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing replacement equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and

constructed), through a system of sewer service charges as defined in this Chapter. The system shall assure that each user of the sewerage system pays their fair and proportionate share of the cost of such facilities.

Section 7.4 SEWER SERVICE CHARGE GENERALLY Sewer Service Charges to each user shall be based on wastewater parameters established from time to time by the Commissioner of the District. The Sewer Service Charges shall consist of the sum of the annual Debt Service Charges, all annual Operation and Maintenance Costs, all Replacement Costs, and all Sewer Service Charges levied or assessed to the District by MMSD.

Section 7.5 BIENNIAL REVIEW The Sewer Service Charges of the District shall be reviewed not less than biennially. Sewer Service Charges shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such Sewer Service Charges attributable to Operation and Maintenance, Debt Service, and Replacement Costs.

Section 7.6 SEWER SERVICE CHARGES A Sewer Service Charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such Sewer Service Charge shall be payable as hereinafter provided and in amount determinable as follows:

- (a) Category A Service Charges shall be imposed on each user whose water use is metered and whose sewer discharges are Normal Domestic Strength Wastewater. The Category A Service Charge is of the following form:

Service Charge = Customer Charge + Volume Charge

Customer Charge = A flat rate based on the size of the water meter

Volume Charge = The volume of metered water in hundreds of cubic feet multiplied by the volume rate

Volume Rate = The volume unit price expressed in dollars per 100 cubic feet

- (b) Category B Service Charges shall be imposed on each user whose water use is not metered and whose sewage discharges are Normal Domestic Strength Wastewater. The Category B Sewer Service Charge shall be of the form as follows:

Service Charge = Customer Charge + ERU Charge

Customer Charge = A flat rate based on the estimated size of a water meter require to serve an Equivalent Residential Unit

ERU Charge = The Equivalent Residential Units multiplied by the Equivalent Residential Unit Rate ("ERU" Rate)

ERU Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, exclusive of administrative and billing costs

No user shall be assigned less than one Equivalent Residential Unit. An Equivalent Residential Unit shall mean a single family residential dwelling unit that discharges Normal Domestic Strength Wastewater. The number of Residential Unit Equivalents for non-residential users shall be as determined by the Commission of the Utility District.

- (c) Category C Service Charges shall be imposed on users whose sewer discharges are high strength wastewater having concentrations of carbonaceous biochemical oxygen demand (CBOD) greater than 200 milligrams per liter (mg/L) and/or suspended solids greater than 250 milligrams per liter (mg/L) and/or total Kjeldahl nitrogen (TKN) greater than 40 milligrams per liter (mg/L), and/or total phosphorus (TP) greater than 10 milligrams per liter (mg/L).

The form of the Category C service charge is as follows:

$$\text{Service Charge} = \text{Customer Charge} + \text{Volume Charge} + \text{High Strength Surcharge.}$$

The Customer Charge and the Volume Charge are similar to those components of the Category A service charge.

High Strength Surcharge equals the excessive CBOD, suspended solids, TKN, and total phosphorus multiplied by the respective CBOD, suspended solids, TKN, and total phosphorus rates. The excessive CBOD, suspended solids, TKN, and total phosphorus are the portions of each of these constituents that are in excess of normal domestic strength wastewater. The excessive amount of CBOD, suspended solids, TKN, and total phosphorus are expressed in pounds and their respective rates are expressed in dollars per pound.

- (d) Reassignment of Categories of Sewer Users The Utility District may reassign sewer users into appropriate Sewer Service Charge Categories if wastewater sampling programs and other related information indicate a change of categories is necessary or otherwise required.

Section 7.7 RATE DETERMINATIONS The Commission of the Utility District shall determine each year, the rates referred to in Section 7.6 hereof; and the Commission shall have the right to amend, modify, adjust or change the rates at any time and from time to time.

Section 7.8 CREDITS FOR WATER NOT DISCHARGED TO PUBLIC SEWERS In the event any user who is required to pay Category A Service Charges, can demonstrate to the reasonable satisfaction of the Commission of the Utility District that

such user does not discharge significant amounts of the water consumed by such user into the public sewers, then in such event, the Commission may authorize a reduction of the volume of wastewater that would otherwise be assigned to such user by application of this Ordinance. In so authorizing a reduction, the Commission may require the user, at its own expense, to make necessary changes in the water piping and install couplings so that a water meter can be set that will read only water that is ultimately discharged into the public sewers.

## **CHAPTER VIII**

### **CONTROL OF INDUSTRIAL WASTES**

#### **Section 8.1 GENERAL**

- (a) An "Industrial Discharge" or "Industrial Waste" shall have the same meaning as provided for in the MMSD Ordinance, as amended from time to time.
- (b) Each person discharging Industrial Waste into the public sewers of the District shall comply with all applicable provisions of the MMSD Ordinance, in effect from time to time. No person shall discharge any Industrial Waste that contains substances or possesses characteristics that are detrimental to the District's sewerage collection system. In such event, the Commission of the District may impose any of the alternatives provided for in Section 5.4 of the MMSD Ordinance, as amended from time to time.

#### **Section 8.2 CONTROL MANHOLES**

- (a) Each person discharging Industrial Waste into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of their waste, including domestic sewage.
- (b) Control manholes or access facilities shall be located and built in a manner acceptable to the MMSD. If measuring devices are to be permanently installed, they shall be of a type acceptable to the MMSD.
- (c) Control manholes, access facilities, and related equipment shall be installed by the person discharging the Industrial Waste at its expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the MMSD prior to the beginning of construction.

#### **Section 8.3 WASTEWATER MEASUREMENT, SAMPLING, AND REPORTING**

Wastewater flow measurements, sampling, and reporting shall be done in accordance with Article VII of the MMSD Ordinance, as amended from time to time.

## CHAPTER IX

### **DISCHARGE OF HOLDING TANK WASTE AND OTHER WASTE**

**Section 9.1 GENERAL** For purposes of this Chapter IX, the terms "Holding Tank Waste" and "Licensed Disposer" shall have the same meaning as provided for in the MMSD Ordinance, as amended from time to time.

**Section 9.2 PROHIBITION OF DISCHARGE INTO DISTRICT'S PUBLIC SEWERS** No person, including a Licensed Disposer, shall discharge any Holding Tank Waste, or any other similar waste, into any manhole or other opening in a public sewer owned or maintained by the Utility District. Instead, all such discharges of Holding Tank Wastes shall be made pursuant to Section 6.2 of the MMSD Ordinance, as amended from time to time.

## CHAPTER X

### **BILLING AND PAYMENT OF SEWER SERVICE CHARGES**

**Section 10.1 CALCULATION** Sewer Service Charges that are to be assessed to users shall be computed by the Utility District according to the rates and methodology presented in Chapter VII of this Ordinance.

**Section 10.2 BILLING** Sewer Service Charges shall be billed to each user on a calendar quarter basis (or more frequently if so determined by the Commission). Such charges shall be payable to the Utility District no later than twenty (20) days after the date of the bill, unless the Utility District has extended the time for payment.

**Section 10.3 PENALTY FOR DELINQUENT PAYMENTS** A penalty equal to one and one-half (1.5%) percent per month of the delinquent amount shown on any bill for services, shall be added to all bills not paid by the date fixed therein for final payment.

### **Section 10.4 REMEDIES FOR FAILURE TO MAKE PAYMENTS**

- (a) **Suit** Sewer Service Charges, Connection Fees or other charges due from any person or user shall be deemed to be a debt due to the Utility District from that person or user. If Sewer Service Charges, Connection Fees, or other charges are not paid when due, the Commission may, on behalf of the Utility District, commence an action in a court of competent jurisdiction; and recover from such persons or user the amount of charges or fees, and damages, if any, sustained by the Utility District as a result of such failure to pay, together with such costs and expenses as may be allowed by law.
- (b) **Lien on Property** As an alternative to Section (a) hereof, the Commission of the Utility District may direct that unpaid Sewer Service Charges, Connection Fees, or other charges due from any person or user, shall be collected and taxed and shall



be a lien upon the property served in the manner provided for in Section 66.076(7), Stats., as amended from time to time.

Section 10.5 OBLIGATION FOR PAYMENT The obligation for payment of Sewer Service Charges, Connection Fees or other charges due the Utility District shall be a joint and several obligation of the user and property owner, where the user and property owner are not one in the same person. To the end that there may be attempts at avoidance of payment of such charges and fees by nonproperty owner users, and to overcome the same, the Utility District may send the bill for such a user, in care of the property owner.

Section 10.6 REMEDIES CUMULATIVE All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or any other Ordinance of the District or afforded by law or equity; and may be exercised by the Commission of the Utility District concurrently, independently, or successively.

Section 10.7 DISPOSITION OF REVENUE The amounts received from the collection of Sewer Service Charges authorized by this Ordinance shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for Replacement Expenses shall be credited to a segregated, nonlapsing Replacement Account. When appropriated by the Commissioners of the Utility District, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of obligations issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Commissioners may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system obligations, including refunding obligations, shall be paid from this fund as to both principal and interest, unless otherwise required by law.

Section 10.8 EXCESS REVENUES Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

## **CHAPTER XI**

### **AUDIT**

The Utility District shall conduct an annual completion or 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, from time to time.

## CHAPTER XII

### CONNECTION FEES

Section 12.1 MMSD CONNECTION CHARGES For each connection of a Building Sewer to a public sewer within the Utility District, there shall be paid to the Utility District a Connection Charge as determined pursuant to Section 4.7 of the MMSD Ordinance, as amended from time to time.

Section 12.2 UTILITY DISTRICT CONNECTION CHARGES For each connection of a Building Sewer to a public sewer within the Utility District, there shall be paid to the Utility District a Connection Charge. Such Connection Charge shall be assessed to the person seeking the connection and shall be paid as a condition precedent to the actual connection. The Connection Charge of the Utility District shall be in such amounts and shall be paid at such time as the Commission may from time to time determine.

Section 12.3 CONNECTION FEES For purposes of this Ordinance, the connection charges described in Section 12.1 and 12.2 hereof are collectively referred to as "Connection Fee(s)". The failure to pay any Connection Fee is a violation of this Ordinance; and this Commission may pursue all rights and remedies provided for herein.

## CHAPTER XIII

### VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES

Section 13.1 VIOLATIONS CONSTITUTING PUBLIC NUISANCE A violation of any provision of this Ordinance or any other rule or order of the Commission of the Utility District is hereby declared to be a public nuisance.

Section 13.2 DAMAGE TO DISTRICT PROPERTY No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of equipment which is a part of the District's sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 13.3 ENFORCEMENT The Commission of the Utility District shall have the right to enforce the provisions of this Ordinance shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No actions shall be taken under this Chapter to abate a public nuisance unless the Commission shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.

Section 13.4 SUMMARY ABATEMENT If the Commission determines that a public nuisance exists within the District and that there is great and immediate danger to the

public health, safety, peace, morals, or decency, the Commission may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

Section 13.5 ABATEMENT AFTER NOTICE If the Commission determines that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to present great and immediate danger to the public health, safety, peace, morals, or decency, the Utility District shall serve notice to the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the Commission shall cause the nuisance to be removed as provided in Section 13.4.

Section 13.6 OTHER METHODS NOT EXCLUDED Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Utility District or the Town or its officials in accordance with the laws of the State of Wisconsin.

Section 13.7 COURT ORDER Except when necessary under Section 13.4, the Commission shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of public nuisance.

Section 13.8 COST OF ABATEMENT In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Utility District shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge. For purposes hereof, costs shall include but not be limited to actual attorneys fees and court costs.

Section 13.9 CONTINUED VIOLATIONS Any person who shall continue any violation beyond the aforesaid notice time limit provided, shall forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Dane County Jail for a period of not to exceed thirty (30) days. Each day in which a violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

Section 13.10 LIABILITY TO DISTRICT FOR LOSSES Any person violating any provision of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned by reason of such violation which the District may suffer as a result thereof. If any violations affect the MMSD wastewater collection and treatment facilities as well as the Utility District's sanitary sewer system, MMSD may penalize the violator independently and/or concurrently with the Utility District according to the MMSD Ordinance.

Section 13.11 ACCIDENTAL DISCHARGE Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine,

pay the amount to cover all damages, both of which will be determined by the Utility District.

Section 13.12 ACCIDENTAL DISCHARGE REPORTING Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the MMSD.

Section 13.13 LIABILITY TO UTILITY DISTRICT FOR LOSSES Any person violating any provision of this Ordinance shall become liable to the Utility District for any expense, attorney's fees, costs, engineering fees, loss, or damage occasioned by reason of such violation which the Utility District may suffer as a result thereof. Without intent to limit the generality of the foregoing, the Commission of the Utility District shall have the right of recovery from all such persons, any expense incurred by the District for the repair or replacement of any part of the public sewerage system damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

Section 13.14 APPEAL PROCEDURES Any user or other person affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the Commission of the Utility District a written request for reconsideration within fifteen (15) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Commission of the Utility District, upon receiving the request for reconsideration, shall publish the request in the official newspaper. The Commission of the Utility District shall render a decision on the request for reconsideration to the user in writing within thirty (30) days of receipt of request.

## **CHAPTER XIV**

### **SEPTIC SYSTEMS**

Section 14.1 SEPTIC TANKS PROHIBITED The maintenance and use of a septic tank or other private sewerage disposal system by any owner of land located within the Utility District, and who has failed to connect to the District's sewerage system, is hereby declared to be a public nuisance and a health hazard. Such nuisance and hazard shall be abated; and damages and costs recovered therefor in accordance with Section 823.02 of the Wisconsin Statutes.

Section 14.2 SEPTIC SYSTEMS ALLOWED In certain isolated locations within the boundaries of the Utility District it may be necessary for the owners of certain properties not served by the District's sanitary sewer system to continue the maintenance and use of a septic tank or other private sewerage disposal system. Such maintenance and use shall be considered as a temporary wastewater disposal system and is subject to the review and approval of the Commission of the District. The review and approval will be on a case by case basis, with each case determined upon its particular facts and circumstances.

**CHAPTER XV**

**VALIDITY**

Section 15.1 REPEAL OF CONFLICTING ORDINANCES All ordinances, resolution, orders or parts thereof heretofore adopted or enacted, which are in conflict with this Ordinance shall be an the same are hereby repealed.

Section 15.2 SAVINGS CLAUSE If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or other applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 15.3 AMENDMENTS The Commission of the Utility District, may amend this Ordinance in part of in whole at any time whenever it may deem necessary.

**CHAPTER XVI**

**EFFECTIVE DATES**

Section 16.1 EFFECTIVE DATE This amended Ordinance shall become effective January 1, 1996, following its date of publication.

Section 16.2 DATE OF ENACTMENT The above and foregoing Ordinance was duly adopted by the Commission of the Utility District at a regular meeting held on the 25<sup>th</sup> day of April, 1995.

TOWN BOARD:

UTILITY DISTRICT:

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Commissioner

I hereby certify that the foregoing Ordinance amending the Utility District No. 10 Sewer Use and User Charge Ordinance was published as a Class 1 notice under ch. 985, Wis. Stats., on the 17<sup>th</sup> day of May, 1995.

Dated: June 7, 1995

\_\_\_\_\_  
Clerk