

11.01 SEWER USE AND SEWER SERVICE CHARGE

1.01 INTRODUCTION AND GENERAL PROVISIONS

This ordinance regulates the use of private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the Village of Hilbert. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems, and enables the Village to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required by the State of Wisconsin or Federal Law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharge into the sanitary sewer system.

This ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the Village's costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs, and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Village Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

SECTION 2.

DEFINITIONS

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

2.01 APPROVING AUTHORITY.

Approving authority shall mean the Village Board of the Village of Hilbert, or its duly authorized committee, agent or representative.

2.02 BIOCHEMICAL OXYGEN DEMAND (BOD).

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".

2.03 BUILDING DRAIN.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

2.04 BUILDING SEWER.

Building Sewer shall mean the extension from the property lot line beginning outside the inner face of the building wall.

2.05 Service Lateral.

Service Lateral shall mean the extension from the public sewer or other place of disposal beginning at the property lot line.

2.06 COMPATIBLE POLLUTANTS

Compatible pollutants shall mean biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

2.07 FLOATABLE OIL.

Floatable oil is 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 system.

2.08 GARBAGE.

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.

2.09 GROUND GARBAGE.

Ground garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles 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 public sewers.

2.10 INCOMPATIBLE POLLUTANTS.

Incompatible pollutants shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

2.11 INDUSTRIAL WASTE.

Industrial waste shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

2.12 LICENSED DISPOSER.

Licensed disposer shall mean a person holding a license under s. 146.20(3)a).

2.13 MUNICIPAL WASTEWATER.

Municipal wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may be present.

2.14 NATURAL OUTLET.

Natural outlet shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

2.15 PARTS PER MILLION.

Parts per million shall be 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.

2.16 PERSON.

Person shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

2.17 pH.

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

2.18 PUBLIC SEWER.

Public sewer shall mean any sewer provided by or subject to the jurisdiction of the Village of Hilbert. It shall also include sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the Village's sanitary sewer system, even though those sewers may not have been constructed with Village funds.

2.19 SANITARY SEWAGE.

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 be present.

2.20 SANITARY SEWER.

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.

2.21 SEPTAGE.

Septage shall mean scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

2.22 SEWAGE

Sewage is spent water of a community. The preferred term is "municipal wastewater".

2.23 SEWER SERVICE AREAS.

Sewer service areas are the areas presently served and anticipated to be served by a sewage collection system. State regulations (NR 121.05) require that water quality management plans delineate sewer service areas for urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer service areas for communities under 10,000 populations.

2.24 SEWER SERVICE CHARGE.

Sewer service charge is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs associated with said facilities.

2.25 SEWER SYSTEM.

Sewer system means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities and which includes the service lateral that connects to the building sewer. The facilities that convey wastewater from individual structures, from private property to the public sanitary sewer system, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the sewerage system owner.

2.26 SEWERAGE SYSTEM.

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 building sewer.

2.27 "SHALL".

"Shall" is mandatory; "May" is permissible.

2.28 SLUG LOAD.

Slug load shall mean any substance released at a discharge rate and/or concentration that causes interferences to wastewater treatment processes.

2.29 STANDARD METHODS

Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for 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.

2.30 STORM DRAIN.

Storm drain (sometimes termed "storm sewer") shall mean drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

2.31 STORM WATER RUNOFF.

Storm water runoff shall mean that portion of the rainfall that is drained into the sewers.

2.32 SUSPENDED SOLIDS.

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 is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.

2.33 UNPOLLUTED WATER.

Unpolluted water is water of quality equal 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 sewer and wastewater treatment facilities provided.

2.34 WASTEWATER FACILITIES.

Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial wastes and septage and dispose of the effluent.

2.35 WASTEWATER TREATMENT WORKS.

Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

2.36 WATERCOURSE.

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

2.37 WIS. POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT.

Wisconsin Pollutant Discharge Elimination System (WPDES) Permit is a document issued by the Wisconsin State Department of Natural Resources that establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

SECTION 3.

MANAGEMENT, OPERATION, AND CONTROL

3.01 MANAGEMENT.

The management, operation, and control of the sewer system for the Village is vested in the Village Board; all records, minutes and all written proceedings thereof shall be kept by the Village Clerk.

3.02 CONSTRUCTION.

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

3.03 MAINTENANCE OF SERVICES.

The individual property owner shall maintain sewer service from the property lot line to the house and including all controls between the same, without expense to the Village, except when they are

damaged as a result of negligence or carelessness on the part of the Village. All 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 relayed 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.

3.04 CONDEMNATION OF REAL ESTATE.

Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

3.05 TITLE TO REAL ESTATE AND PERSONAL PROPERTY.

All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books, and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.

SECTION 4.

USER RULES AND REGULATIONS

4.01 GENERAL.

The rules, regulations, and sewer rates of the Village hereinafter shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer system and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Village may hereafter adopt, are violated, the use of service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Village Board and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation,

the Village Board, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village Board to change the said rules, regulations, and sewer rates from time to time, as they may deem advisable; and to make special rates and contracts in all proper cases.

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

4.02 PLUMBERS.

No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe filling work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village. All service connections to the sewer main shall comply with State plumbing code.

4.03 USERS—MANDATORY HOOK-UP.

(a) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human occupation or in a block through which such system is extended, shall connect to such system within 365 days of notice in writing from the Village. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village Board stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest as determined by the Village Board.

(b) In lieu of the above, the Village Board at its option may:

(1) 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 of an amount equal to the minimum quarterly charge for the sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06.

(2) Commence court action to require connection to the Village sewers and to impose such other penalty as this ordinance provides.

(c) This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village residents.

4.04 PRIVATE SYSTEMS PROHIBITED.

The maintenance and use of septic tanks and other private sewer disposal systems within the area of the Village serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any other private sewage disposal system within the area of the Village serviced by the sewage system shall be prohibited except for the following:

- (a) Any property within the Village that is not serviced or cannot be reasonably serviced by the Village sewage system shall be allowed to install a private sewer disposal system that meets current Wisconsin DNR standards. If the property does become serviced or can be reasonably serviced by the Village sewage system, the owner shall be provided notice of such and shall have one year from the date of the notice to hook up to the Village sewage system.

4.05 APPLICATION FOR SEWER SERVICE.

Every person connecting with the sewer system shall file an application in writing to the Village Board in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village Clerk. The application must state fully and truly all the uses which will be allowed except upon further application and permission regularly obtained from the Village Board. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village are referred to herein as "Users".

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

4.06 APPLICATION FOR SEPTAGE DISPOSAL.

Every licensed disposer wishing to discharge septage to the Village's wastewater treatment plant shall file an application in writing to the Village Board in such a form as is prescribed for that purpose. Forms for such application will be furnished at the office of the Village Clerk. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed at the Village's wastewater treatment plant.

All Village approvals for septage disposal shall have the conditions that any time the wastewater treatment plant has operation problems, maintenance problems, or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal outside of the septage service area until such time as corrective action or mitigative measures have been taken.

4.07 LATERAL COSTS.

Persons attaching to a sewer main shall have the lateral from the sewer main installed at his or her own expense. After the original installation, maintenance of the lateral from the street main to the property lot line shall be the responsibility of the village. Maintenance of the lateral from the property lot line to the building, including the plumbing inside, shall be the responsibility of the property owner.

4.08 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 service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain of the building to the property lot line.

4.085 BACKFLOW PREVENTOR.

All sewer service laterals for new connections shall have a backflow prevention valve installed at the owner's expense. Any new structures constructed prior to 11/11/03 and not equipped with a backflow preventor, shall be grand fathered and shall be exempt from this clause.

4.09 USER USE ONLY.

No user shall allow others or other services to connect to the sewer system through his or her lateral.

4.10 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.

Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the Village Clerk must be notified in writing. The owner of the premises shall be liable for any damages to the property of such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

4.11 USER TO PERMIT INSPECTION.

Every user shall permit the Village Board or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and applicable state statutes and codes.

4.12 UTILITY RESPONSIBILITY.

It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any portion of the Village, the Village Clerk shall, if practicable, give notice to each and every consumer within the Village, of the time when such service will be shut off.

4.13 EXCAVATIONS.

(a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will cause the least inconvenience to the public.

(b) 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.

(c) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than six (6) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel, and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the DPW or Building Inspector.

4.14 TAPPING THE MAINS.

(a) No person, unless a plumber licensed by the state of Wisconsin, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Village Board to ensure that the new sewers and connections to the sewer system are properly designed and constructed. All tapped mains or collection pipes shall be inspected by the DPW or Building Inspector prior to filling in the excavated area.

(b) Pipes should always be tapped on a 45-degree angle from a horizontal plane, and not within six inches (15cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee.

4.15 INSTALLATION OF HOUSE LATERALS.

All service pipes (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing," especially, Section ILHR 82.04 "Building Sewers."

Per Section ILHR 82.04(5), all laterals will 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."

4.16 EXTENSIONS.

The Village shall extend sewer mains to a new person(s) in accordance with the following charges and the following conditions:

(a) When an extension main is required by the prospective user, said person shall make an application for such an extension in writing to the Village Board by filing a written application for the same with Village Clerk. After the filing of such an application, the Village Engineer shall first determine the logical location of the next manhole or manholes. Next, the Village Engineer shall design the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area and obtain all local and state approvals. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.

(b) Properties served by the extension shall pay the entire cost of said extension based on a cost per foot calculation. Costs shall be paid using the special assessment standards as per section 66.60 of the Wisconsin Statutes. The cost of extension includes the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users, as they mutually agree to.

4.17 SEPTAGE ACCEPTANCE LOCATION.

Septage shall only be discharged to the Village sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Village Board.

4.18 ADDITIONAL AUTHORITY.

The Village may, at any time, establish specific connection charges for any main not covered by any other provisions in this Ordinance. It is further provided that the Village may amend or alter any connection charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolution.

SECTION 5. USE OF THE PUBLIC SEWERAGE SYSTEM

5.01 PROHIBITIONS AGAINST DISCHARGE.

No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer or wastewater treatment facility.

(a) Any storm water, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the

sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Village.

(b) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.

(c) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.

(d) Any waters or wastes having a pH lower than 5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel or the wastewater facility.

(e) Any waters or wastes having a pH in excess of 10.

(f) 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 facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, disposable diapers, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(g) Any discharge into the sanitary sewerage system that is in violation of the requirements of the WPDES permit and the modifications thereof.

(h) Wastewater having a temperature higher than 150 degrees Fahrenheit or cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.

(i) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease. Furthermore, all restaurants are required to install and maintain grease interceptors as defined in Section 7.06 of this Ordinance and in accordance with the Wisconsin Plumbing Code.

(j) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels,

institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(k) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the Village for such materials.

(l) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the Village.

(m) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(n) Quantities of flow, concentrations, or both which constitute a slug load as defined herein.

(o) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(p) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition damaging to structures and treatment processes.

(q) Materials that exert or cause:

(1) Unusually high BOD 5, chemical oxygen demand or chlorine requirements, such as, but not limited to, whey in such quantities as to constitute a significant load on the wastewater treatment facility.

(2) Unusual flow or concentrated wastes constituting a slug load as defined herein.

(3) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

(4) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)

5.02 SEPTAGE DISPOSAL.

No person or licensed disposer shall dispose of septage (holding tank or septic tank waste) into any storage area or sewer manhole located within the Village without written approval of the Village Board.

5.03 SPECIAL AGREEMENTS.

No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facility by reason of the admission of such wastes and no extra costs are incurred by the Village.

5.04 PERMIT REQUIRED.

It shall be unlawful to discharge to any natural waterway within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

SECTION 6. SEWER USER CHARGE SYSTEM

6.01 DEFINITIONS.

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

(a) DEBT SERVICE CHARGES shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.

(b) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations less than 250 mg/l BOD, 250 mg/L suspended solids, and 12 mg/L phosphorus.

(c) NORMAL USER shall be a user whose contributions to the wastewater treatment facility consist only of normal domestic-strength waste originating from a house, apartment, condominium, or

other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

(d) OPERATION AND MAINTENANCE COSTS (O&M) shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flows, shall be divided equally among the various sewer users.

(e) REPLACEMENT COSTS (R) shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the facility.

(f) SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as operation and maintenance costs, including replacement of said facilities.

6.02 POLICY.

It shall be the policy of the Village Board to obtain sufficient revenues to pay the debt service costs and the costs of the operation, maintenance and replacement of the sewerage facilities through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage facilities pays a proportionate share of the cost of such facilities.

6.03 REASSIGNMENT OF SEWER USERS.

The Village will reassign sewer users into appropriate Sewer Service Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

6.04 USER CHARGE METHODOLOGY.

The following methodology shall be used to calculate the debt service and O,M & R charges for the treatment of Village and outside wastewaters.

(a) Debt Service Charges

(1) Village and Outside Users

The Village and outside users portion of the debt service cost shall be paid on a user charge basis. The Village's allocated

capacity shall be paid on a unit cost basis proportionate to flows and loadings. This shall be calculated by allocating the debt service costs to the various loading parameters and dividing this cost by the annual design loadings for each parameter.

(b) User Charge

(1) Village Users

O,M & R charges for the collection system and treatment plant shall be segregated into "fixed costs", those costs that are independent of volume and strength parameters, and "variable costs", those costs that are volume and strength related.

The "fixed costs" shall be paid for by a base meter charge imposed upon all connections to the system. The annual base meter charge shall be as follows:

$$BMC = \frac{FC}{EM}$$

Where:

BMC = Annual Base Meter Charge for a 1-inch Equivalent Water Utility Meter

EM = Total Number of 1-inch Equivalent Meter Units Discharging to the Sewer System

FC = Annual Fixed O,M & R Cost for the Sewerage System

The "variable costs" shall be paid by all customers on the basis of a cost per 1,000 gallons of usage. The "variable costs" shall be allocated to the respective billing parameters; flow, BOD, SS, and P. This allocated cost is then divided by the total annual loadings to obtain the unit cost per billing parameter.

These unit cost are then applied to "normal users" on the basis of a cost per 1,000 gallons of metered water use or wastewater discharged at a strength of 250 mg/L BOD, 250 mg/L SS, and 12 mg/L P. High strength dischargers shall pay a surcharge per pound for wastes exceeding those concentrations.

(2) Outside Users

The unit costs for outside users shall be paid on a cost per 1,000 gallons of unsewered waste. The base charge shall be based on domestic strength waste (250 mg/L BOD, 250 mg/L SS, 12 mg/L P). A

surcharge rate shall be charged on the basis of waste strength in excess of domestic strength Waste. The concentration of wastes used for computing surcharges shall be established by waste sampling. Such sampling shall be performed as often as necessary by the Village and shall be binding as a basis per surcharge.

SECTION 7. CONTROL OF INDUSTRIAL AND SEPTAGE WASTES

7.01 INDUSTRIAL DISCHARGES.

If any waters or wastes are discharged, or proposed to be discharged to the public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in Article V and which, in the judgment of the Village, may have damaging effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Village may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require a control over the quantities and rates of discharge.
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6.

7.02 CONTROL MANHOLES.

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

facilities and related equipment shall be approved by the Village Board prior to the beginning of construction.

7.03 METERING OF WASTE.

Devices for measuring the volume of waste discharged may be required by the Village if this volume cannot otherwise be estimated. Where required by the Village, metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village.

7.04 WASTE SAMPLING.

(a) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or licensed disposer as often as may be deemed necessary by the Village.

(b) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village.

(c) Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Village. Access to sampling locations shall be granted to the Village or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

7.05 PRETREATMENT.

When required, in the opinion of the Village, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment facility, the discharger shall provide at his or her expense such preliminary treatment or processing facilities as may be required to render his wastes acceptable for admission to the public sewers.

7.06 GREASE AND/OR SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the

proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.

7.07 ANALYSES.

(a) All measurements, tests, and analyses of the characteristics of waters, wastes, and septage to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

(b) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his or her agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

7.08 SUBMISSION OF INFORMATION.

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

7.09 SUBMISSION OF BASIC DATA.

Industries desiring to make a new connection to a public sewer for the purpose of discharging industrial process wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

7.10 EXTENSION OF TIME.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the Village Board.

SECTION 8. PAYMENT OF CHARGES

8.01 PAYMENT AND PENALTY.

The sewerage service charge shall be billed on a monthly basis and be payable to the Village not later than 20 days after the end of each period. A penalty of one percent per month shall be added to all bills not paid by the due date as indicated on the bill.

8.02 CHARGES A LIEN.

All sewage charges shall be a lien upon the property service pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

8.03 DISPOSITION OF REVENUE.

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a 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, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, 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 NR 162.11. Any surplus outside the purview of NR 162.11, in said account, shall be available for the payment of principal and interest of bonds 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 Village may resolve to pledge each surplus or any part thereof for any such purpose.

8.04 EXCESS REVENUES.

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

8.05 ANNUAL AUDIT.

The Village shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the user charge system and to ensure that adequate revenues are available to increasing operation, maintenance and replacement costs.

SECTION 9. VIOLATIONS AND PENALTIES

9.01 DAMAGES.

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

9.02 WRITTEN NOTICE OF VIOLATION.

Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this Ordinance or of any conditions of the Village Board's approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

9.03 ACCIDENTAL DISCHARGE.

Any person found to be responsible for accidentally allowing a damaging discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages, both values to be established by the Village.

9.04 CONTINUED VIOLATIONS.

Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than Fifty dollars (\$50.00) nor more than Five Hundred dollars (\$500.00) per day of continued violation, together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed ninety (90) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense. Nothing in this ordinance shall preclude the Village of Hilbert from maintaining an appropriate action to prevent or remove a violation of any provisions of this ordinance.

9.05 LIABILITY TO VILLAGE FOR LOSSES.

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

9.06 DAMAGE RECOVERY.

The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

9.07 PENALTIES.

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Village or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 for each violation and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties for mandatory hookup. Each day in which said violation continues, shall be deemed a separate offense.

SECTION 10.

VALIDITY

10.01 REPEAL OF CONFLICTING ORDINANCES.

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

10.02 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 application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

10.03 AMENDMENTS.

The Village, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.