

**ORDINANCE NO. 2014-01**

**ORDINANCE TO REPEAL AND RECREATE SEWER USE AND WASTEWATER  
RATE ORDINANCE.**

**WHEREAS**, the Silver Lake Sanitary District ("District") adopted an ordinance to regulate the use of public and private sewers, wastewater disposal, the installation and connection of building sewers, and discharge of water and waste into the District's sewer system, and providing for penalties of violations thereof; and

**WHEREAS**, THE ORDINANCE WAS ADOPTED BY THE District in 1992 and signed into law on October 19, 1992; and

**WHEREAS**, the District desires to update the ordinance; now, therefore

**BE IT ORDAINED** by the Silver Lake Sanitary District, Washington County, Wisconsin as follows:

**WHEREAS**, The District hereby repeals the Ordinance which was adopted in 1992, and recreates it to read as follows:

**WHEREAS**, this ordinance regulates the use of public and private sewers, wastewater disposal, the installation and connection of building sewers and the discharge of water and wastes into the public sewer system and provides penalties for violations thereof:

**WHEREAS**, the federal government has enacted and amended the Federal Water Pollution Control Act now known as the Federal Clean Water Act and The Silver Lake Sanitary District located in the Town of West Bend, Washington County, Wisconsin desires to remain in compliance therewith, and

**WHEREAS**, the Silver Lake Sanitary District desires to ensure that the use of the public wastewater system which is operated by it, will conform to the best sanitary engineering practices, and

**WHEREAS**, the Silver Lake Sanitary District desires to regulate the use of the public wastewater system which it owns and operates:

**NOW, THEREFORE, BE IT ORDAINED** and enacted by the Silver Lake Sanitary Commission of the Silver Lake Sanitary District, Washington County, Wisconsin, as follows:



## SECTION I

### SEWER USER REGULATIONS

- 1.01 Creation
- 1.02 Management
- 1.03 Application
- 1.04 Definitions
- 1.05 Rules and Regulations
- 1.06 Sewer Services Charges
- 1.07 Annual Budget & Method of Payment of Charges
- 1.08 Accounts and Funds
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- 1.13 Admission to Property
- 1.14 Construction of Sewerage System beyond Area Having Immediate Need for Service
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- 1.16 Violations
- 1.17 Determination of Sewer Service User Charges

## SECTION II

### 1.01 CREATION:

The Silver Lake Sanitary District pursuant to the provisions of Section 60.77 of the Wisconsin Statutes does hereby declare that the sewerage system of the Silver Lake Sanitary District consisting of the collection system (as hereinafter defined), waste collection and disposal operations, and all other appurtenances and equipment used for such purposes shall be designated the Sewerage System Utility. This public utility is not a public utility subject to regulation by the Wisconsin Public Service Commission for the purposes defined above.

### 1.02 MANAGEMENT:

- (1) The operation, management and control of the Sewerage System Utility is vested in the Silver Lake Sanitary District acting as a Sanitary District Commission under the provisions of Sections 60.70 through 60.78 of Wisconsin Statutes and is hereinafter referred to as the "Approving Authority". All records of the Sewerage System Utility shall be kept by the Approving Authority in the Silver Lake Sanitary District Administration Building or other officially designated place.
- (2) The rules, regulations and rates hereinafter set forth shall be considered part of the regulations applicable to every individual or entity connected to the



sewerage system and all persons discharging wastes to the sewerage system. Said rules, regulations and rates may be changed from time to time as determined by the Approving Authority and the right is reserved to make special rates and contracts in all proper cases.

- (3) The Approving Authority shall cause an annual audit of the books of the Sewerage System Utility to be made under the provision of Section 60.77 of the Wisconsin Statutes. The Approving Authority shall make the books and records relating to the Sewerage System Utility available for inspection during regular business hours.
- (4) A proportionate distribution of operation, maintenance and replacement costs shall be maintained among user classes. Users shall be notified annually of sewer service charges associated with the sewerage system.

#### 1.03 APPLICATION:

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

#### 1.04 DEFINITION OF TERMS:

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

- (1) “Act” shall mean the Federal Waters Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243), or as modified by Chapter 147, Statutes of the State of Wisconsin or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 147.
- (2) “Approving Authority” shall mean the Sanitary District Commission of the Silver Lake Sanitary District or its duly authorized deputy, agent or representative.
- (3) “BOD” shall mean the quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic mater under standard laboratory conditions for five days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.
- (4) “Building Sewer” “Lateral” or “Service Pipe” shall mean a sewer pipe which carries only Sewage from the building plumbing to the Public Sanitary Sewer.



- (5) “Collection System” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.
- (6) “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- (7) “Commercial User (Class II)” shall mean any property occupied by a nonresidential establishment not within the definition of an “Industrial User (Class III)”, and which is connected to the wastewater facilities.
- (8) “Compatible Pollutants” shall mean biochemical oxygen demand, suspended solids, phosphorous, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants.
- (9) “Connection” shall mean each physical connection to the collection system or private sewer system which connects to the municipal collection system.
- (10) “Control Cabinet” shall mean the cabinet located near the grinder basin that contains the electrical controls to operate the grinder pumps.
- (11) “Debt Retirement” shall mean all annual principal and interest requirements and obligations of the Silver Lake Sanitary District needed to pay off the loans taken for the sewerage system.
- (12) “Domestic Wastewater” shall mean water-borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes, as further defined as “Normal Sewage”.
- (13) “Easement” shall mean an acquired legal right for the specified use of land owned by others.
- (14) “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.
- (15) “Flow Proportional Composite Sample” shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.
- (16) “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.



- (17) "Grantee" shall mean the Silver Lake Sanitary District.
- (18) "Grinder Basin" shall mean the in ground tank where sewage is collected from a resident or business before it is pumped into the sewerage main line.
- (19) "Ground Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers under normal flow conditions. One hundred percent (100%) of the particles shall pass through a 1/2" screen and 90% of the particles shall pass through a 1/4" screen.
- (20) "Incompatible Pollutants" shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharge to the wastewater treatment facility.
- (21) "Indirect Discharge" or "Discharge" shall mean the introduction of pollutants into the wastewater treatment facility from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
- (22) "Industrial User (Class III)" shall mean any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classification Manual. Class III also shall include any user that discharges wastewater containing toxic or poisonous substances as defined in Section 307 or 502 of the Clean Water Act, or any substances causing interference in the wastewater facilities. Class III shall include any nonresidential user who: (1) is subject to national categorical pretreatment standards, (2) has a non-dramatic flow of 25,000 gallons or more per day, (3) contributes more than 5% of the average dry weather capacity of the wastewater facility, or (4) is determined by the Approving Authority to have the potential to adversely affect the wastewater facility.
- (23) "Industrial Waste" shall mean any water-borne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.
- (24) "Intercepting Sewer" shall mean a sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage from one or more existing sanitary Sewer System terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into waters of the state, and convey the flow to a Wastewater Treatment Facility or is to serve in lieu of an existing or proposed Wastewater Treatment Facility.



- (25) “Interference” shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.
- (26) “Lateral Valve” shall mean the (Curb Stop) or shut off valve located between the grinder basin and the sewerage main line.
- (27) “Municipality” shall mean the Town of West Bend, Silver Lake Sanitary District.
- (28) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (29) “Normal Sewage” shall mean sanitary sewage in which BOD, Total Suspended Solids (TSS), phosphorous (P), and nitrogen (N) concentrations do not exceed normal concentrations of:
  - (a) A five-day 20 degree C., BOD of not more than 250 parts per million;
  - (b) A Total Suspended Solids concentration of not more than 330 parts per million;
  - (c) A Phosphorous concentration of not more than 20 parts per million;
  - (d) A Nitrogen concentration of not more than 15 parts per million.
- (30) “Operation and Maintenance Costs” shall mean the actual sums spent by the Sanitary District in the operation and maintenance of its sewerage system consisting of but not limited to, each and all of the following purposes:
  - (a) Wages and salaries and employees related expenses of operation, maintenance, clerical, laboratory and supervisory personal, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin Workmen’s Compensation coverage.
  - (b) Electrical power and other utility services.
  - (c) Chemicals, fuel and other operating supplies.
  - (d) Repairs to and maintenance of associated equipment including equipment, materials and labor contracts.
  - (e) Premiums for hazard insurance.



- (f) Premiums for insurance providing coverage against liability for the injury to persons and/or property, and also including property insurance.
  - (g) Rents and leasing costs.
  - (h) Operation, licensing and maintenance costs for trucks and heavy equipment.
  - (i) Consultant and legal fees.
  - (j) Training & Educational Expenses.
  - (k) Treatment charges from the City of West Bend.
  - (l) Finance charges.
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- (31) “Persons” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipality, private corporation, association, governmental agency or other entity and agents, servants or employees.
  - (32) “pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the “Standard Methods”.
  - (33) “Phosphorous” shall mean the total phosphorus as determined by the procedures set forth in “Standard Methods”.
  - (34) “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants properties in wastewater before discharging into the Town of West Bend, Silver Lake Sanitary District sewerage system.
  - (35) “Private Sewer” shall mean a privately owned sewer serving 2 or more buildings and not directly controlled by a public authority.
  - (36) “Public Sewer” shall mean a sewer or lateral in a public right-of-way or easement abutting properties and is controlled or owned by the public authority.
  - (37) “Replacement Fund” shall mean monies for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.



- (38) “Reserve Capacity Assessment (RCA)” shall mean a charge levied on all new users of the sewerage system for reserve capacity costs of the sewerage system. The charge shall be based on the assigned Resident Equivalent Connection as established under Section 1.17 and multiplied by the rate established by the Sanitary District.
- (39) “Residential Equivalent Connection (REC)” shall be the wastewater flow and loading to the system equivalent to that contributed by an average residential family equivalent. An average residential family equivalent shall be calculated yearly by the Sanitary District.
- (40) “Residential User (Class I)” shall mean all premises used only for human residency and that are connected to the sewerage system.
- (41) “Sanitary District” shall mean the Silver Lake Sanitary District.
- (42) “Sanitary Sewer” shall mean a sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally contributed.
- (43) “Seasonal Use” shall mean the use of a property that is not the primary residence of the owner and shall be unoccupied for of minimum of three consecutive months in any twelve-month period.
- (44) “Sewage” 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.
- (45) “Sewer Service Charge” shall mean a charge levied on users annually for each lateral connected to the Public Sanitary Sewer. The revenues generated by the Sewer Service Charge shall be used to cover expenditures relating to customer costs and debt service costs.
- (46) “Sewerage System” shall mean all facilities for collecting, transporting, pumping, treating and disposing of domestic wastewater, industrial waste and sewage.
- (47) “Shall” is mandatory; “May” is permissible.
- (48) “Slug” shall mean any discharge of water or wastewater which is concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the Wastewater Treatment Facilities.



- (49) “Standard Methods” shall mean the examination and analytical procedures set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater” as prepared, approved and published jointly by the American Public Health Association and the Water Pollution Control Federation.
- (50) “Storm Sewer” shall mean a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (51) “Stormwater Runoff” The excess water running off from the surface of a drainage area during and immediately after a period of rain.
- (52) “Surcharge User” shall mean a user of the sewerage system who discharges wastes which have higher concentrations than Domestic Wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than Domestic Wastewater.
- (53) “Total Suspended Solids” that either floats on the surface of, or are in suspension in water, sewerage or liquids, and which are removable by a laboratory filtration device. Quantitative determination of total suspended solids shall be in accordance with procedures set forth in “Standard Method”. Also referred to as Suspended Solids.
- (54) “Toxic” shall mean any of the pollutants designated by federal regulations pursuant to section 307(a) (1) of the Act.
- (55) “Unpolluted Water” is water of quality equal to or better than the effluent criteria in affect or water that would not cause violation of receiving water quality standards and would not be benefited by discharging to the sanitary sewers and wastewater facilities provided.
- (56) “User” shall mean any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging sewage or other waste hauled or trucked to the sewerage system.
- (57) “Waste” shall mean any solid, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions, industrial establishments and sewage haulers into the collection system, storm sewer or sewerage receiving station.
- (58) “Wastewater” shall mean a combination of the water-carried waste discharged into the collection system form residences, business building, institutions and industrial establishments, together with such ground surface and storm water as may be present.



- (59) “Wastewater Pumping Station” shall mean a pumping facility utilized to pump wastewater within the collection system.
- (60) “Wastewater Treatment Facilities” shall mean the City of West Bend owned facility, devices and structures for receiving and treating wastewater from the Silver Lake Sanitary District sewerage system.
- (61) “Watercourse” shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (62) “WPDES Permit” shall mean a permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147 of the State of Wisconsin Statutes.

1.05 RULES AND REGULATIONS:

(1) Declaration of Policy:

The Sanitary District Commission of Silver Lake Sanitary District finds and declares that the public health, comfort and safety is preserved and enhanced by the provision of the sewerage system in the promotion of a clean and healthful environment and that the failure to connect to the sewerage system is contrary to minimum health standards.

(2) Connection:

To assure preservation of public health, comfort and safety, the owner of any house, building, or property used for human occupancy, employment, recreation, or other habitation, situated within the Sanitary District and adjacent to a Public Sewer or in a block through which a Public Sewer extends, is hereby required at their expense to install suitable toilet facility therein, and to connect such facilities directly to the proper Public Sewer in accordance with the provisions of this Ordinance, within Twelve (12) months after the Public Sewer first becomes operational or if an immediate health hazard exists within 10 days upon receipt of notice from the Washington County Planning and Parks Department Office or the Town Building Inspector.

- (a) If a person fails to comply with the said notice to connect within the given period of time the Sanitary District may, at its option:
  - 1. Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property,



unless the owner within 30 days after completion of the work, files a sworn affidavit with the Approving Authority stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at a rate which is sufficient to recover the Sanitary District's costs of borrowed funds or interest plus 1 percentage point per annum from the completion of the work, the unpaid balance to be a special tax lien; and

2. Impose a standby charge, for the period of time in excess of Twelve (12) months that such failure continues after the date the Public Sewer first becomes operational, after 10 days written notice to any owner failing to make a connection to the sewerage system, for an amount equal to 150% of the Sewer Service Charge, payable monthly for the period in which the failure to connect continues. Upon failure to make such payment said charge shall be levied as a special tax against the lot or parcel to which sewer service was furnished.

(3) Alternative Disposal Prohibited:

- (a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater, if a Public Sewer is available.
- (b) No person shall discharge to any Natural Outlet within the Sanitary District in any area under the jurisdiction of the Sanitary District, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(4) Plumbers:

In accordance with Chapter 145 of the Wisconsin Statutes, specifically section 145.06, no person will be permitted to engage in or work at any plumbing in connection with the sewerage system without first receiving a license from the State of Wisconsin, Bureau of Plumbing.

(5) Maintenance of Services

All building sewers and laterals from the point of connection to the sewerage system and throughout the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant served.



(6) User Responsibilities:

- (a) Application for Service: Every person requesting connection to the sewerage system shall file an application in writing to the Town of West Bend Building Inspector, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the Office of the Town of West Bend Zoning Administrator. The application must state fully and truly the use for which this property will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain a further application and permission from the Sanitary District. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

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

- (b) Expenses: All expenses relating to the connection to the sewerage system shall be paid by the applicant or owner at the time of permit issuance. Copies of the permit shall be automatically forwarded to the Town of West Bend and the Washington County Planning and Parks Department Office at the time of application.
- (c) Connection Permits: After sewer connections have been installed into any building or upon any premises, no person shall make any alterations, extension, or attachments, unless the party ordering such work shall first obtain and exhibit the proper permit from the Silver Lake Sanitary District.
- (d) Maintenance of Laterals: The maintenance of the lateral from the building to the grinder basin shall be the responsibility of the property owner. In the event groundwater infiltrates a lateral, the Commission may order the property owner to repair or replace the lateral within 10 days.
- (e) User Use Only: No user shall allow other persons to connect to, or permit other uses to be made of, the sewerage system through their lateral.
- (f) User to Permit Inspection: Every user shall permit the Sanitary District or its 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, Should the owner or occupant of the premises refuse voluntary access to the premise, the Sanitary District is authorized to seek a special inspection warrant under Section 66.122, Wisconsin Statutes.

- (g) Responsibility: No claim shall be made against the Sanitary District or its agents or employees by reason of power outage, breaking, clogging, stoppage, or freezing or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the Sanitary District its agents or employees. The Sanitary District may cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within an area of the Sanitary District, the Sanitary District shall, if practicable, give notice to each affected user.

(7) Excavations:

- (a) Excavation requirement in any easement or public right-of-way shall be as specified and required by the authority having jurisdiction over said easement or right-of-way. In all cases, a Silver Lake Sanitary Sewer Permit is required and construction methods shall conform to the most current edition of "Standard Specifications for Sewer and Water Construction in Wisconsin".
- (b) In addition to the requirement set forth in par. (a) above, no District property owner shall cut, fill or overlay with Portland cement or bituminous asphalt, or cause the same to be cut, filled or so overlaid, in any District easement without first obtaining the written approval of the Sanitary District or its designee. In the event that such cutting, filling or overlay damages the sewerage system or that freezing of the main or main from the grinder basin subsequently occurs, the property owner shall be responsible for all repairs and maintenance resulting therefrom.
- (c) All Sanitary Sewer Permits shall expire six months from the time the application was approved and signed, thus requiring a new Sanitary Sewer Permit application be made, or the present approved Permit to be extended.



(8) Laterals:

- (a) All laterals on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR-82 as from time to time amended.
- (b) The Building Sewer Lateral shall be inspected by the Town Plumbing Inspector or his/her designee upon completion of the placement of the lateral pipe to the grinder basin. The Town Building Inspector or his/her designee may order any building sewer lateral exposed and removed for inspection.

(9) Connecting to the Mains:

- (a) No persons except those having special permission from the Sanitary District or persons in their service and approved by them will be permitted under any circumstances to connect to the Public Sanitary Sewers.
- (b) The kind and size of the connection to the Public Sanitary Sewers shall be that specified in the permit or order from the Sanitary District. A minimum of 48 hours notice shall be given to the Sanitary District and the Town of West Bend Building Inspector prior to connecting to any main.
- (c) A minimum of 48 hours notice shall be given to the Washington County Planning and Parks Department Office in order to arrange for an inspection of the abandonment of the existing septic system.

(10) Grinder Basins, Control Cabinets and Lateral Valve:

- (a) In order to permit access to the grinder basin, control cabinet and the lateral valve for maintenance purposes no property owner shall:
  - 1. plant or permit to grow any trees, shrubbery, ground cover or other vegetation within 6 feet of the center of the grinder basin; or
  - 2. allow branches to overhang, vines and vegetation to encroach within 6 feet of the center of the grinder basin; or
  - 3. place or permit to be placed any landscaping materials or other materials within 6 feet of the center of the grinder basin; or



4. plant or permit to grow any trees, shrubbery, ground cover or other vegetation within 5 feet of the center of the control cabinet or lateral valve; or
  5. allow branches to overhang, vines and vegetation to encroach within 5 feet of the center of the control cabinet or lateral valve; or
  6. place any object or objects on or across the cover of the grinder basin, control cabinet or lateral valve.
- (b) No property owner may discharge, or allow to be discharged, wastewater into the grinder basin at a rate in excess of 10 gallons per minute.
- (c) No property owner shall allow water to accumulate around the grinder basin, control cabinet or lateral valve.

(11) Clear Water Discharge:

- (a) No property owner shall discharge, allow or permit any roof drain, surface drain, sub-soil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object used for the purpose of collecting or discharging clear water or stormwater from any premises owned or occupied by said person to discharge into the grinder basin.
- (b) The discharge into a grinder basin from any drain enumerated in par. (a) above is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Sanitary District and to the protection of District property. The Commission may issue an order to eliminate such clear water or stormwater discharge within 10 days.

1.06 SEWER SERVICE CHARGES:

(1) Basis for Sewer Service Charges:

The sewer service charge shall be based on the Sewer User Charge and Sewer Customer Charge. All users will be assigned a Residential Equivalent Connection (REC) value to be used as a basis for the Sewer User Charge as determined from Section 1.17. If in the option of the Sanitary District, the information in Section 1.17 does not accurately reflect the users wastewater discharge to the sewerage system, the Approving Authority may compute a REC value to be assigned to the user.



(2) Sewer User Charge:

A Sewer User Charge is hereby imposed upon all users of the sewer system. The Sewer Use Charge shall have a component for recovering the operation, maintenance and replacement costs of the sewerage system and the City of West Bend treatment charges. The Sewer Use Charge shall be levied to each Residential Equivalent Connection (REC). On or before the first Sanitary District meeting in October of each year, the Approving Authority shall compute the Sewer Use Charge.

(3) Sewer Customer Charge:

A Sewer Customer Charge is hereby imposed upon each user connected to the sewerage system. The Sewer Customer Charge shall recover debt service costs, direct customer costs not otherwise attributed to use of the sewerage system. The Sewer Customer Charge shall be levied to each connection to the sewerage system. On or before the first Sanitary District meeting in October of each year, the Approving Authority shall compute the Sewer Customer Charge.

(4) Industrial and Commercial Charge for Other Than Domestic Wastewater:

Charges for Wastewater other than Domestic Wastewater shall be based on Flow, BOD, Suspended Solids, Phosphorus, Nitrogen, and such other Constituents which affect the cost of the sewerage system and treatment of wastewater generated in the Sanitary District. All persons discharging wastes into the sewerage system are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by a sampling and metering manhole or a discharge monitoring station. The amount of surcharge shall reflect the cost incurred by the Sanitary District and the City of West Bend in conveying, treating, and removing BOD, Suspended Solids, Phosphorus, Nitrogen, and other pertinent constituents. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.

$$\text{Surcharge} = [B_c (B) + S_c (S) + P_c (P) + N_c (N)] V_u$$

$B_c$  = O&M costs for treatment of a unit of biochemical oxygen demand (BOD)



B = Concentration of BOD from a user above the base level

Vu = Volume contribution from a user per unit of time

S<sub>C</sub>, S, P<sub>C</sub>, P, N<sub>C</sub>, N = Same definition as above for the parameters suspended solids, phosphorus and nitrogen.

(5) The Methodology of Determining the Sewer User Charge:

The methodology of determining the sewer user charges and the sewer customer charge is given in Section 1.17. The Sanitary District shall provide the initial estimate of the number of users, costs, etc. to calculate the first year's charges. Sewer charges shall be adjusted within two years after the completion of the sewerage system to reflect the actual number of users and actual costs.

(6) Seasonal Use of Premises:

- (a) It shall be the duty of the owner of any property that is used on a seasonal usage to notify the Sanitary District in writing within five days from the date such property is vacated. The property shall be inspected by the Sanitary District after notification to determine if such property is vacated. An inspection fee of \$20.00 shall be paid by the owner of the property for this service prior to September 1 of each year.
- (b) The Sewer Customer Charge shall be assessed in full to all properties used on a seasonal basis. The Sewer User Charge will be based on the Residential Equivalent Connection as determined from Section 1.17.

(7) Ready-to-Serve Charge:

The owner of each premise to which sewer service has been made available by the Sanitary District but not connected to the sewerage system for sewer service shall pay for the availability thereof a "ready-to-serve charge" provided by Section 1.06(3). Any "ready-to-serve charge" becoming effective during any year shall be charged on a monthly basis for that year in which such charge becomes effective. This charge shall begin from date of notice by the Sanitary District that the facility is ready to use. By Section 1.05(2)(a) of this ordinance connection shall be made to the Public Sewer within 12 months.



(8) Reserve Capacity Charge:

- (a) A reserve capacity charge will be collected by the Sanitary District prior to receiving a building permit. A reserve capacity charge will not be collected from existing users of the sewer system who had previously shared in a common service lateral.
- (b) The reserve capacity charge shall recover reserve capacity cost of the sewer system and loss of interest thereon. The amount of the charge shall equal the assigned Residential Equivalent Connection (REC) as defined in Section 1.17 multiplied by the rate established by the Sanitary District.
- (c) The Sanitary District shall review the appropriateness of the reserve capacity charge each year. The Sanitary District may terminate or limit any future increases to the reserve capacity charge at its discretion.

(9) Special Rates:

- (a) It is understood that the Approving Authority may at any time hereafter, set special rates for any large commercial service, industrial use, extraterritorial areas, contract users or any unique user that does not readily fit into other categories of users. The operation, maintenance, and replacement components of such special rates shall be proportionate to the rate paid by other users and shall be in compliance with the requirements of Wisconsin Administrative Code NR 162.22.
- (b) If user provides their own electricity to their grinder basin control cabinet, they may receive a credit on their User Fee Bill as defined in Section 1.17.

1.07 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHANGES:

- (1) Budget: Annually before the first Sanitary District meeting in October the Approving Authority shall prepare a budget for the following fiscal year. The budget shall include operation and maintenance costs, replacement fund costs, treatment charges from the City of West Bend, and debt service costs.
- (2) Expenditures: Expenditures for the operation and maintenance budget shall include all costs defined in Section 1.04(27) plus any projected year end deficit.



- (3) Expenditures for Debt: Expenditures for the debt service budget shall include principal, interest, premiums, paying agency fees and other expenses related to debt.
- (4) Reserves: Reserves for the operation and maintenance budget shall include any projected year-end balance (excluding replacement funds), operating fund investment income, contract revenues, permit fees, special rates, and sewer user charges.
- (5) Revenues: Revenues for the debt service budget can include any projected year-end balances in the special assessments funds, projected Reserve Capacity Charges, connections charges, sinking funds interest income and property taxes.
- (6) Revenues for Debt: Revenues for the debt service budget relating to the State of Wisconsin Clean Water Fund loan shall be recovered through the user charge system and shall also include special assessment and sewer capacity charge revenues transferred from the City of West Bend to the Sanitary District.
- (7) Operation and Maintenance: The operation and maintenance budget shall balance with the sewer use charge so that projected revenues equal projected expenditures.
- (8) Excess Revenue: Any excess revenues collected from a user class for operation maintenance and replacement costs will be attributable to that class for future charges within two years.
- (9) Sewer Service Charges: Sewer Service Charges may be billed quarterly and shall be payable at the Sanitary District office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this Ordinance shall become due and payable within 85 days from and after the date of statement. In the event that any such statement or statements are not paid within 85 days of issuance, a charge of 1-1/2% per month will be added to the current month billing charge. All late payment charges shall be applied to the total unpaid balance for the service charges. This charge is applicable to all customers.
- (10) Billing: The property owner is held responsible for all sewer bills on the premises that are owned. All sewer bills and notices of any nature, related to the sewer service, will be addressed to the owner of the property and delivered to the addressee by mail.
- (11) Failure to Receive Bill No Penalty Exemption: All reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of



sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

- (12) Delinquent Accounts: Pursuant to the authority granted under Sections 66.0809(1)(3) and 66.0821(4)(d) of Wisconsin State Statutes, the following procedure shall apply to the collection of delinquent in accounts for sewer service.
- (a) Notice of Payment Due: On October 15, of each year, notice shall be given to the owner of all lots or parcels of real estate within the Sanitary District to which sewer service has been furnished prior to October 1, by the Sanitary District and payment for which is owed and in arrears at the time of giving such notice. The secretary of the Approving Authority shall furnish the Town Clerk or Treasurer with a list of all such lots or parcels of real estate, and a notice shall be given to the property owner by the Sanitary District. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sanitary District and that unless the same is paid by November 1 a penalty of 10% of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15, the arrears and penalty will be levied as a tax against the lot or parcel of real estate to which sewer service was furnished and for which payment is delinquent. The notice may be served by delivery to either the owner personally, or by letter addressed to the owner at the post-office address of the lot or parcel of real estate.
- (b) Failure to Pay: On November 16, the Approving Authority shall certify and file with the Town Clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners of which notice of arrears and payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with added penalty. Each delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the sewer service was furnished and payment for which is delinquent, and the Town Clerk or Treasurer shall insert the same as a tax against the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to the tax if it is not paid within the time required by law for payment of taxes upon real estate.
- (c) Requesting for Hearing: The owner may within 10 days of the date the notice is sent, request a hearing on any charge disputed. Such a request for hearing shall be in writing and shall be filed with the Sanitary District. No such charge shall be placed upon the tax roll if a property



filed request for hearing is pending. All hearings shall be held by the Approving Authority within 30 days.

1.08 ACCOUNTS AND FUNDS:

- (1) The operation and maintenance fund shall contain all revenues transferred from connection charges and sewer user charges. This fund shall be used for payment of any items defined in Section 1.04(45) (30).
- (2) The debt service fund shall contain all revenues transferred from special assessment collections, connection charges, debt portion of the sewer user charge and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to debt payment.
- (3) The replacement fund shall be a segregated account established in accordance with Wisconsin Administrative Code NR 162.11. This fund shall contain all revenue transferred from the appropriate portion of user-fees and interest earned by the fund. This fund shall be used for the replacement of sewerage system equipment.

1.09 PROHIBITED DISCHARGES:

- (1) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Washington County Planning and Parks Department Office.

- (2) No person shall discharge or cause to be discharged to the collection system either directly or indirectly any of the following described wastes or wastewater.
  - (a) Any liquid having a temperature higher than 150 degrees Fahrenheit. (65 degrees Centigrade)
  - (b) Any wax, grease, oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit. (0 degrees to 65 degrees Centigrade)
  - (c) Any pollutants which result in the presence of toxic gases, vapors or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems.



- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, ungrounded garbage, grease, fat, whole blood, paunch manure, paint, hair, fleshing, paper, paper products, wipes, paper dishes, cups, milk containers, condoms, feminine sanitary products, tampons, tampon applicators, string, cord, thread, diapers, etc., either whole or ground by garbage grinders.
- (e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in municipal sewers. (100% passing 1/2" screen, 90% passing 1/4" screen).
- (f) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
- (g) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the sewerage system.
- (h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewerage system.
- (i) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the sewerage system, or which would cause the Sanitary District wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES Permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
- (j) Any radioactive wastes greater than allowable releases as specified by the current United States Bureau of Standards Handbooks dealing with the handling and release of radio-activity.
- (k) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both of combinations of free or emulsified oil and grease.



- (l) Any cyanides or cyanogens compounds capable of liberating hydrocyanic gas or acidification in excess of one-half (0.5) mg/l by weight as cyanide in the wastes.
- (m) Wastes or Wastewater which:
  - 1. Cause unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate).
  - 2. Cause excessive discoloration in the wastewater treatment facilities discharge.
  - 3. Has a total BOD, suspended solids, phosphorus or nitrogen loading in excess of domestic strength wastewater.
  - 4. Cause damage to the collection System or impair the treatment process.
- (n) Any pollutants which create a fire or explosive hazard in the sewerage system, including, but not limited to, waste with a closed cup flash point of less than 140 degrees F or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (o) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (3) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the sewerage system. Where, in the opinion of the Approving Authority, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24-hour period.
- (4) No person shall discharge any waste or wastewater which would cause the City of West Bend wastewater treatment facility to be in violation of any of the requirements of their WPDES permit.
- (4) No person shall connect to and discharge to the collection system, unless there is capacity available in all downstream components of the sewerage system as determined by the Approving Authority.



1.10 ACCIDENTAL DISCHARGES:

Any person who accidentally discharges wastes or wastewater prohibited under Section 1.09 into a sanitary sewer shall immediately report such discharge to the Approving Authority.

1.11 COST OF DAMAGE:

If the discharge from any person causes a deposit, obstruction or damage to the sewerage system, the Approving Authority shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work shall be borne by the person causing such deposit, obstruction or damage.

1.12 SAND AND GREASE TRAP INSTALLATIONS:

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

1.13 ADMISSION TO PROPERTY:

The Sanitary District, its agents and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of this Ordinance, pursuant to Section 66.122 through 66.125 of the Wisconsin State Statutes.

1.14 CONSTRUCTION OF SEWERAGE SYSTEM BEYOND AREAS HAVING IMMEDIATE NEED FOR SERVICE:

Whenever a landowner within the Sanitary District desires to or is required by any agency to install a sewerage system to service land, the landowner shall request the Sanitary District to construct the sewerage system in the following manner:

- (1) Application shall be made to the Sanitary District for a determination as to the size of the system to service the land in question and such other area that could be reasonably served. Within 60 days of application, the Sanitary District shall advise the landowner as to the availability and requirements of the service. The Sanitary District shall be responsible for the design, bidding and construction of the sewerage system including grinder basin specifications except for the installation of private laterals.



- (2) The cost of any such sewerage system shall be financed by the landowner unless otherwise agreed to by the Sanitary District for reasons which are unique to the particular project.
- (3) The cost of any such sewerage system shall include the cost of all construction, administrative, engineering, legal, fiscal and other work related to the project.
- (4) The construction of such sewerage system shall not be awarded unless the landowner has deposited with the Sanitary District a bond or cash equal to 110% of the bid of the successful bidder plus such amount to cover the costs specified in (3) above.

1.15 CONFIDENTIALITY OF CRITICAL INFORMATION:

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

1.16 VIOLATIONS:

- (1) Any person who fails to comply with any provisions of this Ordinance or with an order of the Sanitary District issued in pursuance of this Ordinance or shall tamper with metering or sampling, shall be liable to the Sanitary District for any expense, loss or damage caused by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this Ordinance, shall be fined not less than \$100.00 nor more than \$2,500.00 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this Ordinance shall constitute a new violation. Charge of ownership or occupancy of premises delinquent under the provisions of this Ordinance shall not be cause for reducing or eliminating charges due and penalties for violations.
- (2) If any user shall discharge a waste or wastewater including sewage that is inhibiting to the sewer system or wastewater treatment facility said user shall pay a penalty of up to \$200.00 per violation upon conviction. Each day a violation occurs shall constitute a separate violation. Said penalty shall be added to the quarterly billing statement, if not paid within 30 days of conviction or such other time as set by the Court.
- (3) In addition to the Court proceedings and penalties described in the foregoing sections of this Ordinance, whenever a person violates any provision of this Ordinance or fails to comply with any order of the Sanitary District, the



Sanitary District may order that an action be commenced on behalf of the Sanitary District in the Circuit Court for Washington County for the purpose of obtaining an injunction restraining the person violating the Ordinance or failing to comply with the Order, from making any future discharges into the sewerage system of the Sanitary District.

1.17 DETERMANATION OF SEWER SERVICE USER CHARGES:

(1) Residential Equivalent Connection REC Table and Unmetered Wastewater Flow Assignment:

For unmetered users of the sewerage system the following table shall be used to determine the Residential Equivalent Connection (REC) or estimate gallons of wastewater discharged to the sewerage system.

<u>RESIDENTIAL USERS:</u>	<u>REC</u>
Condominium	1.0
Seasonal single family home	0.7778
Single family home	1.0
Duplex	2.0
Apartment	1.0/unit

For unmetered commercial use of the sewerage system their wastewater flow shall be determined from the following table unless the Approving Authority determines that the information in the tables does not accurately reflect the user's wastewater discharge to the sewerage system in which case the Approving Authorty will assign a wastewater flow to the user. The REC may be determined by dividing the wastewater flow obtained from the table by the flow of the average residential user. The minimum REC for any account shall not be less than 0.75 REC. Upon completion of the REC computations all REC's will be rounded to the nearest 0.5 REC.

<u>SIC</u>		
<u>Code</u>	<u>Description</u>	<u>GPEH</u>
5812	Eating Places (Restaurants)	20.0
5813	Drinking Places (Taverns)	45.0
5949	Miscellaneous Stores	2.3
5999	All Other Retail Stores	2.3
6512	Operators of Nonresidential Buildings	2.3
7299	Miscellaneous Services, N.E.C.	2.3



NOTE; Parsonages should be regarded as single family residences.  
GPEH means gallons per employee hour.

(2) Reserve Capacity Charges:

Reserve Capacity Charges for undeveloped parcels within the Sanitary District Boundaries upon development shall be \$ 7225.69 plus approximately a 2% inflation rate since 1993 to the present and being capped at \$ 10,950.00 payable upon receiving a Sanitary Sewer Permit from the Silver Lake Sanitary District.

(3) Property Owner Furnishing Electricity:

Any property owner being required to furnish electricity to his/her Grinder Basin Control Cabinet shall receive compensation for such electricity by a monthly credit on their User Fee Charges as established by the Sanitary District as needed.

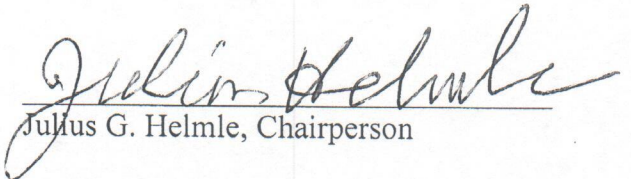


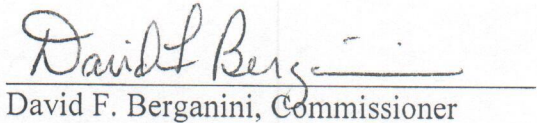
SEVERABILITY:

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

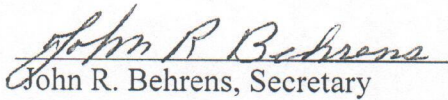
This Ordinance shall take effect upon its adoption by the District and publication as provided by law.

Adopted this 21<sup>st</sup> day of July, 2014

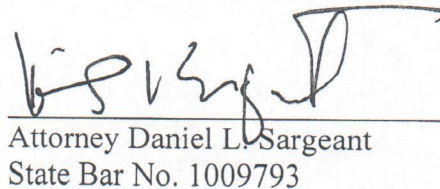
  
Julius G. Helmle, Chairperson

  
David F. Berganini, Commissioner

Attest:

  
John R. Behrens, Secretary

APPROVED AS TO FORM:

  
Attorney Daniel L. Sargeant  
State Bar No. 1009793