

Title 9

Chapter 2

Sewer Use and User Charge Ordinance (Rev. 8/97-Ord. 1997-11)

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SECTION 9-2-1 INTRODUCTION AND GENERAL PROVISIONS.

- (a) **Introduction.** This Chapter 2 regulates the use of public and private sewers and drains, connections to the public sewerage system, discharges of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Marshall. It also 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 of Marshall to comply with administrative provisions, and other discharge criteria which are required or authorized by the laws of the State of Wisconsin and/or the United States of America. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the public sewerage system.
- (b) **General Provisions.** This Chapter 2 provides a means for regulating the use of the public sewers; effectuating connections thereto; determining wastewater volumes, constituents and characteristics; the setting of charges and fees; and the issuing of permits to certain users. Revenues derived from the application of this Chapter 2 shall be used to defray the costs of operating and maintaining the wastewater collection and treatment facilities and 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 the requirements of the Wisconsin Statutes. This Chapter 2 shall supersede any previous Chapters, Ordinances, Rules or Regulations of the Village of Marshall relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter 2 and any applicable Wisconsin Statute, the Wisconsin Statute shall control in such instance.
- (c) **Legal Authority.** This Chapter 2 is enacted pursuant to the power and authority conferred by the laws of the State of Wisconsin including, but not limited to, Chapter 61 of the Wisconsin Statutes, as amended from time to time; and shall constitute the Ordinances of the Village of Marshall with respect to its subject matter hereof.

SECTION 9-2-2 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter 2 shall be as follows:

- (a) **Ammonia Nitrogen (NH₃-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄⁺. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods" or Chapter NR 149 of the Wisconsin Administrative Code.
- (b) **Approving Authority** shall mean the "Utility Superintendent" of the Village or his/her duly designated representative.
- (c) **Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20^oC, expressed as milligrams per liter (mg/l). Quantitative determination of DOD shall be made in accordance with procedures set forth in Standard Methods.
- (d) **Board** shall mean the Village Board of the Village of Marshall.
- (e) **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer.

- (f) **Building Sewer** shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with a public sewer.
- (g) **Chlorine Requirement** shall mean the amount of chlorine, in milligrams per liter (mg/l), that must be added to wastewater to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods".
- (h) **Combined Sewer** shall mean a sewer intended to receive both wastewater and storm or surface water.
- (i) **Commercial User** shall mean any user including those defined in Section 9-2-8 (a) (4) hereof (exclusive of Industrial Users) whose premises are used primarily for the conduct of a particular enterprise, including but not limited to businesses such as wholesale or retail trade finance, insurance, real estate or services, schools, and churches and who discharges primarily domestic-strength wastewater.
- (j) **Compatible Pollutants** shall mean BOD, suspended solids, total kjeldahl nitrogen, phosphorus, plus additional pollutants identified in the **WPDES** permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (k) **Composite Sampling (24 Hours)** shall mean the combination of individual samples taken at intervals of not more than one (1) hour.
- (l) **Delinquent Account** shall mean an account which has a bill for service unpaid after payment is due.
- (m) **Domestic Wastewater or Normal Domestic Strength Wastewater** means water-borne wastes normally being discharged from the sanitary conveniences of single family dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of pollutants is as follows:
 - (1) Not more than 250 mg/ l for a five day, 20⁰C, BOD content;
 - (2) Not more than 250 mg/l for suspended solids content,
 - (3) Not more than 30 mg/1 for ammonia; and
 - (4) Not more than the 6 mg/l per phosphorous.
- (n) **Equivalent Meters** means the number of equivalent 5/8-inch water meters and shall be based on the following:

<u>Meter Size</u>	<u>Number of Equivalent 5/8 – inch meters</u>
5/8-inch	1
3/4-inch	1
1-inch	2.5
1 1/4-inch	3.5
1 1/2-inch	5
2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	125
12-inch	160

- (o) **Federal Act** means the Federal Water Pollution Control Act (33) U.S.C. 1151 et seq. and Pub. L. 84-660 as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243, or any subsequent amendments, or as implemented by Chapter 147, Statutes of the State of Wisconsin, or appropriate sections of the Wisconsin Administrative Code

- adopted pursuant to Chapter 147 as well as any guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act, all as amended from time to time.
- (p) **Fixed Charge** shall mean a monthly or quarterly sewer user charge based on the size of the water meter (s) (i.e., equivalent meter) servicing such user. This charge may recover certain debt costs, and fixed operating expenses.
 - (q) **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. Wastewater or septage shall be considered free of float able fat if it is properly pre-treated and the wastewater does not interfere with the collection or treatment systems of the Village.
 - (r) **Flow Proportional Sample** shall mean a sample taken that is proportional to the volume of flow during the sampling period.
 - (s) **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.
 - (t) **Ground Garbage** shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be not greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
 - (u) **Holding Tank Waste** means any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, vacuum pump tank trucks or other similar storage facilities.
 - (v) **Incompatible Pollutants** shall mean wastewater or septage with pollutants of such strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility of the Village.
 - (w) **Industrial User** means any user defined in CFR Title 40, Section 35.905-8 who has an industrial discharge.
 - (x) **Industrial Waste or Discharge** shall mean the wastewater from an industrial process, trade, or business (as distinct from Domestic Wastewater) including cooling water and the discharge from sewage pretreatment facilities.
 - (y) **Inflow/Infiltration** shall mean that portion of groundwater, surface water, and rainfall that drains into a sanitary sewer.
 - (z) **Interceptor Sewer** (also main sewer or sanitary sewer main) shall mean a sewer whose primary purpose is to convey wastewater from a collection system or systems to a wastewater treatment facility. Size of the sewer is not a factor in defining an interceptor.
 - (aa) **Lateral** means the Village-owned and installed service sewer pipe connecting the Building Sewer and the sewers of the Village.
 - (bb) **Licensed Disposer** shall mean a person or business holding a valid license to do septage servicing under NR 113.
 - (cc) **Municipal Wastewater** shall mean the wastewater of a municipality, including that of the Village of Marshall. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the sewerage system of the municipality.
 - (dd) **Natural Outlet** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
 - (ee) **Non-Industrial User** means any user producing wastewater from residences, commercial buildings, public buildings or institutions or from any other source not defined in CFR Title 40, Section 35.905, as amended.
 - (ff) **Operation and Maintenance Costs** shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to

- administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.
- (gg) **Owner** shall mean any person or persons who holds title to a parcel or parcels of property to which this Ordinance pertains.
- (hh) **Parts Per Million** shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (ii) **Person** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.
- (jj) **pH** shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10.
- (kk) **Phosphorus (P)** shall mean total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus should be made in accordance with procedures set forth in "Standard Methods."
- (ll) **Pretreatment** means treating industrial wastes as required by a government agency to remove or reduce the quality of one or more pollutants prior to discharge into a public sewer.
- (mm) **Public Sewer** shall mean any sewer owned, maintained or provided by the Village of Marshall.
- (nn) **Replacement Costs** shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility which is normally 20 years. A separate segregated distinct replacement fund shall be used for only replacement of the mechanical equipment.
- (oo) **Sanitary Sewage** shall mean a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.
- (pp) **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.
- (qq) **Septage** shall mean the wastewater or contents of septic tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portage restrooms.
- (rr) **Service Life** shall mean the expected life of individual pieces of equipment. In many instances, the service life of a piece of equipment will be shorter than the useful life of the overall treatment plant.
- (ss) **Sewage is** the spent water of a community. The preferred term is "wastewater."
- (tt) **Sewer** shall mean a pipe or conduit that carries wastewater or drainage water.
- (uu) **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, of said facilities.
- (vv) **Sewer System** means the public sanitary sewers within a sewerage system. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized

lines for individual structures or grounds of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Village. For example, a Building Sewer is not part of the sewer system.

- (ww) **Sewerage System** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, including the wastewater treatment works, excepting plumbing inside and in connection with buildings served, and service pipes, from building to street main, i.e., a Building Sewer.
- (xx) **Shall** is mandatory.
- (yy) **Significant Industrial Contributor** shall mean a user that has a discharge flow which:
- (1) Is greater than 10,000 gallons on any day of the year; or
 - (2) Is greater than five percent (5%) of the total flow rate or design compatible pollutant loading received at the Village's wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Chapter NR 211 of the Wisconsin Administrative Code; or
 - (3) Has been notified in writing by the DNR or the Village that it is necessary to provide information concerning the concentration and quantity of the pollutants discharged.
- (zz) **Slug Load** shall mean any substance release at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (aaa) **Stats.** shall mean the Wisconsin Statutes in effect from time to time.
- (bbb) **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 and is in compliance with Federal Regulations 40 CFR §136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.
- (ccc) **Storm Drain** (sometimes termed "Storm Sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.
- (ddd) **Storm Water Runoff** shall mean that portion of the rain fall that is collected and drained into the storm sewers.
- (eee) **Suspended Solids** shall mean solids that either float on the surface, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non filterable residue.
- (fff) **Surcharge.** Any user of the wastewater treatment facility whose discharge exceeds in one or more parameters (BOD, SS etc.) of the concentration of normal domestic-strength wastewater for that parameter shall be subject to a surcharge. The amount of such surcharges shall reflect the costs incurred in removing the high-strength BOD and/or suspended solids, and/or other pollutants from the wastewater. A surcharge is in addition to all fixed and variable charges.
- (ggg) **Total Kjeldahl Nitrogen (TKN)** shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.
- (hhh) **Unmetered User** shall mean a user who is not connected to the municipal water system and thereby does not have its private water supply metered.
- (iii) **Unpolluted Water** shall mean water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (jjj) **User** means any person who discharges, or causes to be discharged domestic wastewater or industrial discharges into the public sewerage system.

- (kkk) **User Charge** shall mean the same as a Sewer Service Charge.
- (lll) **Variable Charge** shall mean a sewer use charge based upon the volume of normal domestic-strength wastewater to be transported.
- (mmm) **Village** shall mean the Village of Marshall, a municipal corporation located in Dane County, Wisconsin.
- (nnn) **Village Board** shall mean the Board of the Village.
- (ooo) **Wastewater Facilities** shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (ppp) **Wastewater Treatment Works or Plant** shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes used as synonymous with waste treatment plant.
- (qqq) **Watercourse** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (rrr) **WPDES Permit** shall mean the permit issued from time to time to the Village by the Wisconsin Department of Natural Resources ("DNR") that authorizes the Village to discharge effluent to a watercourse in the State of Wisconsin.

SECTION 9-2-3 GENERAL REQUIREMENTS.

- (a) **Disposing of Pollutants on Land.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private lands within the geographic area of the Village or in any area under the jurisdiction of the Village, any human or non-farm animal excrement, garbage, wastewater or other pollutants.
- (b) **Discharge into Watercourses.** It shall be unlawful to discharge to any water source or other natural outlet within the Village any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the subsequent provisions of this ordinance and with all federal, state and local statutes, ordinances and regulations which are applicable.
- (c) **Privies, Septic Tanks, Etc.** It shall be unlawful to construct or maintain any privy, privy vault, cesspool, holding tank or similar facility within the Village. Septic tanks and other effluent absorption systems may be constructed and maintained only as hereinafter provided.

SECTION 9-2-4 GENERAL MANAGEMENT, OPERATION, AND CONTROL.

- (a) **Management.** The management, operation, and control of the sewerage system of the Village shall be vested in the Board. All records, minutes and all written proceedings thereof shall be kept by the Village Clerk.
- (b) **Construction Authority.** The Village Board shall have the power to construct sewer lines for public use, and shall have the power to lay sewer lines for public use, and shall have the power to lay sewer pipes in and through the public alleys, streets, and public grounds located within the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village shall have power by itself, its officers, agents or servants, to enter upon any land in the Village for the purpose of making examination or supervise in the performance of their duties under this Chapter 2, without liability therefor; and the Village shall have power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the sewerage system, or for any repair, remodeling, or additions thereto.

- (c) **Owner's Maintenance of Lateral and Building Sewer.** The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including the Building Sewer, the Lateral and 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. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all Laterals and Building Sewers. The ownership of the Building Sewer shall at all times be vested in such property owner. All other sewer lines, including the Lateral, are owned by the Village. All sewer pipes 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 re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a Lateral or Building Sewer, the same shall be the responsibility of the property owner receiving the service there from, except as provided for in Section 9-2-5(f) hereof or as otherwise provided for herein.
- (d) **Title to Real Estate and Personal Property.** All property, real, personal, and mixed, including but not limited to easements acquired for the construction of the Village's sewerage system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, equipment, machinery, and fixtures pertaining thereto, shall be the property of and titled in the name of the Village.
- (e) **Authority.** Nothing contained in this Chapter 2 shall be construed as limiting the power and authority of the Approving Authority or the Village as provided for by applicable Wisconsin Statutes; and the Approving Authority and the Village shall have all rights and authority as provided for by law, in addition to those provided for herein.
- (f) **Annexations to Village.** Territory may be added to the Village in the manner provided for by law. In the event of any such addition, the Village may condition the provision of sewer service to such territory upon the owner thereof making such contributions, dedications and payments as the Village Board may reasonably require in order to provide such sewer service.
- (g) **No Sewer Service Outside of Geographic Boundaries of Village.** Notwithstanding anything to the contrary contained herein, no sewer service shall be made available or provided to properties that are not located within the geographic boundaries of the Village, which boundaries may be in effect from time to time.

SECTION 9-2-5 ADMINISTRATIVE RULES AND REGULATIONS.

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

- (a) **General Provisions.**
 - (1) **Agreement to Rules and Regulations.** All persons now receiving sewerage disposal and treatment service from the Village or who may hereafter make application for such service or who otherwise receive such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Chapter 2, as amended from time to time; and such agreement is a condition precedent to the provision of such sewerage service.

- (2) **Inspections.** Any connection to the public sewers within the Village shall be subject to the prior inspection and approval of the work by an authorized representative of the Village. No trench or other excavation shall be filled, or any connection completed, without such prior inspection. The applicant requesting the connection shall reimburse the Village upon request for all inspection costs incurred, if not previously paid as part of the Application Fee.
 - (3) **Disconnection and Refusal of Service.** Sewer service may be disconnected or refused for any of the following reasons:
 - (a) Violation of this Chapter 2, as amended from time to time;
 - (b) Failure to pay the Application Fee, any Connection Fee or the delinquent sewer service charge account of the user.
 - (4) **Disconnection for Delinquent Accounts.** A bill for service is delinquent if unpaid after the due date shown on the bill. The Village may direct the Approving Authority to disconnect service for a delinquent bill by giving the users, at least seven (7) calendar days prior to disconnection, a written disconnect notice which may be included in the bill for service. For purposes of this rule, the due date shall not be less than twenty days after issuance of the bill. The Approving Authority may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any user for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.
- (b) **Plumbers.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewerage system without first receiving a license from the State of Wisconsin and obtaining a permit from the Village. All service connections to the sewer main shall comply with the State plumbing code, as amended.
- (c) **Mandatory Connections.**
- (1) Within the Village, the owner of each parcel of land adjacent to a public sewer main on which there exists a building used or usable for human habitation or in a block through which such system is extended, shall connect to the public sewer system within sixty (60) days of notice in writing from the Approving Authority. Upon failure to do so, the Village Board may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within thirty (30) days, such costs shall constitute a special tax lien against the property, in the manner provided for by law. However, the owner may within thirty (30) days after the completion of the work file a written election with the Village stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five (5) or less equal annual installments. The amount shall be so collected with interest at a rate not to exceed fifteen percent (15%) per annum from the date of completion of the work, all as determined by the Village Board. The unpaid balance shall constitute a special tax lien, all pursuant to sec. 144.06, Stats., as amended.
 - (2) In lieu of the above, the Village Board, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to any owner failing to make a connection to the public sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, said penalty shall be assessed as a special tax lien against the property, all pursuant to sec. 144.06, Stats., as amended.
 - (3) This Section 9-2-5(c) ordains that any such failure to connect to the public sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, welfare, comfort, and

safety; and that such failure constitutes a public nuisance under sec. 823.02, Stats., as amended, subject to abatement as provided for therein.

- (d) **Building Sewer Connection and Maintenance Expense.** Persons attaching to a public sewer shall have the Building Sewer installed at their own cost and expense. Every property owner in the Village shall pay for all service and maintenance of the Building Sewer (which is deemed to be the private line for the property) connecting such owner's business, home, apartment or any other building to the sewerage system of the Village. Service and maintenance of the Building Sewer shall be done by a licensed plumber upon a private service basis; and the Village shall not furnish such service except in an emergency and then the owner of the Building Service shall be charged the normal service rate existing at the time such emergency service is performed. If there is no Lateral to which the Building Sewer can attach, the Village shall install the same at the expense of the person attaching to the public sewer system. Building sewers shall only be connected following issuance of a permit therefore pursuant to Section 9-2-5(b) hereof.
- (e) **Tap Permits.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments thereto, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Village.
- (f) **Obstruction of Laterals and Building Sewers in Public Right of Ways.** In the event of any blockage, damage or break in any Lateral or Building Sewer, which occurs within a public street, alley, highway, or other public right of way, the Village shall have the exclusive right and option to repair the Lateral or Building Sewer within said street, alley, highway, or right of way. In such event, the owner of the Building Sewer shall promptly reimburse the Village for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.
- (g) **Backwater valves.** All floor drains shall have a backwater valve installed at the owner's expense, unless the Approving Authority determines such installation is not necessary or appropriate. This provision shall be effective as to all building connections to the public sewer occurring after the effective date of this Ordinance.
- (g) **User use only.** No user shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.
- (h) **Discontinuance of Service.** Whenever any person desires to discontinue sewer service from the system, the Approving Authority must first be notified in writing prior to such disconnection. Such discontinuance of service may be handled in the same manner as discontinuance of water service by a user.
- (i) **User to Permit Inspection.** Every user shall permit the Village or its duly authorized agent, at all reasonable time, to enter their premises or building(s) to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Chapter 2 and sec. 196.171, Stats., to the extent applicable.
- (j) **Village Responsibility.** It is expressly stipulated that no claim shall be made against the Village or the Approving Authority or their agents, employees and representatives by reason of the breaking, clogging, stoppage, or freezing of any pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off sewer services 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 sewerage

system within the Village, the Approving Authority shall, if practicable, give notice to each and every user within the affected area of the time when such service will be shut off.

- (k) **Excavations.** All excavation relating to the installation, repair or removal of sewerage facilities shall be subject to the provisions of Title 15, Chapter 1, Section 6 of the Code of Ordinances of the Village.
- (l) **Installment of Building Sewers.** All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section ILHR 82.10, "Basic Plumbing Principles," as amended. As required by Section ILHR 82.21 (1) (d), Part 2, all laterals shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.
- (m) **New Connections.** New connections to the Villages sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the Village.

SECTION 9-2-6 PUBLIC SEWER MAIN EXTENSION

(a) Building Sewer Connections to Sewer System.

(1) **General.** Any person desiring to connect a Building Sewer directly with any public sewer owned by the Village shall make application to the Approving Authority for permission to make such connection. The Approving Authority shall not grant permission for connection where the sewer owned by the Village is not adequately sized to transport the anticipated flow. No work of laying a Building Sewer shall begin or be continued without a permit being posted on the premises of the subject user.

(2) **Application for Connection of Building Sewer to Sewer System.** Applications shall be in writing on such forms as are prescribed for that purpose, prior to commencing use of such service. The application must describe fully and truthfully all the wastes which are anticipated to be discharged; the location of the premises, the time the work is to be done, and such other information as the Approving Authority may reasonably require. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. Persons connected to the public sewers of the Village are referred to herein as "users" by submitting such an application, all users are deemed to have agreed to be bound by this Chapter 2, as amended from time to time. If it appears that the service applied for will not provide adequate service for the contemplated use, the Approving Authority may reject the application. If the Approving Authority approves the application, the Approving Authority shall issue a connection permit as shown on the application. The permit may be incorporated into the building permit. No service shall be provided or application approved without prior payment of all applicable fees.

(b) Connection of New Community Sewers to Existing Public Sewers.

(1) **General.** Any developer or person desiring to construct a new sewer (herein the "new community sewer"), which will subsequently be conveyed and dedicated to the Village of Marshall and connected to the existing public sewerage system, shall first make application for permission to make such connection. No work or laying of the proposed new community

sewer shall be commenced or continued without first obtaining approval by the Village Board of the plans and specifications and without first obtaining the required connection permit. The connection permit shall be on the premises or in the hands of a professional engineer licensed to practice in the State of Wisconsin at all times during construction. The Village Board shall not grant permission for connection to the sewer system unless the downstream components have a reserve capable of accepting them and unless the new sewers and connections to the sewer system are properly designed and constructed in accordance with accepted practice and code.

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

(a) **General.** Application shall be made to the Village Board or its designee, in writing, by a professional engineer licensed to practice in Wisconsin.

(b) **Application Form.** Application shall describe the location of the requested connection, the character of the wastewater to be transmitted, the time when the work is to be done and such other information as may be required by the Village Board or its designee; and shall include a statement that the design, construction, operation and maintenance of the system shall be subject to the lawful rules and regulations of the Village Board. The application shall also include the following information.

- (1) Name of development and the legal description of the property involved, identification of the fee simple owner thereof and all liens or encumbrances thereon.
- (2) Plat map, certified survey map or other map showing street layout and lot sizes.
- (3) Zoning of the property.
- (4) Proposed plans and specifications for the sewers.
- (5) Name and address of consulting engineer.
- (6) Number of housing units and/or other units to be constructed.

The plans and specifications shall be prepared by a professional engineer licensed to practice in the State of Wisconsin and shall conform to State and Local plumbing codes and the requirements of the DNR.

(c) **Plans and Specifications.** Plans and specifications shall be submitted to the Village Board or its designee at least fifteen (15) calendar days prior to the Village Board meeting at which the application shall be considered. The Village Engineer shall first review said plans and specifications for conformity with all design standards as periodically adopted by rule or regulation of the Village Board and shall then transmit the plans and specifications along with his recommendations thereto to the Village Board.

(d) **Conditions of Approval.** The Village Board shall review the plans and specifications for conformity with all ordinances, administrative rules and regulations, and for any other matter within its jurisdiction. The Village Board shall then either approve, conditionally approve or reject the plans and specifications. The applicant shall be informed in writing of the action taken and, if the plans and

specifications are approved conditionally or rejected, it shall be so given in writing. Unless the time is extended by written agreement between the applicant and the Village Board, failure to complete the action required herein within ninety (90) days of the filing of the plans and specifications with the Board or its designee shall constitute a disapproval of the plans and specifications by the Board. In no event shall construction proceed until all State of Wisconsin and other required approvals are granted. The Village Board's approval of the plans and specifications and the issuance of the connection permit shall be conditioned upon approval by the State of Wisconsin. Further in granting its approval, the Village Board may condition its approval upon compliance with:

- (1) Any other applicable provisions of the Code of Ordinances of the Village;
- (2) Any applicable statute, rules, orders, or codes of the State of Wisconsin, or any other governmental body having jurisdiction thereof;
- (3) The applicant making and installing the public sewer main extension at his/her/its sole cost and expense or otherwise providing a surety bond or other reasonable security to ensure that the main will be so constructed within a reasonable period of time;
- (4) The dedication of such rights of way, easements and sewerage facilities as the Village Board may reasonably require;
- (5) The payment of all costs and expenses incurred or to be incurred by the Village in connection with the review and approval of such sewer extension, including but not limited to engineers fees, attorneys fees, inspection fees and other similar costs and expenses;
- (6) The payment of any applicable Connection Fees due or to become due pursuant to this Ordinance; and
- (7) Any other condition determined by the Village Board to be fair and reasonable in order to protect the interest of the Village in connection with the proposed development.

(c) **Application Fees.** Where the application for service is for a connection to the Village's public sewers, the application shall be accompanied by an Application Fee (s) in an amount to be determined from time to time by resolution of the Village Board. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between anticipated residential users and commercial/industrial users. The payment of this fee(s) shall be in addition to any Connection Fees that may be charged to or on account of new users by the Village. Application Fees in effect as of the date of adoption of this Ordinance are set forth in Appendix 1 attached hereto. The Village Board may change such fees at any timely resolution duly adopted to that effect.

(d) **Contract for Sewer Improvements.** The Village Board may require the person filing an application pursuant to Section 9-2-9 (a) hereof, to enter into a written development agreement with the Village, as a condition precedent to the approval of the sewer main extension. Such agreement shall define the scope of the work, the obligations of the applicant to construct the sewerage facilities, the requirement set forth therein, and such other matters as the Board may reasonably determine. The applicant shall reimburse the Village for all attorneys fees incurred hereunder.

- (e) **Sewer Extension by Village.** The Village Board may, on its own, cause any public sewer main to be extended at such time and under such conditions as the Village Board deems appropriate in its sole discretion.
- (f) **Conflict with Other Laws.** Nothing contained herein shall be constructed as obligating the Village to approve of any sewer extension request, or any development request, or any land division or subdivision. In any such circumstance, all applicable provisions of the Code of Ordinances of the Village or the Wisconsin Statutes shall control.
- (g) **Fees Payable.** All Application Fees, Connection Fees and other outstanding charges due against the land for local sewer, interceptors, force mains, treatment facilities and lift stations previously installed by the Village shall be paid in full prior to making connection to any new community sewer or Building Sewer to the public sewers.

SECTION 9-2-7 USE OF THE PUBLIC SEWER

- (a) **General Provisions.**
 - (1) **No Clean Water Discharges.** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, water from sump pumps, ground water, roof rain, subsurface, drainage or collecting water to any sanitary sewer.
 - (2) **Compliance With Ordinance.** No person shall discharge wastes into a public sewer within the Village, except in accordance with the provisions of this Ordinance, as amended from time to time.
 - (3) **Special Arrangements.** No provisions contained in this Chapter 2 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 collection and treatment facilities either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense from such person.
 - (4) **No Discharge to Violate General Permit for Bypassing.** No person shall discharge or cause to be discharged any waters, waste waters or other substances of any kind or nature that will result in or otherwise cause a violation of any "General Permit for Bypassing" if any, issued by the DNR and held by the Village.
- (b) **Prohibited Discharges.**
 - (1) **General Prohibitions.** No person shall discharge wastes or incompatible pollutants to a public sewer, which cause or are capable of causing either alone or with other substances:
 - (a) A fire or explosion;
 - (b) Obstruction of flow or damage to the wastewater facilities;
 - (c) Danger to life or safety of persons;
 - (d) Air pollution as defined in Section 144.30(2), Stats. ;
 - (e) Prevention of effective maintenance or operation of the wastewater treatment facilities;
 - (f) Any product of the Village's treatment processes or any of the Village's residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
 - (g) A detrimental environmental impact, a nuisance or any condition unacceptable to any public agency having regulatory jurisdiction over the Village;

- (h) Any sanitary sewer or the Village's wastewater treatment facilities or collection system to be overloaded;
 - (i) In the opinion of the Village Engineer, excessive Village collection and treatment costs, or use of a disproportionate share of the Village's sewerage facilities; or
 - (j) A violation of the Village's WPDES Permit.
- (2) **Specific Prohibited Discharges.** No person shall make prohibited discharges into the public sewers. Prohibited discharges shall include but not be limited to:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - (b) Any wastes containing toxic or poisonous solids liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. The toxics prohibited include any published in the current lists as managed by Section 307 (a) of the Clean Water Act of 1977, as amended;
 - (c) Any waters or wastes having a pH lower than 5.5 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or treatment works personnel;
 - (d) Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders;
 - (e) Any wastewater from industrial plants containing float able oils, fats or greases;
 - (f) Any wastewater which contains organi-sulfur or organo-phosphate pesticides, herbicides or fertilizers; or
 - (g) Any wastewater containing animal wastes.
- (c) **Cooling Water.** Cooling water, process water or blow down from cooling towers or evaporative coolers; shall not be discharged into any public sewer. However, in case of extreme hardship, the Village Board may permit such discharge, based upon requirements of the State plumbing code, and payment of all applicable charges and fees.
- (d) **Limitations on Discharge Characteristics.** Any person discharging waste waters into the public sewers is subject to the following limitations:
- (1) **Limitations Related to Treatment Plant Influent** Discharge to the public sewerage system of the following described substances, materials or waters or wastes shall be limited to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance. Prohibited Substances are:
- (a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 - (b) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
 - (c) Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States

- Bureau of Standards Handbook, or which violate rules or regulations of any applicable regulatory agency.
- (d) Wastewater containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
 - (e) Wastewater containing more than 100 mg/1 of oil or grease of animal or vegetable origin.
 - (f) Wastewater which, in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
 - (g) Wastewater which contains in excess of: 1.00 mg/1 aluminum 0.02 mg/1 cadmium 0.20 mg/1 copper 0.20 mg/1 lead 2.00 mg/1 mercury 0.30 mg/1 selenium 0.04 mg/1 silver 0.10 mg/1 hexavalent chromium 0.50 mg/1 total chromium 2.00 mg/1 zinc.
 - (h) The Village Engineer may change the requirements established in the regulations above if necessary to meet the objectives of this Ordinance or the condition of the Utility's WPDES permit.
- (2) **Limitations Related to Treatment Plant Effluent.** No persons shall discharge any wastewater to the public sewerage system which, in combination with other discharges, results in a treatment plant effluent having concentrations exceeding the following limits:
- (a) 0.100 mg/1 total phenols
 - (b) 0.005 mg/1 free cyanides
 - (c) 0.002 mg/1 polychlorinated biphenols (PCB's)
- (e) **Accidental Discharge of Prohibited Wastewater.** Any person who discharges into the public sewerage system wastes or wastewater prohibited under this Ordinance shall immediately report such a discharge to the Approving Authority. Within fifteen (15) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Approving Authority and Village Engineer.
- (f) **Alternatives to Acceptance of Wastewater.** If any waters or wastes are discharged or proposed to be discharged to the public sewers in excess of those limitations enumerated in Section 9-2-7(d) above, the Village may:
- (1) Reject the wastes;
 - (2) Require pretreatment;
 - (3) Control the quantities and rates of discharge; and/or
 - (4) Recover from the discharger the increased costs of handling and treating such wastes.
- (g) **Pretreatment of Industrial Wastes.** Industrial users may be required to pretreat their wastewater when necessary to protect the wastewater facilities or prevent discharge of incompatible pollutants. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the user. Pretreatment facilities shall be operated by qualified personnel holding a Grade 1 certificate in appropriate subgrade as issued by the DNR.
- (h) **Sand and Grease Trap Installations.** All customers served by the Village shall require the installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes, restaurants, bars, taverns, commercial establishments, where discharge of sand, flammable wastes, exceeding limits of Section 9-2-7, and other industrial or necessary to prevent oil or grease in amounts All such traps shall be at his expense, in Code and the constructed and maintained by the owner accordance with the Wisconsin Plumbing specifications of the Village, and shall be readily accessible for cleaning and inspection.

SECTION 9-2-8 WASTEWATER MEASUREMENT, SAMPLING AND REPORTING

- (a) **Monitoring Facilities.** Wastewater characteristics and constituents (other than for domestic wastewater) shall be monitored to determine compliance with this Ordinance and to facilitate an equitable system of user charges.
- (1) **New User.** A new user who expects to discharge, or who is capable of discharging wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
 - (2) **Existing User.** An existing user whose discharges are different from domestic wastewater may be required by the Village Board to install a monitoring facility. Construction of such facility shall be completed within ninety (90) days after the user has been notified in writing by the Board of the requirement, unless the Board grants an extension of time.
 - (3) **Monitoring Facilities.** All monitoring facilities shall be constructed at owner's expenses in accordance with plans approved by the Village Engineer. The monitoring facility shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes, and shall be maintained by the owner so as to be safe and accessible at all times. Monitoring facilities may include, but not be limited to, control manholes; and shall be so installed pursuant to the requirements of Section 9-2-8(c) hereof.
 - (4) **Commercial Uses.** For purposes hereof, a Commercial User is a person (other than a Residential User discharging wastewater from a single family or multiple family dwelling unit except as hereinafter set forth or an Industrial User) who discharges wastewater from transient lodging facilities; from establishments rendering service to others including food service; retail and wholesale establishments selling merchandise to others; mobile home parks; and multifamily dwellings containing in excess of three (3) units per building or structure; provided such building or structure is served by a single water meter. Any new or existing Commercial User shall, if the Village Board so determines in the exercise of its reasonable discretion, be required to install a wastewater monitoring facility (to determine flows and concentration of substances). Such installation shall occur at the location designated by the Village Engineer; and at the expense of such Commercial User, unless the Village Board shall otherwise determine. Upon receipt of written notice from the Village Clerk acting on behalf of the Village Board, all existing Commercial Users whom the Village Board has determined to require monitoring facilities shall have 90 days within which to complete installation of such monitoring facility or such longer time as the Village Board may determine.
- (b) **Waiver.** The requirements in Paragraphs (1), (2), (3) and (4) of this section may be waived upon special written permission of the Village Board, after consultation with the Village Engineer.
- (c) **Control Manholes.**
- (1) Each person discharging Industrial Wastes into a public sewer shall construct and maintain one or more control manhole or access points to facilitate observation, measurement, and sampling of their waste, including Domestic Waste sewage. "Control Manhole" is a structure located on a site from which wastewaters of greater than domestic strength are discharged. When feasible, such manholes shall have an interior drop. The purpose of the control manhole is to provide oaks for the Approving Authority and the owner to obtain a representative sample and/or measure discharges.

- (2) Control manholes or access facilities shall be located and built at such locations and in such manner as may be acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.
 - (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the Industrial Waste at its expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- (d) **Powers and Authority for Inspection and Sampling.**
- (1) **Access to Monitoring Facilities.** Agents of the Village or Approving Authority shall be allowed access to a monitoring facility located on any user's premises.
 - (2) **Utility Inspections.** The Village Board may designate inspectors who, bearing proper credentials and identifications, shall be allowed access to all property served by the Village for the purpose of inspection, observation, measurement, sampling and testing of discharges to the wastewater facilities, or for the purpose of inspection, repair or maintenance of any portion of the Village's wastewater facilities.
 - (3) **Information Furnished.** The Village Engineer, Approving Authority or their designee may require Industrial Users to provide information about industrial processes which may have an effect on the nature of the Industrial Discharges. Such industrial process information may be withheld if the Industrial User demonstrates to the satisfaction of the aforesaid persons that release of such information to the public would reveal trade secrets or result in an advantage to competitors. No effluent data may be withheld from the Village but it shall be kept confidential by the Village if necessary to protect trade secrets of an industrial user.
 - (4) **Inspections.** The Village Engineer, Approving Authority or their authorized representative shall be permitted to enter all areas served by the Village at reasonable times for the purpose of making surveys or examinations.
 - (5) **Control Manhole.** The Village Board reserves the right to require any user of the sewer system to install and maintain, at the user's expense, a control or monitoring manhole on the user's Building Sewer. The user shall provide the Village free and unobstructed access to the installed manhole.
- (e) **Reporting Requirements.**
- (1) **Information Required.** The Village Board may require a user to provide information concerning but not limited to:
 - (a) Volume, time and peak rate of discharges;
 - (b) Chemical analysis of discharges;
 - (c) Raw materials, processes and products relevant to discharge characteristics;
 - (d) Discharges of specific wastes such as sludge, oil, solvent or incompatible pollutants;
 - (e) Plot plans of sewers on the user's property showing locations of sewers, monitoring facilities and pretreatment facilities;
 - (f) Details of pretreatment facilities;
 - (g) Details of systems to prevent losses of materials through spills to the Village sewer system.
 - (2) **Annual Report.** Each Significant Industrial Contributor shall submit to the Board and the Approving Authority by the fifteenth (15th) of March each

year a report on the quality and quantity of its Industrial Discharges. The report shall be a copy of the form required by Wis. Adm. Code NR 101, and shall contain at least analyses for compatible pollutants (e.g., BOD, SS, and pH) and for all incompatible pollutants set forth in Section 9-2-7(d) of this Ordinance unless the contributor has obtained specific exemption from reporting certain constituents.

- (3) **Reports of Discharge.** If any Significant Industrial Contributor discharges incompatible pollutants which require pretreatment prior to discharge to the public sewerage system, the quality and quantity of the discharge shall be reported to the Board and the Village Engineer quarterly by March 15, June 15, September 15, and December 15.
- (f) **Letter of Intent and Compliance Requirements.** The Village Engineer or Approving Authority may request any industrial contributor to submit a letter of intent to the Village Board. The purpose of the letter of intent is to assure that the industrial contributor will properly use the wastewater treatment facilities, and to project the quality and quantity of the contributor's industrial discharges. The request shall be in writing and shall include a letter of intent form to be returned by the industrial contributor. The form provided by the Village Engineer shall specify the waste load characteristics and flows to be projected and the period of time to be covered by the letter of intent, not to exceed twenty (20) years. No provisions of this section shall be construed to provide less stringent discharge standards than are required by State or Federal regulations.
- (1) **Letter of Intent Required.** Within sixty (60) days after receipt of the Village Engineer's written request for a letter of intent, the industrial contributor shall return the signed and completed letter of intent form to the Village Engineer. The returned letter of intent shall contain all the information requested and shall be signed by one having full authority to enter contracts for the industrial contributor.
 - (2) **Compliance with Terms of Letter of Intent.** The projected quality and quantity of industrial discharges specified in the letter of intent shall not be exceeded by the industrial contributor during the period established unless a written exception is granted by the Village Board. The Village may refuse to accept any flow or waste load discharge by an industrial contributor in excess of the limitations in the letter of intent.
 - (3) **Pretreatment May Be Required.** In the event that an industrial contributor exceeds waste load and flow projections contained in its letter of intent, the Village Board may require the contributor to pre-treat the industrial wastes. The industrial contributor shall construct, install and operate the necessary pretreatment facilities at its own expense, and in accordance with the plans and specifications approved by the Village Engineer, and any other local, state or federal agency having regulatory authority with respect to such pretreatment facilities. A pretreatment facility shall be operated by qualified personnel, holding a Grade 1 license issued by DNR. Agents of the Village or any other local, state or federal agency having regulatory authority shall at reasonable times be allowed access to all pretreatment facilities for purposes of inspection, observation, measurement, sampling and testing.
 - (a) The industrial contributor shall be in violation of flow or waste load limitations set forth in its letter of intent and may be required to pre-treat where, in the determination of the Village Engineer, either of two conditions exist:
 - (1) If any limitations, when calculated on a monthly average, is exceeded more than three (3) times in any twelve (12) month period.

- (2) If during any twenty-four (24) hour period the industrial discharge exceeds the limitations to such a degree that the Village Engineer or Approving Authority determines such discharges will be harmful to the wastewater treatment system or will prevent compliance with the terms and conditions of the Village's WPDES Permit. Such substantial violations are sufficient to require pretreatment even if the waste load and flow limitations are not exceeded when calculated on a monthly basis.
- (b) Unless the Village Board grants a written extension of time, any required pretreatment facilities shall be constructed and in operation between a minimum of ninety (90) days and a maximum of three hundred sixty (360) days after the industrial contributor has been notified in writing by the Village Board, the Village Engineer or any involved State or local agency through a task oriented compliance schedule.
- (c) The Village Board may, at its sole discretion, undertake to construct, install, operate or maintain the required pretreatment facilities if the industrial contributor fails to do so. The industrial contributor shall pay for the actual work, charges and expenses related to such construction, installation, operation and maintenance of the facilities, including engineering, inspection, consulting and legal services performed by, or on behalf of, the Village.

SECTION 9-2-9 DISCHARGE OF HOLDING TANK WASTES AND OTHER WASTES

- (a) **Discharge into Community Sewers.** No person, including a licensed disposer, shall discharge any holding tank wastes, or any other liquid, gaseous or solid wastes directly into a manhole or other opening in a public sewer.
- (b) **Discharge at the Village's Treatment Facilities.**
 - (1) Discharge of holding tank wastes may be allowed only at the Village's wastewater treatment plant in such manner and at such place as may be designated by the Approving Authority. Any person desiring to discharge such wastes at the Village's treatment plant shall first make application to the Approving Authority for a permit to discharge. The person making the discharge shall pay to the Village all applicable fees and sewer service charges, based on the characteristics of the discharge.
 - (2) Industrial wastes, or any other liquid, gaseous or solid wastes not detrimental to the Village's wastewater treatment plant may be discharged at such plant in a manner designated by the Approving Authority when, in his judgment the waste is of such unusual character or strength that rapid discharge into the sewerage system would have detrimental effects on the wastewater facilities. Any person desiring to discharge such wastes at the Village's treatment plant shall first make application to the Village Board for a permit to discharge. The person making the discharge shall pay to the Village all applicable fees and sewer service charges, based on the characteristics of the discharge.
 - (3) Discharges of holding tank wastes by a licensed disposer shall be allowed at the Village's wastewater treatment plant only in such manner and at such place as may be designated by the Approving Authority and subject to the provisions of this Section 9-2-9. The licensed disposer desiring to

discharge such wastes shall first make application to the Village Board for a permit to discharge. The licensed disposer making the discharge shall pay to the Village all applicable fees and sewer service charges, based on the characteristics of the discharge; and any additional costs or expenses associated with the provision of additional facilities or personnel necessary to accept such waste at the point of introduction into the Village's wastewater treatment plant.

(c) **Limitations on Discharge of Holding Tank Wastes and Other Wastes.**

Any holding tank waste or other waste permitted to be discharged under the Section 9-2-9, shall be of domestic origin, or contain compatible pollutants only. The person or licensed disposer making the discharge under this Section shall comply with the provisions of any and all applicable rules and regulations; and shall comply with this Ordinance. Without intending to limit the application of other provisions of this Ordinance, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole or community sewer, or into the Village's wastewater facility; nor shall such person or licensed disposer allow any grease, earth, sand or other solid materials to pass into any part of the sewerage system; nor shall such person or licensed disposer discharge any liquid, gaseous or solid wastes determined by the Approving Authority to be detrimental to the sewerage system or to the Village's employees or to the process of sewage treatment. No discharges shall be permitted directly into any of the Village's interceptor sewers, unless the Approving Authority so authorizes.

(d) **Permit to Discharge Holding Tank Wastes.**

(1) No discharge shall be made under this Section 9-2-9 unless the person or licensed disposer making the discharge has been issued a permit therefor. All applications for a permit shall be in writing; shall contain such information as the Approving Authority deems appropriate; and shall be submitted to the Approving Authority no later than September 1 of each year. No permit once issued shall be assignable or transferable by the person receiving the same. All such permits shall be valid for a period of one year, beginning on October 1, and expiring on September 30 of each year. No holder of any permit shall acquire any vested right or privilege by reason thereof.

(2) If the Approving Authority determines to issue a permit under Section 9-2-9(d) hereof, such permit may be issued upon such terms and conditions as the Approving Authority may provide; and any such permit shall provide at a minimum the following:

(a) The permit shall be conditioned upon the holder's faithful compliance with the provisions of the Village's Sewer Use Ordinance, as amended from time to time.

(b) The agreement of the holder thereof to indemnify the Village from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted. The Approving Authority may require the holder of such permit to post a bond written by a bonding company licensed to transact business in Wisconsin, to guarantee performance of the holder thereunder.

(c) The agreement of the holder thereof to have in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance, in such amounts as the Approving Authority may reasonably require.

(d) In the event the Approving Authority issues a permit under Section 9-2-9(d) hereof, the Village Board may require the applicant to pay

- an annual fee in such reasonable amount as it may determine as a condition precedent to the issuance of such permit.
- (4) Any permit issued under Section 9-2-9(d) shall be revocable by the Village Board or the Approving Authority summarily for violation of the terms and conditions thereof.
 - (5) Any person or licensed disposer using or permitting the use of the Village's sewerage system or a public sewerage system for a use for which a permit may be issued under this Section 9-2-9, without first obtaining a permit or continuing use after notice of revocation of a permit, shall forfeit to the Village the sum of \$1,000 for each violation. Such forfeiture shall be recoverable by the Village in a civil action brought by the Village Board in the name of the Village and paid into the general funds of the Village for the benefit of the Village. In addition, such person or licensed disposer shall pay to the Village any damages, costs or expenses incurred by the Village in connection with such unpermitted use.
- (e) **Special Provisions Applicable to Licensed Disposers.** Any licensed disposer making application for a permit to discharge holding tank wastes under Section 9-2-9(d) hereof, shall comply with the provisions contained in Section 9-2-9(d) hereof, as well as the following:
- (1) The permit issued to the licensed disposer under Section 9-2-9(d) shall also provide:
 - (a) The Village may accept holding tank wastes during in each calendar year.
 - (b) The Village shall have the right to reject and refuse to accept holding tank wastes from the licensed disposer if:
 - (1) Treatment of the waste would cause the Village sewerage system to exceed its operating design capacity or to violate any applicable effluent limitations or standard water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders;
 - (2) The waste is not compatible with the Village's sewerage system;
 - (3) The licensed disposer has not applied for and received a permit under Section 9-2-9 to dispose of the waste in the Village's sewerage system or the licensed disposer fails to comply with the permit so issued; or
 - (4) The licensed disposer fails to comply with waste disposal rules promulgated by the Village from time to time or fails to pay the appropriate sewer service charges in a timely manner.
 - (c) The Approving Agency may impose reasonable terms and conditions for holding tank waste disposal into the wastewater treatment plant relating to the following:
 - (1) Specific quantities, locations, times and methods for discharge of such wastes into the Village's sewerage system;
 - (2) Requirements to report the source and amount of such wastes placed in the Village's sewerage system; and
 - (3) Requirements that the licensed disposer analyze representative samples of the waste placed in the Village sewerage system in order to determine the characteristics of the waste and the compatibility of the waste with the Village's sewerage system.

- (2) If the Village's sewerage system can accept some, but not all, of the holding tank wastes offered for disposal, the Approving Authority may accept such waste which is generated within the geographic boundaries of the Village before accepting such wastes which are generated outside of the boundaries of the Village.

SECTION 9-2-10 SEWER SERVICE CHARGES

- (a) **General Principles.** Except as otherwise provided for herein, service charges to each sewer user shall be based on the quantity and quality of their wastewater and on the size of the water meters) serving that user. The service charges shall consist of sewer user charges such that each user will pay its proportionate share of the costs of operation, maintenance and debt service of all waste treatment services provided by the Village. The Village may distinguish between industrial and non-industrial users in establishing rates.
 - (1) The Village shall review the contributions of its users biennially to insure sufficient revenues to recover actual costs and to pay total operation, maintenance and replacement costs. A replacement fund shall be established to which all users shall contribute.
 - (2) This system of sewer service charges shall take precedence over pre-existing agreements or other ordinances inconsistent with this Ordinance.
 - (3) Sewer service charges shall consist of fixed charges, variable charges, surcharges or any combination of the foregoing.
- (b) **Service Charge Rates for Non-Industrial Users.** Except as otherwise provided for herein, quarterly or monthly services to each non-industrial user and to each commercial user as defined in Section 9-2-8 (a) (4) hereof, shall be calculated based on the quantity of water used, as determined from regular water meter readings, and on the size of the water meters) serving the user. The form and substance of the service charge calculation shall be as indicated on Appendix I, attached hereto and incorporated herein.
- (c) **Service Charge Rates for Commercial Users and Industrial Users.** Quarterly and/or monthly service charges to each Industrial User and Commercial User shall be calculated based on the metered quantity and quality of their wastewater; or if wastewater is not metered, then on the quantity of water used, as determined from regular water readings and on the size of the water meter(s) serving such user. Where sewage strength exceeds those of normal domestic strength wastewater as defined in Section 9-2-2 (m) hereof, suitable measurement facilities must be arranged for to permit periodic determination of the sewage strength characteristic, and additional charges shall be made as stated in the service charge calculations below, regardless of whether wastewater meters or water use meters are used. The form of the service charge calculations shall be as indicated in Appendix I. Notwithstanding anything to the contrary contained herein, no Commercial User or Industrial User shall receive any credits against service charges due to the discharge of wastewater having less pollutants than normal domestic strength materials.
- (d) **General Unmetered Service.** General unmetered sewer service is available only for Domestic Wastewater, either where a user is not a metered customer of the Village water utility or has not elected to rent a water meter to measure a private water supply or is not required to install a monitoring facility under Section 9-2-8 (1) (2) hereof. In such event, the user shall pay the charges shown on Appendix I.
- (e) **Initial Rates.** Attached hereto, incorporated herein and marked as Appendix I are the sewer service charges in effect as of the date of adoption of this

Ordinance; and such charges shall remain in effect until amended or changed by subsequent resolution duly adopted by the Village Board to that effect.

- (f) **Tax Incremental District Charge.** *(Rev. 9/98'-Ord. 1998-9)*
- (1) A tax incremental district charge is hereby imposed upon the Village of Marshall for all costs of the sewage system (including debt service coverage ratio requirements imposed by any bond resolution) which are allocable to improvements undertaken within a tax incremental district of the Village. On or before the Village Board meeting in October of every year the Clerk shall compute the charge. The charge shall be computed by calculating an amount equal to the annual debt service on the tax incremental district share of all outstanding sewer utility borrowings (including debt service coverage ratio requirements imposed by any bond resolution)
 - (2) The tax incremental district charge shall be billed to the Village on October first of each year for all obligations due during the subsequent year. The payment shall be due within ninety days of billing.

SECTION 9-2-11 BILLING AND PAYMENT OF SEWER SERVICE CHARGES.

- (a) **Calculation.** Sewer Service Charges that are to be assessed to users shall be computed and approved by the Village Board according to the rates and methodology presented this Chapter 2.
- (b) **Quarterly or Monthly Billing.** Sewer Service Charges shall be billed to each user on a monthly or quarterly basis, as determined by the Village Board. Such charges shall be payable to the Village not later than twenty (20) days after the date of the bill, unless the Board has extended the time for payment.
- (c) **Penalty for Delinquent Payments.** *(Rev. 1/01'-Ord. 2001-01)* A penalty equal to One and 00/100 percent (1.0%) of the delinquent amount shown on any bill for services (but in no event less than \$0.10), shall be added to all bills not paid by the date fixed therein for final payment. In the event the amount of the bill is placed on the tax rolls pursuant to Section 9-2-11(d) (2) hereof, an additional penalty of Ten and No/00 percent (10.0%) of the delinquent amount shall be imposed for each tax statement so issued.
- (d) **Remedies for Failure to Make Payments.**
 - (1) **Suit.** Sewer Service Charges, Application Fees Connection Fees or other charges due from any person or user shall be deemed to be a debt due to the Village from that person or user. If Sewer Service Charges, Application Fees, Connection Fees, or other charges are not paid when due, the Village may commence an action in a court of competent jurisdiction; and recover from such persons or users the amount of charges or fees, and damages, if any, sustained by the Village as a result of such failure to pay, together with attorneys fees incurred in collecting said sums, court costs and such other costs and expenses as may be allowed by law.
 - (2) **Lien on Property.** *(Rev. 10/05'-Ord. 2005-06)* As an alternative to subsection (d) (1) above, the Village Board may direct that unpaid Sewer Service Charges, Application Fees, Connection Fees, or other charges due from any person or user, shall be collected and taxed and shall be a lien upon the property served in the manner provided for in Section 66.0809, Wis. Stats., as amended from time to time.
- (e) **Obligation for Payment.** The obligation for payment of Sewer Service Charges, Application Fees, Connection Fees or other charges due the Village shall be a joint and several obligation of the user and property owner, where the user and property owner are not the same person. To the end that there may be attempts

at avoidance of payment of such charges and fees by non-property owner users, and to overcome the same, the Village Clerk may send the bill for such a user, in care of the property owner.

- (f) **Remedies Cumulative.** All remedies provided for in this Chapter 2 are distinct and cumulative to any other right or remedy under this Chapter 2 or any other provisions of the Code of Ordinances of the Village or afforded by law or equity; and may be exercised by the Village concurrently, independently, or successively.
- (g) **Disposition of Revenue.** The amounts received from the collection of Sewer Service Charges authorized by this Chapter 2 shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for Replacement Expenses shall be credited to a segregated, non-lapsing Replacement Account. These funds are to be used exclusively for replacement. When appropriated by the Village Board, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the purview of 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of obligations issued and outstanding, or which may be issued, to provide funds for said expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village Board may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system obligations, including refunding obligations, shall be paid from this fund as to both principal and interest, unless otherwise required by law.

SECTION 9-2-12 AUDIT.

Unless otherwise required by applicable statutes, the Village Board may conduct an annual compilation, or an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. A summary of the findings and recommendations of this audit may be published from time to time, as determined by the Village Board.

SECTION 9-2-13 CONNECTION FEES.

- (a) **Connection Fee.** For each connection of a Building Sewer to a public sewer within the Village, there shall be paid to the Village a Connection fee determined as follows:
 - (1) The Connection Fee is a charge to recover a proportionate share of the Village's debt cost associated with providing excess capacity in the treatment plant facility; and is payable by new user (s) of the sewerage system who connect Building Sewers to the Village's sewerage system after the effective date described below (the "Effective Date").
 - (2) Each prospective user seeking to connect a Building Sewer to the sewerage system of the Village on or after the Effective Date shall pay to the Village, a Connection Fee as provided for in Exhibit 1 attached hereto and incorporated herein. Where the number of Equivalent Meters exceeds 1.0, the "Cumulative Connection Fee" as shown on Exhibit 1 shall be multiplied by the number of Equivalent Meters for purposes of determining

the actual Cumulative Connection Fee for such prospective user. The number of Equivalent Meters within the Village shall be determined and established for each calendar year, based upon the number of Equivalent Meters in place and operation as of the immediately preceding December 31.

- (3) Each Building Sewer so connected shall be the subject of a separate Connection Fee.
- (b) **Condition Precedent.** For each connection of a Building Sewer to a public sewer within the Village on and after the Effective date, there shall be paid to the Village the aforesaid Connection Fee. Such Connection Fee shall be assessed to the person seeking the connection; shall be paid as a condition precedent to the actual connection; and is payable at the time of the issuance of a permit pursuant to Section 9-2-5 hereof.
- (c) **Violation.** The failure to pay any Connection Fee is a violation of this Chapter 2; and the Village may pursue all rights and remedies provided for herein.
- (d) **Effective Date.** This Section 9-2-13 shall be applicable to connections of Building Sewer occurring on or after April 13, 1998. (Section 9-2-13 adopted on 9-9-97)

SECTION 9-2-14 VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES.

- (a) **Violations Constituting Public Nuisance.** A violation (other than the failure to pay Sewer Service Charges or other fees or costs due under this Chapter 2) of any provisions of this Chapter 2 or any other rule or order of the Village Board is hereby declared to be a public nuisance.
- (b) **Damage to Village Property.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment which is a part of the Village's sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (c) **Enforcement.** The Village Board shall have the right to enforce the provisions of this Chapter 2 and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Chapter 2 to abate a public nuisance unless the Approving Authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.
- (d) **Summary Abatement.** If the Village Board determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, or welfare, the Village Board may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- (e) **Abatement After Notice.** If the Village Board determines that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to present great and immediate danger to the public health, safety, or welfare, the Village Board shall serve notice to the person causing or maintaining the nuisance to remove the same within ten (10), days. If such nuisance is not removed within such ten (10) days, the Village Board may cause the nuisances to be removed as provided in subsection (d) hereof or elsewhere herein.
- (f) **Other Methods Not Excluded.** Nothing in this Chapter 2 shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
- (g) **Court Order.** Except when necessary under subsection (d) hereof, the Village shall not use force to obtain access to private property to abate a public

- nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, may apply to any court having jurisdiction for an order assisting the abatement of public nuisance.
- (h) **Cost of Abatement.** In addition to any other penalty imposed by this Chapter 2 for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be considered as a debt and be collected from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate of such person as a special charge. For purposes hereof, costs shall include but not be limited to reasonable attorney's fees and court costs incurred.
- (i) **Continued Violations.** Any person who shall continue any violation beyond the aforesaid notice time limit provided shall forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Dane County Jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (j) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the public sewerage system which causes damage to the sewerage system and/or a receiving body of water (e.g., lake, river, stream, etc.) shall in addition to the forfeitures provided for herein, pay any fines, fees or damages as may be levied by other governmental authorities having appropriate jurisdiction.
- (k) **Accidental Discharge Reporting.** Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village.
- (l) **Liability to Village for Losses.** Any person violating any provision of this Chapter 2 shall become liable to the Village for any expense, attorney's fees, costs, engineering fees, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof. Without intending to limit the generality of the foregoing, the Village Board shall have the right of recovery from all such persons any expense incurred by the Village for the repair or replacement of any part of the public sewerage system damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

SECTION 9-2-15 APPEALS.

- (a) **Review of Administrative Determinations.** Any person having a substantial interest which is adversely affected by an administrative determination of the Approving Authority, the Village Engineer or the Village Board or any agent thereof, which determination relates to the subject matter of this Chapter 2, may have such determination reviewed or provided for herein. Only administrative determinations described in Section 68.02, Stats., as amended from time to time, are subject to review under this Chapter 2. Notwithstanding anything to the contrary contained herein, any determinations involving Sewer Service Charges (or any component thereof), Application Fees, Connection Fees, or any other fees or costs due under this Ordinance are not subject to review hereunder. Further, any determinations involving the levying and

- assessment of special assessments or any of the determinations described in Section 68.03, Stats., are not subject to review hereunder.
- (b) **Procedure For Review.** A person satisfying the requirements of subsection (a) hereof, shall first make a written request to the Village Board for a review of the administrative determination, which request shall be submitted to the Village Clerk within fifteen (15) days following the determination in question. The request shall be in writing, shall state the name and address of the person seeking the review, shall describe the circumstances surrounding the determination and shall state the grounds upon which such person contends that the determination should be modified or reversed.
- (c) **Hearing.** Upon receipt of a request for review under Section 9-2-15(b) hereof, the person seeking the review shall have a hearing before the Village Board; provided the provisions of subsection (d) below are satisfied. The hearing shall be held at a time and place determined by the Village Board, within forty-five (45) days from the date of receipt of the request. The Board shall notify such person, by mail or personal service, at least ten (10) days before such hearing of the time and place of the hearing. Except as otherwise provided for herein, the hearing shall be conducted in accordance with Section 68.11(2), Stats., as amended from time to time.
- (d) **Costs.** Any appeal to the Village under subsection (b) hereof, shall be accompanied by a non-refundable review fee of Fifty and No/100 Dollars (\$50.00). In the event the person seeking review desires the hearing proceedings to be taken by stenographer or by a recording device, the expense thereof shall be paid by the person seeking the review.
- (e) **Decision and Appeal.** Within thirty (30) days of completion of the hearing under subsection (c) hereof and the filing of briefs, if any, the Village shall make its written determination on the request for review. Such determination shall be mailed or delivered to such person at the address set forth in the request for review. The decision of the Village Board may be subject to judicial review under Section 68.13, Stats., as amended for time to time, in the manner provided for therein.
- (f) **Application of Chapter 68 of the Wisconsin Statutes.** Except as to those specific statutes expressly incorporated herein, the Village elects not to be governed by any other provision of Chapter 68 of the Wisconsin Statutes, as amended.
- (g) **Costs.** In the event the Village Board does not modify or reverse the administrative determination in question following the hearing thereon, or in the event the administrative determination is sustained on appeal under Section 68.13, Stats., then in either of such events, the person who has sought the review shall reimburse the Village for all hearing and court costs incurred, including, but not limited to, reasonable attorneys fees.
- (h) **Supersedes Other Administrative Review.** The provision of this Section 9-2-16 supersedes and replaces in its entirety Title 9, Chapter 2 (including, but not limited to, Section **13.08**) of the Code of Ordinances of the Village of Marshall, insofar as they purportedly relate to the subject matter hereof.

SECTION 9-2-16 SEPTIC SYSTEMS.

- (a) **Septic Tanks Prohibited.** The maintenance and use of a septic tank or other private sewerage disposal system by any owner of land located within the Village, where such land is adjacent to a public sewer main, and who has failed to connect to the Village's sewerage system, is hereby declared to be a public

nuisance and a health hazard. Such nuisance and hazard shall be abated; and damages and costs recovered therefor in accordance with Section **823.02**, Stats.

- (b) **Septic Systems Allowed.** In certain isolated locations within the boundaries of the Village it may be necessary for the owners of certain properties not served by the Village's sanitary sewer system to continue the maintenance and use of a septic tank or other private sewerage disposal system. Such maintenance and use shall be considered as a temporary wastewater disposal system and is subject to the review and approval of the Village Board. The review and approval will be on a case by case basis, with each case determined upon its particular facts and circumstances.

SECTION 9-2-17 VALIDITY.

- (a) **Repeal of Conflicting Ordinances.** All ordinances resolutions, orders or parts thereof heretofore adopted or enacted, which are in conflict with this Chapter 2 shall be and the same are hereby repealed.
- (b) **Savings Clause.** If any provisions of this Chapter 2 is found invalid or unconstitutional or if the application of this Chapter 2 to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of other applications of this Chapter 2 which can be given effect without the invalid or unconstitutional provision or application.
- (c) **Amendments.** The Village Board may amend this Chapter 2 in part or in whole at any time whenever it may deem necessary.

SECTION 9-2-18 EFFECTIVE DATES.

- (a) **Effective Date.** This Chapter 2 shall take effect the day following its publication.
- (b) **Date of Enactment.** The above and foregoing Chapter 2 was duly adopted by the Board of the Village at a regular meeting held on the 12th day of August, 1997.

APPENDIX 1

CHARGES FOR SEWER USE EFFECTIVE 3-23-2016

(REV. 4/98', 6/97', 10/96', 7/09, 9/09', 2/12', 3/16')

A. **General Sewer Service-Metered.**

- (1) Minimum Monthly Charge:
- | | |
|----------------------------|-----------|
| 5/8 & 3/4 inch water meter | \$ 12.48 |
| 1 inch water meter | \$ 21.84 |
| 1 ¼ inch water meter | \$ 29.20 |
| 1 ½ inch water meter | \$ 37.60 |
| 2 inch water meter | \$ 56.30 |
| 3 inch water meter | \$ 100.90 |
| 6 inch water meter | \$ 323.21 |
- (2) Plus Volume Charge:
For all usage - \$7.85 per 1,000 gallons

B. **Commercial and Industrial Sewer Service-Metered.**

Water use meters/wastewater meters:

- (1) Minimum Monthly Charge:
- | | |
|----------------------------|----------|
| 5/8 & 3/4 inch water meter | \$ 12.48 |
| 1 inch water meter | \$ 21.84 |
| 1 ¼ inch water meter | \$ 29.20 |
| 1 ½ inch water meter | \$ 37.60 |
| 2 inch water meter | \$ 56.30 |
| 3 inch water meter | \$100.90 |
| 6 inch water meter | \$323.21 |
- (2) Plus Volume Charge:
\$7.85 per 1,000 gallons of discharge
- (3) Plus:
- For Bio-chemical Oxygen Demand (BODs)** over 250 mg/l, the additional charge of \$.72 per pound of BOD per 1,000 gallons will be imposed.
 - For Suspended Solids (SS)** over 250 mg/l, an additional charge of \$.56 per pound of suspended solids per 1,000 gallons will be imposed.
 - For Ammonia** over 30 mg/l, an additional charge of \$1.55 per pound of ammonia per 1,000 gallons will be imposed.
 - For Phosphorus** over 6 mg/l, an additional charge of \$10.18 per pound of phosphorus per 1,000 gallons will be imposed.
 - See Section 9-2-10 of this ordinance for the method of determining billed volume.

C. **Billing.**

Bills for sewer service are currently rendered monthly. Bills for sewer service become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 1.0% per month will be added to bills not paid within 20 days of issuance. This late payment charge is applicable to all customers.

D. **General Sewer Service-Unmetered.**

Service shall be billed at the rate of \$51.73 monthly. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for 5,000 gallons per month discharged to the sewer system. If it is determined by the utility that the user discharges more than 5,000 gallons per month to the system, an additional charge of \$7.85 per 1,000 gallons will be made for estimated additional usage.

APPENDIX 2

CHARGES FOR HOLDING TANK AND SEPTAGE WASTE ACCEPTANCE

EFFECTIVE 4-1-02 AS SET BY RESOLUTION 2002-05

NOW THEREFORE BE IT RESOLVED

That until further resolution of the Village Board, the following fees shall be paid, effective April 1, 2002 for Holding Tank and Septage Waste Acceptance.

**RATE SCHEDULE
 HOLDING TANK WASTE**

	RATE				CONCENTRATION	
					MG/L	
VOLUME						\$6.28
BOD	\$0.71	X	0.00834	X	250	\$1.48
TSS	\$0.54	X	0.00834	X	250	\$1.13
NH-3	\$1.41	X	0.00834	X	30	\$0.35
TOTAL P	\$10.61	X	0.00834	X	6	\$0.53
					TOTAL	\$9.77
					RATE / 1000 GALLONS	\$10.00

SEPTIC TANK WASTE

	RATE				CONCENTRATION	
					MG/L	
VOLUME						\$6.28
BOD	\$0.71	X	0.00834	X	750	\$4.44
TSS	\$0.54	X	0.00834	X	1500	\$6.76
NH-3	\$1.41	X	0.00834	X	60	\$0.71
TOTAL P	\$10.61	X	0.00834	X	12	\$1.06
					SUB TOTAL	\$19.24
					SURCHARGE	\$40.00
					TOTAL	\$59.24
					RATE / 1000 GALLONS	\$60.00

INDUSTRIAL WASTE

VOLUME	\$6.28	per	1,000
BOD	\$0.71	per	Lbs
TSS	\$0.54	per	Lbs
NH-3	\$1.41	per	Lbs
TOTAL P	\$10.61	per	Lbs

RECREATIONAL VEHICLE

\$10.00 per time

PORTABLE TOILETS

\$50.00 PER 1000 GALLONS

An ADMINISTRATIVE FEE of \$10.00 per load/day/hauler shall be added to all holding tank waste, septage waste, industrial waste and portable toilets.

APPENDIX 3

**SUMMARY OF WASTEWATER CONNECTION FEES
 DEBT SERVICE METHOD – FINANCE CHARGE
 REVISED**

Rates implemented as of 4-13-xxxx of each year.

		(A)				
Effec- -tive Year	Annual Excess Capacity Debt Service (less 21.8% TIF)	Equivalent Meters to be Connected	Annual Cost per Equivalent Meter	Cumulative Connection Fee	Total Collected For Connections	
1- 1998	\$ 144,467	580	\$ 249	\$ 249	\$ 7,221	
2- 1999	137,243	551	249	506	14,666	
3- 2000	130,020	522	249	770	22,341	
4- 2001	122,797	493	249	1,043	30,253	
5- 2002	15,573	464	249	1,325	38,411	
6- 2003	108,350	435	249	1,615	46,821	
7- 2004	101,127	406	249	1,914	55,492	
8- 2005	93,903	377	249	2,222	64,431	
9- 2006	86,680	348	249	2,540	73,646	
10- 2007	79,457	319	249	2,867	83,148	
11- 2008	72,233	290	249	3,205	92,943	
12- 2009	65,010	261	249	3,553	103,041	
13- 2010	57,787	232	249	3,912	113,453	
14- 2011	50,563	203	249	4,282	124,186	

AS OF 11-15-11 THE SEWER CONNECTION FEE HAS BEEN SET AT \$2,000, THIS CHARGE WILL REMAIN IN EFFECT UNTIL SUCH TIME IT IS DEEMED NECESSARY TO CHANGE IT.

15- 2012	43,340	174	249	4,664	135,252
16- 2013	36,117	145	249	5,057	146,660
17- 2014	28,893	116	249	5,463	158,422
18- 2015	21,670	87	249	5,881	170,548
19- 2016	14,447	58	249	6,312	183,049
20- 2017	<u>7,223</u>	29	249	6,756	<u>195,937</u>
	\$ <u>1,516,900</u>				\$ <u>1,859,919</u>

NOTE: *This is a summary of the annual connection fees for one equivalent meter. Excess capacity debt service decreases as the number of customers in service increases. However, the fee charged increases as debt service payments accumulate over the life of the plant.*

(A) Total annual debt service of \$461,850 *Excess Capacity (40% in year one, declining 2% each subsequent year.)

Prepared by Virchow Krause & Company, LLP on September 9, 1997.

APPENDIX 4

COMPARISON OF SELECTED CONNECTION CHARGES 1997

The following are the computed fees for different types of construction. In addition to setting the basic fee, management will also need to determine the type of weighting scale to use for construction other than single family residential.

OPTION I

<u>Residential</u>	<u>Preliminary REU Conversion</u>	<u>Units of Development</u>	<u>Connection Fee Option 1</u>
Single Family	1	per home	\$ 2,266
Duplex	1.68	per duplex	\$ 3,807
Apartments	0.53	per unit	\$ 1,201
Condominium	0.53	per unit	\$ 1,201
Senior Housing	0.36	per unit	\$ 816
Mobile Home	1	per home	\$ 2,266

OPTION II

<u>Meter Size</u>	<u>Equivalent Meter Conversion</u>	<u>Connection Fee Option II</u>
5/8"	1	\$ 2,266
1"	2.5	\$ 5,665
1.5"	5	\$ 11,329
2"	8	\$ 18,127
2.5"	12.5	\$ 28,325
3"	15	\$ 33,988
4"	25	\$ 56,647
8"	80	\$181,280

Please refer to Accountant's report – Prepared by Virchow Krause & Company.