

**CHAPTER 7  
HEALTH AND SANITATION**

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**SECTION 7.01**      **DISPOSAL OF SOLID WASTE**(a)      **Purpose.**

This Ordinance shall govern the operation and use of the drop-off site(s) owned and maintained by the Town.

(b)      **General Provisions.**

- (1) No person, unless specifically exempted by this Ordinance or by order of the Town Board, may place or permit another to place waste in the waste containers or receptacles at any waste collection location in the Town unless waste placed in the waste container or receptacle was from real estate located in the Town. Moreover, the Town prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection in the Town unless the recyclable materials placed in the recycling containers or receptacles were from real estate located in the Town.
- (2) No person shall enter the area within the Town operated drop-off site unless a municipal attendant is on duty at the site, except that this provision shall not restrict access to the Town drop-off site by anyone working for a business or municipal entity that has contracted with the Town for the removal of material from said site while engaged in such business.
- (3) All persons in the Town, prior to their placement of solid waste for collection and removal by the Town or by any person permitted or contracted to collect and remove waste by the Town, shall separate and remove all recyclable materials as required by State statute and County Ordinance from other solid waste. The recyclable materials shall be further handled, separated and prepared for collection and removal in accordance with the instructions posted at the drop-off site.
- (4) No person shall place in any type of waste containers or receptacles in the Town for any solid waste collection and solid waste removal and for any latter disposal, storage, treatment or recycling, any of the following:
  - (A) Hazardous or toxic wastes;
  - (B) Explosives;
  - (C) Contaminated material;
  - (D) Heavy metal material;
  - (E) Yard wastes; or
  - (F) Dirt.
- (5) The Town, or any person permitted or contracted to collect waste by the Town, may refuse to collect and remove recyclable material or other waste from any person or from a residential or commercial establishment in the Town when the recyclable materials are:

- (A) Not properly contained and separated pursuant to this Ordinance;
  - (B) Contaminated;
  - (C) In a physical condition that allows the nonrecyclable material to be disposed, treated or stored as a solid waste; or
  - (D) Not in a physical condition that makes the solid waste feasible for recycling.
- (6) No person shall place any recyclable materials, solid waste or any hazardous waste to be deposited or discharged at any drop-off site, waste facility or recycling operation at any time that these stations, facilities or recycling operations are temporarily or permanently closed.
- (7) No person may transport in any motor vehicle or by any other means any solid waste, hazardous waste, recyclable materials or any wastes in an improper manner likely to lead to discharging, emptying or blowing of the waste from the vehicle or from any other means of transportation onto yards, sidewalks, roadways, streets, alleys, highways or other public or private lands in the Town.
- (8) No person may place any garbage on any street, alley, sidewalk or other public or private property unless the same shall be placed in containers or bags for collection by a licensed waste hauler.
- (c) **Penalties and Enforcement.**  
Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.
- (d) **Severability.**  
If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Ordinance No. 13, adopted November 12, 1974; repealed and recreated by Ordinance No. 23(a) adopted on September 13, 1977; repealed and recreated by Ordinance No. 8.01 adopted on July 18, 1992; amended through codification November 1999; amended December 14, 2004 Ordinance No. 12-2004.

**SECTION 7.02 ENVIRONMENTAL PROTECTION**(a) **Applicability.**

The provisions of this Ordinance shall govern the storage, collection and transportation of solid waste by any person or municipality, and the licensing of collecting and transporting service for the protection of the environment in compliance with Wis. Stats. §§ 289.01 and Subchapter 3.

(b) **Definitions.**

- (1) **Collecting and Transporting Service.** A municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal purposes.
- (2) **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- (3) **Municipality.** The Town of Dekorra.
- (4) **Person.** An individual, group of individuals, partnership, firm, corporation, limited liability company or partnership, association, state, county, city, village, town, sanitary district or other governmental entity.
- (5) **Refuse.** Combustible and noncombustible discarded material, including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, sewage treatment residue, industrial wastes, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.
- (6) **Salvageable Material.** Discarded material no longer of value as intended, but which is stored or retained for salvage, sale or future reuse.
- (7) **Sanitary Landfill.** A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.
- (8) **Solid Waste.** Garbage, refuse and all other discarded or salvageable material, including waste material resulting from industrial, commercial and agricultural operations, and from domestic uses and public service activities, but does not include solid or dissolved material in waste water effluents or other common water pollutants.
- (9) **Solid Waste Disposal Operation.** The site, facility, operating practices, and maintenance thereof, for the utilization, processing or final disposal of solid waste,

including, but not limited to, land disposal, incineration, composting, reduction, shredding, compression and salvage.

- (10) Toxic and Hazardous Wastes. Waste materials such as pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.
- (c) **General Conditions.**  
All solid waste shall be stored, collected, transported, utilized, processed and disposed of, or reclaimed in a manner consistent with the requirements of this Ordinance.
- (d) **Solid Waste Storage.**
- (1) The owner and occupant of any premises, business establishment or industry shall be responsible for the sanitary storage of all solid waste accumulated at that premise, business establishment or industry.
  - (2) Garbage and similar putrescible waste shall be stored in:
    - (A) Durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling; or
    - (B) Other type of containers acceptable to the Town and conforming to the intent of this section.
    - (C) The size and allowable weight of the containers shall be determined by the collection agency, subject to approval by the Town.
  - (3) Refuse shall be stored in durable containers or as otherwise provided in this section. Where garbage and similar putrescible waste are stored in combination with nonputrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.
  - (4) Toxic or hazardous materials or substances shall be stored in watertight, tightly covered, adequately labeled containers and in a safe location.
  - (5) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this Ordinance shall be replaced with acceptable containers.
  - (6) Objects too large or otherwise unsuitable for storage containers shall be stored in a nuisance free manner and consistent with directions of the Town.

(e) **Collection and Transportation of Solid Waste.**

- (1) The owner and occupant of any premises, business establishment or industry shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at that premises, business establishment or industry to a solid waste disposal site or facility unless arrangements for such purpose have been made with a collecting and transporting service holding a permit from the municipality.
- (2) All persons engaged in the business of collecting and transporting services, except those engaged exclusively in such business for materials such as junked automobiles, demolition material, mine tailings, or gravel pit and quarry spoils, shall obtain an annual permit from the Town in accordance with this Ordinance. No collecting or transporting service shall provide services to any person not fulfilling storage requirements of Section (d).
- (3) Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or refuse containing such materials, shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned frequently to prevent nuisances or insect breeding, and shall be maintained in good repair.
- (4) All vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and cargo areas shall be totally covered and enclosed to prevent blowing or loss of material. Enclosing and/or covering material for the cargo area may be constructed of wood, metal, canvas or any combination thereof. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

(f) **Disposal of Solid Waste.**

No person shall dispose of any solid waste, including salvageable material, at any site or facility not licensed by the Department of Natural Resources. No person shall dispose of any solid waste in containers placed in parks and/or other appropriate locations of public convenience unless such solid waste is resultant from activities normally associated with and confined to such sites and locations.

(g) **Permits.**

It shall be unlawful for any person to establish, maintain, conduct, operate or to engage in a collecting and transporting service within the Town without first obtaining an annual permit from the Town. The license or permit will terminate June 30 of each year.

- (1) Any person desiring a permit for a collecting and transporting service shall annually, before May 1, make application to the Town in the manner prescribed by the Town. Any person desiring a permit for a new solid waste disposal operation or collection and transporting service shall make application at least 60 days prior to

the desired effective date. A separate application shall be submitted for each collecting and transporting service.

- (2) The permit fee for each collecting and transporting service shall be as specified on the current Town of Dekorra Fee Schedule.
  - (3) Each application shall be accompanied by a plan of operation indicating procedures which will be undertaken to fulfill requirements of this Ordinance.
  - (4) Upon receipt of the completed application, the Town Board shall review the same to assure that all provisions of this Ordinance are met and that such operation or service will comply with all State and County laws, Ordinances, rules and regulations. The Town Clerk shall notify the applicant when the application is satisfactory, and will give notice as to any exemptions or other conditions permitted or allowed, as the situation may be.
- (h) **Revocation of Permit.**  
The Town Board may revoke any permit if it finds that the collecting and transporting service is not operated in conformance with this Ordinance.
- (i) **Appeals.**  
All procedures, conditions and exemptions required and permitted in the issuance of any permit are subject to review by the municipality upon the filing of a notice of appeal by any applicant.
- (j) **Conflicting Requirements.**  
If the requirements of this Ordinance conflict with any other legal requirements applicable to the collecting and transporting service, the applicant shall comply with the more restrictive of the conflicting requirements.
- (k) **Severability.**  
Should any section, paragraphs, phrase, sentence, or clause of this Ordinance be declared invalid or unconstitutional for any reason, the remainder of this Ordinance shall not be affected thereby.
- (l) **Penalties.**  
Any person who violates this Ordinance, or who fails, neglects or refuses to obey any general or special order of the town, shall be subject to the penalties set forth in Section 1.03 of this Code. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, such forfeitures shall not accrue.

History Note: Ordinance No. 23, adopted June 6, 1972; amended through codification November 1999. Amended June 8, 2004 Ordinance No. 6-2004; amended December 14, 2004, Ordinance No. 13-2004.



**SECTION 7.03**      **PROHIBITED DISCHARGES**(a)      **Prohibited Discharges.**

No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(b)      **Containment, Clean Up and Restoration.**

Any person, firm or corporation in violation of the above section shall, upon direction of the Head of Emergency Government Services, begin immediate actions to contain clean up and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this Ordinance, the Head of Emergency Government Services may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town as action imposed by (c).

(c)      **Emergency Services Response.**

Includes, but is not limited to, fire service, emergency medical service, law enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in recognition and identification of hazardous substances in the evaluation of responses, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(d)      **Site Access.**

Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and restoration activities.

- (e) **Public Protection.**  
Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Head of Emergency Government Services, his or her assistant, or the senior police or fire official on the scene of the emergency may order an evaluation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.
- (f) **Enforcement.**  
The Head of Emergency Government Services and his or her deputies or assistants, as well as the Town Constable, shall have authority to issue citations or complaints under this Ordinance.
- (g) **Civil Liability.**  
Any person, firm or corporation that violates this section shall be liable to the Town for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.
- (h) **Penalty.**  
Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day of violation shall constitute a separate offense.

History Note: Ordinance No. 24, adopted March 14, 1989; amended through codification November 1999; amended December 14, 2004, Ordinance No. 14-2004.

**SECTION 7.04 SEWER USE AND USER CHARGE ORDINANCE****(a) Introduction and General Provisions.**

- (1) Authority. This Ordinance is adopted under the authority granted by Wis. Stats. §§ 60.71, 60.77 and 66.0821.
- (2) Purpose and Intent. This ordinance governs the use of public and private sewers and drains, disposal of holding tank wastes into public sewers, and the discharge of waters and wastes into the Dekorra Utility District #1 collection, transmission and wastewater treatment system. The ordinance provides for and explains the method used for levying and collecting sewerage and wastewater treatment service charges, sets uniform requirements for discharges into the system, provides for future connections to the system and enables the District to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards and other discharge criteria which are required or authorized by the District, state authorities and/or federal authorities. The intent of this ordinance is to preserve and obtain the maximum public use and benefit of the collection, transmission and wastewater treatment system, to regulate the characteristics of wastewater discharged to this system and to otherwise protect the health, safety and welfare of the inhabitants of the District.
- (3) Regulations Binding on Contracting Entities, Limited Contract Users and Future Users. The regulations adopted by the District shall be binding on the District and other contracting entities. The District regulations shall be binding on limited contract users, except to the extent that the regulations are inconsistent with any express written agreements entered into by and between the District and/or a Limited Contract User. All territory added to the District shall be subject to and required to comply with applicable District regulations.
- (4) Severability. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance that can be given effect without such invalid part or parts.
- (5) Conflict. If there is any conflict between this ordinance and any applicable local, state or federal law, rule, ordinance or regulation, the most stringent shall control.
- (6) Amendment. The District may amend this ordinance in part or in whole as it deems necessary, provided that such amendment is done in the manner provided by the applicable laws.

(b) **Definitions.**

The meaning of the following terms used in these regulations shall be:

- (1) Ammonia Nitrogen (NH<sub>3</sub>-N). One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with the procedures set forth in Standard Methods or Wis. Admin. Code Chap. NR 149, as amended.
- (2) Applicable Pretreatment Standard. The most restrictive pretreatment limitations or prohibitive standards for industrial strength wastewater which are either (A) enacted by a federal, state or local governmental entity; or (B) reasonably determined by the District Engineer based on generally accepted industry practices such as those set forth in *Wastewater Treatment Plant: A Manual of Practice*, Standard Methods, and those standards or practices reasonably established by the District.
- (3) Approving Authority. Commissioners of the Utility District of the Town of Dekorra, sometimes referred to as “the Board”, or its duly authorized representative.
- (4) Biochemical Oxygen Demand “(BOD).” The quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with procedures set forth in the Standard Methods.
- (5) Biosolids. Residual solid matter generated by the wastewater treatment process which must be disposed of off-site or in a treatment facility specifically dedicated to the storage and treatment of biosolids. Biosolids are also commonly referred to as “sludge.”
- (6) Building Drain. 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, beginning five (5) feet outside the inner face of the building wall.
- (7) Building Sewer or Lateral. A sanitary sewer beginning at the immediate outside of the foundation wall of any building being served and continuing to its connection with a public sewer.
- (8) Category “A” in the Utility District shall be those sanitary sewer users (commercial, industrial, or institutional) which discharge wastewater with concentrations equal to or less than any one or combination of the following: two hundred fifty (250) mg/l of BOD, two hundred fifty (250) mg/l of TSS, ten (10) mg/l of phosphorous, and ammonia no greater than twenty-four (24) mg/l and their water usage is metered. Users whose wastewater exceeds the concentrations for any one of these metered water usage parameters shall be billed a surcharge for each constituent in excess of the limit established.

- (9) Category “B” shall be those sanitary sewer users (residential) who discharge normal domestic strength wastewater with concentrations of BOD no greater than two hundred fifty (250) mg/l, TSS no greater than two hundred fifty (250) mg/l, phosphorous no greater than ten (10) mg/l, and ammonia no greater than twenty-four (24) mg/l and their water usage is metered. In general, residential hook up to the Utility District #1 is not permitted, either single or multi-unit permanent housing, except at the discretion of the Board in each specific case.
- (10) Category “C” shall be those sanitary sewer users who discharge holding tank pumpings into the Town of Dekorra Utility District #1 Wastewater Treatment Facility. The charges for discharging the holding tank pumpings shall be as presented in the appropriate appendix.
- (11) Chair or Chairperson. As applied to the District, shall mean the Chair of the District or other authorized representative of the District. Chairperson, as applied to a contracting entity or municipal limited contract user, shall mean the Chairperson of said municipality or other authorized representative of the municipality.
- (12) Combined Sewer. A sewer receiving or designed to receive both wastewater and storm or surface water.
- (13) Commercial User. A person discharging primarily domestic strength wastewater (as opposed to industrial wastewater), but whose premises are used primarily for the conduct of a particular enterprise, including but not limited to businesses such as wholesale or retail trade; financial, insurance, real estate, or other professional services; schools; churches; and multiple family dwelling with three (3) or more units. "Commercial users" shall not include residential users or industrial users as defined herein.
- (14) Compatible Pollutant. BOD, TSS, ammonia, pH, or fecal coliform bacteria, plus additional pollutants identified in any Wisconsin Pollutant Discharge Elimination System (“WPDES”) Permit issued to the District and its wastewater treatment plant, provided that the wastewater treatment plant was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (15) Composite Sample. A sample consisting of portions of a waste taken in proportion to the volume of flow of said waste.
- (16) Contracting Entity. A person, corporation or governmental agency that is contracting with the District for the collection, transmission, and treatment of wastewater flows.
- (17) County. The County of Columbia.
- (18) Customers. The users of the wastewater facilities which are owned and operated by the District.
- (19) Delinquent Account. An account that remains unpaid after payment is due.

- (20) Discharge(s). See (e)(1) and (e)(2) for prohibited.
- (21) District. The Dekorra Utility District #1.
- (22) District Board. The commissioners of the District.
- (23) District Clerk. The Town of Dekorra Clerk acting as the District Clerk.
- (24) District Engineer. The engineer of the District, or its designee.
- (25) DNR. The Wisconsin Department of Natural Resources.
- (26) Domestic Strength Wastewater. Wastewater with concentrations of BOD no greater than two hundred fifty (250) mg/l, TSS no greater than two hundred fifty (250) mg/l, phosphorous no greater than ten (10) mg/l, and ammonia no greater than twenty-four (24) mg/l.
- (27) Equivalent Meters. 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	1.0
3/4-inch	1.0
1-inch	2.5
1-1/4-inch	3.5
1-1/2-inch	5.0
2-inch	8.0
3-inch	15.0
4-inch	25.0
6-inch	50.0

- (28) Extension. The extension of any sanitary sewer into territory not already served by wastewater facilities.
- (29) Easement. An acquired legal right for a specific use over land owned by another.
- (30) Federal Act. The Federal Water Pollution Control Act (33 U.S.C. §1251, et. seq., as amended from time to time) and the Clean Water Act (33 U.S.C. §1317, et seq., as amended from time to time), and as implemented by Wis. Stats. Chap. 281 and appropriate sections of the Wisconsin Administrative Code, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.
- (31) Fixed Charge. A fixed monthly or monthly sewer user charge typically based on the size of the equivalent meter servicing or residential equivalent unit (REU)

value assigned to such user. The fixed charge may recover certain debt costs and fixed operating, maintenance and repair costs.

- (32) Floatable Oil. Oil, fat, or a similar substance in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection or treatment system.
- (33) Flow or Wastewater Flow. Wastewater that enters the sanitary sewer system tributary to the wastewater treatment facility and includes volume, BOD, TSS, TKN, and such additional parameters as may from time-to-time be determined by the District Engineer.
- (34) Flow Proportional Sample. A sample taken that is proportional to the volume of flow during the sampling period.
- (35) Force Main. A sanitary sewer that transports wastewater under pressure. Because it is a type of sanitary sewer main, a force main typically transports wastewater from collector sewers to a point for treatment and disposal. The local sewerage system may also have force mains that transport wastewater from collector sewers and eventually connect through the lift station to the District's Wastewater Treatment Facility.
- (36) Gravity Main. A sanitary sewer that transports wastewater by gravity. Because it is a type of sanitary sewer main, a gravity main typically transports wastewater from collector sewers to a point for treatment and disposal.
- (37) Grease Trap or Sand and Grease Trap. A pretreatment system that is designed to remove sand and floatable wastes such as oils and greases, that inhibit the operation and maintenance of the force or gravity main, sewer or wastewater treatment system.
- (38) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.
- (39) Ground Garbage. The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions prevailing in public sewers.
- (40) Holding Tank Waste. The scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, vacuum pump tank trucks and other temporary holding facilities that collect wastewater from a user. "Holding tank waste" does not include sludge, or waste from a soil absorption field, septic tank, privy or grease trap.
- (41) Incompatible Pollutant. Any pollutant which is not a compatible pollutant. "Incompatible pollutants" include any wastewater or discharges to the local or

regional system that are likely to adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality, as determined by applicable federal, state or local governmental law, or by the District Engineer based on generally accepted industry practices such as those set forth in the Standard Methods, and those standards or practices reasonably established by the District.

- (42) Industrial User. Any user who makes, causes, or permits an industrial discharge into the District's wastewater facilities. Industrial users include any user defined in 40 C.F.R. 35.905-8, as reproduced below<sup>1</sup> and as amended from time to time.
- (43) Industrial Strength Wastewater, Industrial Wastewater or Industrial Discharge. All wastewater other than domestic strength wastewater. Industrial strength wastewater includes water-borne solids, liquids or gaseous wastes resulting from or discharging from an industrial process, trade or business, or otherwise escaping into the wastewater facilities. Industrial discharges include, but are not limited to, cooling water and discharges from wastewater pretreatment facilities.
- (44) Infiltration. The water (other than wastewater) from the ground or other sources that enters the local or regional system through means such as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguishable from, inflow.
- (45) Inflow. The water (other than wastewater) that enters the local and regional system from, but not limited to, roof leaders, cellar drains, yard drains, area

<sup>1</sup> (a) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

(1) In determining the amount of a user's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences.

(2) After applying the sanitary waste exclusion in paragraph (a)(1) of this section (if the grantee chooses to do so), dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The grantee, with the Regional Administrator's approval, shall define the strength of the residential discharges in terms of parameters including, as a minimum, BOD and SS per volume of flow.

(b) Any nongovernmental user of a publicly owned treatment works which discharges waste water to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(c) All commercial users of an individual system constructed with grant assistance under section 201(h) of the Act and this subpart. (See § 35.918(a)(3).)



drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguishable from, infiltration.

- (46) Interceptor Sewer. *See* Force Main and Gravity Main.
- (47) Interference. The inhibition or disruption of the sewerage system, or wastewater treatment processes or operations, which may or does contribute to a violation of any condition of the District's WPDES permit.
- (48) Lateral. *See* Building Sewer.
- (49) Licensed Disposer. A person holding a valid license to perform septage or holding tank servicing under Wis. Admin. Code Chap. NR 113, as may be amended from time to time.
- (50) Limited Contract User. A municipality, entity or individual who enters and is bound to the District by a limited purpose contract for limited use of excess treatment capacity or other limited purposes approved by the District.
- (51) Local Sewer(s) or Local System or Local Sewerage System. Wastewater facilities owned by the District that are, or may be, connected with the District wastewater facilities. The local sewer extends from its point of origin (typically the point where a building sewer connects with another public sewer) to the first contact with the District's wastewater facilities lift stations.
- (52) Main Sewer. *See* Force Main and Gravity Main.
- (53) May means permissible.
- (54) Municipality. A legally established local governing body such as a Village, Town, City, or Utility District as defined by the Wisconsin Statutes.
- (55) Municipal Wastewater. The wastewater of a municipality.
- (56) National Categorical Pretreatment Standards. Any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with 33 U.S.C. §§ 1317(b) and (c), as amended from time to time, which limitations apply to one or more specific categories of industrial users.
- (57) Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (58) New Source. Any source for which National Categorical Pretreatment Standards have not been prescribed because the source commenced after the publication of proposed regulations prescribing National Categorical Pretreatment Standard

pursuant to 33 U.S.C. § 1317, as amended from time to time. The District Engineer shall prescribe appropriate standards for new sources until such time as same are prescribed by the National Categorical Pretreatment Standards.

- (59) Operation, Maintenance and Replacement Costs or OM&R Costs. Costs to operate and maintain the collection, transmission, and treatment systems in order to provide the capacity and performance required by the District, and the amount necessary to ensure replacement of all equipment, accessories, or appurtenances that are necessary to maintain the wastewater facilities.
- (60) Owner. Any person or persons who holds title to a parcel or parcels of property to which these regulations pertain.
- (61) Parts Per Million or PPM. 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.
- (62) Person. Any individual, firm, company, partnership, municipality, association, private or public corporation, cooperative, society, institution, enterprise, government agency, or other entity.
- (63) pH. The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^7$ .
- (64) Phosphorus (P). The 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 the Standard Methods.
- (65) P.O.W.T.S. Private onsite wastewater treatment systems, which are privately owned and maintained.
- (66) President. As applied to the District, see Chairman. President, as applied to a contracting entity or municipal limited contract user, shall mean the President of said municipality or other authorized representative of the municipality.
- (67) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewer.
- (68) Private Sewerage System. A system for treatment of wastewater that is not owned or operated by the District, a contracting municipality or other governmental entity.
- (69) Properly Shredded Garbage. See Ground Garbage.

- (70) Public Sewer. Any sanitary sewer in the District wastewater collection and transmission system.
- (71) Regional Planning Commission or RPC. The operative regional planning authority, if any, having jurisdiction in the area served.
- (72) Replacement Costs. *See* Operation, Maintenance and Replacement Costs.
- (73) Residential Equivalent Unit (REU). A unit of service of any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residential apartment, store or office, which is equipped with one or more fixtures for rendering sewer service, separate and distinct from other users. Each unit of service shall be regarded as a customer and the surcharge for additional customers assessed accordingly. Suites in houses and apartments having suites of one, two, or more rooms with toilet facilities, but without a kitchen for cooking, are classed as rooming houses. When a customer's premises have several buildings, each supplied with service, the full service charge will be billed for each service separately. One REU's determined to be equal to 250 gallons per day of domestic strength wastewater.
- (74) Residential User. A person discharging domestic strength wastewater from a single family or multiple family dwelling unit. A multiple family dwelling unit with three (3) or more units shall be considered a Commercial User.
- (75) Sanitary Sewage. *See* Sewage.
- (76) Sanitary Sewer. A pipe or conduit that collects and carries wastewater from residential, commercial and industrial users through a system that eventually connects to a wastewater treatment plant.
- (77) Sanitary Sewer Main. *See* Force Main and Gravity Main.
- (78) Septage. The contents of septic tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, and privies.
- (79) Service Area. The area served by the District as described in the District's DNR approved Facilities Plan including planning documents in the appendices.
- (80) Service Life. 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.
- (81) Sewage. The water-carried wastes created in and to be conducted away from residences, industrial establishments, commercial buildings, and public buildings. The spent water of a community. *See* "Wastewater."
- (82) Sewer. A pipe or conduit that carries wastewater or storm drainage water.

- (83) Sewer Service Charge. The total service charge levied by the District on the customers or by the District on the contracting entities to pay for debt retirement costs for capital expenditures as well as the operation, maintenance and replacement costs of the wastewater facilities. The basic sewer service charge does not include surcharges, special charges, special assessments or connection charges.
- (84) Sewerage System. The wastewater facilities, including the wastewater treatment plant but excluding building drains and building sewers. *See* "Wastewater Facilities."
- (85) Shall is mandatory.
- (86) Significant Industrial Contributor. A user that has a discharge flow which:
- (A) Is greater than 25,000 gallons on any day of the year; or
  - (B) Is greater than five (5) per cent of the total flow rate or design compatible pollutant loading received at the District wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Wis. Admin. Code Chap. NR 211; or
  - (C) Has been notified in writing by the DNR, or the District that it is necessary to provide information concerning the concentration and quantity of the pollutants discharged.
- (87) Sludge. *See* Biosolids.
- (88) Slug Load. Any substance released at a discharge rate and/or concentration which causes interference to the wastewater treatment processes or whose 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.
- (89) Standard Methods. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation and in compliance with 40 C.F.R. § 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.
- (90) Storm Sewer or Storm Drain. A drain or sewer for conveying surface water, groundwater and subsurface water or unpolluted water from any source.
- (91) Storm Water Runoff. That portion of the rainfall that is collected and drained into the storm sewers.

- (92) Sump Pump. A pump to remove accumulation of liquids from a sump pit or reservoir serving as a drain or receptacle for such liquids and typically located in a basement or the lowest point in a circulating or drainage system.
- (93) Surcharge. A charge applied to any user of the wastewater treatment facility whose discharge exceeds in one or more parameters (such as BOD, TSS, TKN, etc.) of the concentration of normal domestic strength wastewater. The minimum amount of any such surcharge shall be the direct costs incurred to remove the excess BOD, TSS, TKN, or other pollutants from the wastewater, and shall be in addition to all fixed and variable charges.
- (94) Total Kjeldahl Nitrogen (TKN). The quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods that is in water, wastewater or other liquids.
- (95) Total Suspended Solids (“TSS”). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in the Standard Methods and referred to as non-filterable residue.
- (96) Town of Dekorra. The Town Board of the Town of Dekorra.
- (97) Unmetered User. A user who does not have a District metered water supply.
- (98) Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect or water that would not violate receiving water quality standards and, therefore, would not benefit through discharge to the sanitary sewers and wastewater treatment facility.
- (99) User. Any person who discharges, or causes to be discharged, domestic wastewater or industrial discharges or any other wastewater into the District collection, transmission and treatment systems.
- (100) User Charge. *See Sewer Service Charge*.
- (101) Utility District. Any utility district created by the Town Board pursuant to Wis. Stats. § 66.072, as may from time to time be amended.
- (102) Utility District Board. The governing body of Dekorra Utility District #1. The Town Board of Supervisors sitting as Utility District Commissioners.
- (103) Wastewater. Liquid wastes or water-borne wastes discharged from residential, commercial, industrial and public buildings. “Wastewater” also includes inflow and infiltration.
- (104) Wastewater Collection Facilities (or wastewater collection system) shall mean the structures and equipment required to collect and convey wastewater.

- (105) Wastewater Facilities. The structures, equipment and processes that are owned and operated by the District and designed to collect, carry and treat domestic wastewater and industrial discharges, exclusive of the building sewer and building drain.
- (106) Wastewater Treatment Plant. An arrangement of devices and structures for treating domestic wastewater and industrial discharges. The wastewater treatment plant is a component of the wastewater facilities.
- (107) Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
- (108) WDOT/U.D. Agreement. The Agreement for Sanitary Sewer Service to Safety Rest Areas #11 and #12, IH 39/90/94, Columbia County, Project I.D. 1013-01-40 by and between the Dekorra Utility District #1 and the Wisconsin Department of Transportation dated July 7, 2005, including amendments #1 and #2 and any future amendments.
- (109) WPDES Permit. A permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stats. Chap. 283. Wisconsin Pollutant Discharge Elimination System (WPDES) Permit is a document issued by the Wisconsin State Department of Natural Resources that establishes effluent limitation and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0063371-01-0 and modifications thereof pertain to the municipal wastewater treatment facility.

(c) **Management, Operation And Control.**

- (1) Utility District Authority: Construction, Management, Operation And Control Of Wastewater Facilities. The District was created for the public purpose of serving the District's need to collect and treat its wastewater and the Wisconsin Department of Transportation's need to provide sanitary sewer service to Safety Rest Areas #11 and #12. The District has been granted the authority to construct, manage, operate and control the wastewater collection, transmission and treatment system in a prudent and economical manner.

To further its public purpose, the District's power and authority over the wastewater facilities shall include, but not necessarily be limited to, the following:

- (A) The District or its designee shall have the right to enter upon any land for the purpose of examining, inspecting, supervising, managing or maintaining the local system and for the performance of its duties under this ordinance, without liability therefor; and the District shall have the power to purchase and acquire for the District, all real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling or additions thereto;
- (B) The District shall have the right to lay and maintain local sewers in and through public alleys, streets, utility easements and public grounds within

the service area and generally, to do all such work as may be found necessary or convenient in the management of the District's local sewerage system; and

- (C) The District shall use good faith efforts to use bypasses or other contingencies for all regular repairs, and shall develop a contingency plan for emergency repairs so that a service cut off can be avoided to the full extent possible. To the extent possible, the District shall give notice to the affected customers as to the time and approximate duration of regular and emergency repairs that may affect customers.
- (2) Utility District's Responsibility To Maintain And Repair Local Sewers. The District shall maintain the sewerage system free from any and all defects and shall take prompt action to correct conditions that may impair, adversely affect or restrict the District's WPDES permit. Such conditions include, but are not limited to, overloading or slug loading with substances such as heavy metals or whey, and other conditions that may result in WPDES permit violations.
- (3) Safe Practices Required. Every person performing work on the sewerage system shall observe all state and local safety rules and regulations including those established by this ordinance and the District's regulations.
- (4) Ownership Of Real And Personal Property; Access To Same. All property (real, personal and mixed) acquired in connection with the wastewater facilities, and all plans, specifications, diagrams, papers, books, and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the District. Individual property owners served by the wastewater facilities shall own their building sewers. The District shall have all reasonable access to the sewerage system and building sewers for all purposes set forth in this ordinance.
- (5) Condemnation of Real Estate. Whenever, in the judgment of the District Board, any real estate, easement or use is a matter of public necessity for the sewerage system, the District Board may take such steps as are necessary to acquire said real estate, easement or use by condemnation in accordance with Wis. Stats. Chap. 32.
- (6) Notices To Utility District: Location Of Public Records. All notices to the District shall be mailed, postage-paid, to the District Clerk, Dekorra Utility District #1. All files, records, minutes, and all written proceedings related to the wastewater facilities shall be kept in the Office of the District Clerk.
- (d) **District Boundaries Or Service Area.**
- (1) District and Utility District Service Areas. The District's service area shall be the properties served by the District's wastewater facilities and includes any contracting entities not located within the District boundaries. As of the date of adoption of this ordinance, the boundaries of the District's service area are as shown on the boundary map attached in Appendix A, and incorporated by

reference. The District's service areas may be amended from time-to-time in accordance with this ordinance.

- (2) Additions To Service Area. All property within the established boundaries of the District shall be included in and served by the wastewater collection, transmission and treatment system. Any additions to the District's service area shall be made in accordance with federal, state and local law.

New connection to the Utility District's Sanitary Sewer System will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities, see (h)(1)(C).

- (3) Connection Charges And Fees To Added Territory. Territory added to the District in accordance with this section shall be subject to Connection Permit fees, as provided herein. Connection Permit charges or fees shall be determined by resolution of the District Board. Connection Permit fees shall be collected by the District in an amount determined by resolution of the District Board, see (h)(1)(C).

(e) **Use Of The Local System.**

(1) Prohibited Discharges.

(A) General Prohibitions. No person shall discharge wastes to a local sewer which cause or are capable of causing, either alone or in combination with other substances:

- (i) a fire or explosion;
- (ii) obstruction of flow or damage to the wastewater facilities;
- (iii) danger to life or safety or welfare of persons;
- (iv) air pollution as defined in Wis. Stats. § 285.01(3), as amended from time to time, and any regulations and/or orders of any regulatory agency issued thereunder;
- (v) prevention of effective maintenance or operation of the wastewater facilities;
- (vi) any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
- (vii) a detrimental environmental impact, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (viii) any sanitary sewer to be overloaded;



- (ix) in the opinion of the District, excessive collection and treatment costs, or use of a disproportionate share of the local or regional system;
  - (x) the District to violate its WPDES permit.
- (B) Specific Discharges. Prohibited discharges shall include, but not be limited to:
- (i) any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - (ii) 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/facility;
  - (iii) any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having other corrosive property capable of causing damage or hazard to structures, equipment, District employees or consultants;
  - (iv) 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, unshredded or improperly shredded garbage, whole blood, paunch manure, hair and flesh, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders;
  - (v) any wastewater from commercial or industrial users containing floatable oils, fats or greases;
  - (vi) any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers; or
  - (vii) any wastewater containing animal wastes.
- (2) Storm Drainage and Ground Water Discharge Restricted.
- (A) Unpolluted waters. Unpolluted waters, including storm water, ground water, rain water, street drainage, roof runoff or subsurface drainage, cooling water, process water or blow-down from cooling towers or evaporative coolers, shall not be discharged into the wastewater facilities without prior approval of the District. Such approval shall be granted only when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and compliance with conditions as required by the District.

- (B) Polluted storm water. Polluted storm water runoff from limited areas may be discharged to the local sewer only upon approval by the District, payment of applicable charges and fees and compliance with conditions required by the District.
- (3) Limitations On Discharge Characteristics.
- (A) Limitations related to discharges to the treatment plant. Discharge to the sewerage system of the following described substances, materials, waters or waste shall be limited to the following concentrations or quantities, provided such concentrations or quantities will not harm the sewerage system, wastewater facilities, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream or groundwater; will not have an adverse effect on the sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance:
- (i) liquid having a temperature higher than 65°C (149°F) or any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant, thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the discharge to the wastewater treatment plant to exceed 40°C (104°F), unless the District Engineer certifies that the wastewater treatment plant is designed to accommodate such temperature;
  - (ii) wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous;
  - (iii) radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency;
  - (iv) wastewater containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;
  - (v) wastewater containing more than 100 mg/l of oil or grease of animal or vegetable origin;
  - (vi) 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;
  - (vii) wastewater which contains in excess of any of the following constituents in a 24 hour flow proportionate sample made up of an

aggregate of the total discharge from all of the outfalls of a non-domestic user:

1.0	mg/l aluminum	40.0	TKN
0.02	mg/l cadmium	24.0	ammonia
0.1	mg/l hexavent chromium	0.25	arsenic
0.5	mg/l total chromium	2.0	barium
0.2	mg/l copper	50.0	chlorides
2.0	mg/l lead	2.5	fluorides
0.02	mg/l mercury	7.0	iron, total
0.3	mg/l selenium	1.0	manganese
0.04	mg/l silver	500.0	total dissolved solids
2.0	mg/l zinc	6.0-9.0	pH
1.0	mg/l nickel		
0.35	mg/l cyanide		

The District may, from time to time, change the requirements established herein if necessary to meet the objectives of the ordinance or a condition of the District's WPDES permit.

Samples shall be collected over the period of discharge if the discharge is less than 24 hours in duration;

- (viii) industrial discharges exceeding applicable National Categorical Pretreatment Standards, or state standards;
- (ix) any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution;
- (x) any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;
- (xi) any discharge prohibited or limited as determined by the District to be necessary to meet the objectives of this ordinance or the conditions of its WPDES permit; or
- (xii) Any construction site surface or subsurface waters.

(B) Limitations related to treatment plant effluent.

- (i) No person shall discharge any wastewater to the wastewater facilities which, in combination with other discharges, results in either:
  - a. the wastewater treatment plant effluent having concentrations exceeding the following limits:

1. 0.1 mg/l total phenols or
  2. 0.002 mg/l polychlorinated biphenols (PCBs) or
- b. the wastewater treatment plant's digested sludge exceeding a PCB concentration of 10.0 ppm on a dry-weight basis.
- (ii) No person shall cause or permit a discharge into the wastewater facilities that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES permit and any modification or reissuance thereof.
- (C) Limitations superseded. Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the federal standards, if more stringent than the limitations imposed under these regulations, shall immediately supersede the limitations imposed under these regulations; and such industrial user shall comply with the said federal standards upon notification by the District of the applicable requirements under 40 C.F.R. § 403.12, as may be amended from time to time.
- (4) No Dilution Of Industrial Discharge. Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established in this Section, or below other applicable pretreatment standards, is prohibited.
- (5) Accidental Discharge Of Prohibited Wastewater/Discharges. Any person who accidentally discharges into the District's wastewater facilities, wastes, wastewater or other discharges prohibited under these regulations shall immediately report such a discharge to the District. Such report shall describe the location, time and volume of the discharge, and the type of waste or wastewater discharged. 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 District. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this ordinance. Where the District deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under these regulations.
- (6) Alternatives To Acceptance of Wastewater. If any waters or wastes are discharged or are proposed to be discharged to the wastewater facilities in excess of those limitations enumerated herein, the District shall, at its sole discretion:
- (A) reject the wastes; and/or
  - (B) require pretreatment; and/or
  - (C) control the quantities and rates of discharge; and/or

- (D) recover the increased costs of handling, sampling and treating such wastes.
- (7) Industrial Discharges; Pretreatment. Industrial users shall comply with the provisions of this ordinance as may be amended from time to time, and any additional conditions related to a specific industrial user as determined by the District. Industrial users may be required to pre-treat 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 sub-grade as issued by the DNR.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the District.

- (8) Grease and Sand Trap Installations. The District shall require such traps as are deemed necessary, in its sole opinion, for the proper handling of liquid wastes containing floatable oil or grease in amounts in excess of the limitations as specified in subsection (e) of this ordinance, or any flammable wastes, sand, or other harmful ingredients. All such traps shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these traps, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal. Such records shall be submitted to the District upon request. Disposal of the collected materials must be in accordance with applicable DNR rules and regulations.
- (f) **Limitations On Discharge Of Holding Tank, Septage And Other Similar Wastes.**
- (1) No Discharge Into the Wastewater Facilities. No person, including, but not limited to, licensed disposers, may discharge the following into a manhole or other unapproved opening in the wastewater facilities:
- (A) any holding tank wastes;
  - (B) septage; or,
  - (C) any other liquid, gaseous or solid wastes determined by the District to be detrimental to the public sewerage system, District employees or to the process of sewage treatment (collectively, for purposes of this Section, "other similar wastes").
- (2) Approval Required For Discharge At Wastewater Treatment Facilities. Holding tank wastes, may be disposed at the designated receiving station at the wastewater facilities main lift station solely if approved by the District.

- (3) Permits To Discharge Holding Tank Wastes. Permits to discharge holding tank, wastes shall be obtained from the District prior to the occurrence of the discharge.

All approvals for holding tank waste disposal shall have the conditions that any time the wastewater treatment facility has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to holding tank waste disposal, the District may immediately restrict holding tank waste disposal until such time as corrective action or mitigative measures have been taken.

- (4) Application for Holding Tank Wastes Discharge Permit. Between August 1 and September 1 of each year, every licensed disposer desiring to discharge holding tank waste to the Town of Dekorra Utility District wastewater treatment facility shall file a non-refundable Twenty-five (\$25.00) Dollars annual filing fee and application in writing to the Board in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be available at the office of the Clerk of the Town of Dekorra. The application must state fully and truly the type, frequency, quantity, quality and location of generated waste to be disposed at the Dekorra Utility District wastewater treatment facility.

During the month of September, the Board will evaluate the applications and make a determination as to the amount and conditions of waste disposal at the Dekorra Utility District wastewater treatment facility. The Board shall approve or reject all applications by the October District meeting each year. If Dekorra Utility District cannot accept all of the proposed waste disposal, the consideration shall be given first to those generators of holding tank waste that are within the sewer service area.

All Board approvals for waste disposal shall have the conditions that any time the wastewater treatment facility has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to holding tank waste disposal, the Board may immediately restrict waste disposal until such time as corrective action or mitigative measures have been taken.

- (5) Holding Tank Waste Acceptance Location. Holding tank waste shall only be discharged to the District wastewater facility's receiving station through District acceptance and by State of Wisconsin licensed disposers and at the locations, times, and conditions as specified by the District.

Holding Tank Waste discharges are limited to the normal working hours of the Harmony Grove Trucking Repair business and require written documentation of the discharge to be submitted to the operator and Town Clerk on a weekly basis or within one week of the discharge to verify digital log information at the Receiving Station.

- (6) Penalty for Violation. Any person or licensed disposer violating the terms or conditions of this subsection (f) or using or permitting the use of the public sewers for a use for which a permit may be issued without first obtaining a permit or continuing such use after notice of revocation of a permit, shall, upon conviction, forfeit the sum of \$1,000.00, plus applicable assessments and court costs, for each violation, and in default of payment, may be confined in the Columbia County jail until payment is made, but not exceeding 90 days. Each day on which a violation occurs or continues shall be deemed a separate offense. All forfeitures recovered by the District under this subsection shall be paid into the general account of the District. In addition, such person or licensed disposer shall pay to the District any damages, costs or expenses incurred by the District in connection with such unpermitted use.
- (7) Special arrangements. No statement contained in this ordinance shall be construed as prohibiting any special agreement between the Utility District Board and any person whereby a 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 utility without recompense by the person, and further provided that all rates and provisions set forth in this ordinance are recognized and adhered to.
- (g) **Performance Standards; Wastewater Measurement Sampling And Reporting.**
- (1) General Authority To Establish Performance Standards And Monitor Wastewater. Compliance with legal requirements for operation of the wastewater treatment facility is a priority for the District and a condition of each customer's connection and continued use of the wastewater facilities. The District, in its reasonable discretion, is authorized to establish such performance standards as are prudent or necessary to assure operation of the wastewater treatment facility in compliance with Wis. Admin. Chaps. NR 110 and 204, the District's WPDES permit, and other state and federal statutes, rules, regulations, and permits. The District shall monitor wastewater characteristics and constituents to determine compliance with this ordinance and to facilitate an equitable system of service charges.
- (2) Utility District Performance Standards. The District and each of its customers, at their own expense, shall be responsible for insuring that the wastewater delivered to the wastewater treatment facility meets the terms of the District's WPDES permit; Wis. Admin. Code Chaps. NR 110 and 204; other federal and state statutes, rules, regulations, and permits with respect to generation and delivery of wastewater; generally accepted industry practices such as those set forth in the Standard Methods, and those standards or practices reasonably established by the District. Performance standards expressly include the standards and limits set

forth in the District's WPDES permit and other permits required for each contracting entity and, limited contract user. If there is a conflict between or among standards, the most stringent requirement shall apply. Any such standards or practices shall be uniformly imposed and enforced upon all users of the local system, regional system or wastewater treatment facility.

In addition to meeting the general performance standards set forth above, by connecting to the local system, each customer agrees to and shall meet the following specific performance standards as both a condition of connection and continued use of the wastewater facilities:

- (A) Each customer warrants and represents, to the best of its knowledge, that the wastewater or other products it delivers to the local system and wastewater facilities was generated solely by it or other users expressly approved by the District, where required; and
- (B) Each customer warrants and represents, to the best of its knowledge, that it shall not cause or permit any Hazardous Material (as defined below) in amounts or at levels in excess of the District's WPDES permit to be delivered to the wastewater treatment facilities, without the duly authorized resolution and prior written consent of the District. If the customer breaches the obligations under this paragraph, or if Hazardous Materials in violation of the District's WPDES permit are found in wastewater delivered to the wastewater facilities by a customer, said customer shall indemnify, defend, and hold the District harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses whatsoever, including engineering and attorney fees that arise during, after or as a result of the introduction of any Hazardous Material in excess of WPDES permit levels into the wastewater treatment facilities. Said indemnification shall be in addition to any insurance coverage to which the District may be entitled, and is not intended to and shall not relieve the District's insurers from providing such coverage.

As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material or waste that is or becomes regulated by either the State of Wisconsin or the United States Government. The term "Hazardous Material" includes, without limitation, any material or substance that is (i) defined as a "hazardous substance" or "hazardous waste" under any state or federal statute, rule, regulation or related provision, and/or (ii) any substance that exceeds the WPDES permit and other permit limits as defined by any state or federal statute, rule, regulation or related provision.

- (3) Notice Of Inability To Meet Performance Standards And/Or Acceptance Of Discharges. If any customer of the District is unable or fails to comply with the performance standards set forth above, it shall provide notice to the District



within 48 hours of becoming aware of such inability or non-compliance. Notice shall be in writing and briefly describe the circumstances rendering the customer unable to perform.

- (4) Requirements For Billing Customers. To insure proper and fair billing, the District, or designee, shall conduct such tests for quantity (flow), TSS, ammonia, TKN, BOD5 and other substances as may be prudent or necessary, as determined by the District.
- (5) Reporting Requirements.
- (A) User information. In order to carry out its responsibilities under this ordinance, the District may require customers to provide information about themselves concerning, but not necessarily limited to:
- (i) volume, time and peak rate of discharges;
  - (ii) chemical analysis of discharges;
  - (iii) raw materials, processes and products relevant to discharge characteristics;
  - (iv) discharges of specific wastes such as sludge, oil, solvent, oil, or incompatible pollutants;
  - (v) plot plans of local and building sewers showing locations of sewers, monitoring facilities, and pretreatment facilities;
  - (vi) details of pretreatment facilities; and
  - (vii) details of systems to prevent losses of materials through spills to the public sewers.
- (B) DOT rest areas, licensed disposers, industrial user annual reports. The District may require that the DOT Rest Areas, licensed disposers or other industrial users provide regular reports on the quality and quantity of its wastewater discharges. The report shall include completion of the form required by Wis. Admin. Code § NR 1.01, as may be amended from time to time, and shall contain at least analyses for compatible pollutants (e.g., BOD5, TSS, NH<sub>3</sub>, TKN, pH) and for all Incompatible Pollutants listed in this ordinance unless the industrial user has obtained specific exemption from reporting certain constituents.
- (C) Reports of discharges requiring pretreatment. The District may require reports from any industrial user who discharges any incompatible pollutants which require pretreatment prior to the discharge to the wastewater facilities, including the quality and quantity of the discharge.

Said report shall be provided to the District quarterly by March 15, June 15, September 15, and December 15.

- (D) Measurement and testing standards. All measurements and test analyses of the characteristics of wastewater shall be determined or performed in accordance with the Standard Methods and/or as established by the EPA pursuant to 33 U.S.C. § 1317, et. seq., as may be amended from time to time, and contained in 40 C.F.R., Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R., Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents or Priority Pollutants, April 1977," and amendments thereto, or with any other sampling and analytical procedures approved by the EPA. All analyses shall be done on representative 24-hour composite samples taken during a typical operating day.
- (E) Reports to be signed. Any reports required to be submitted by the DOT, Licensed Disposers or a industrial user pursuant to the provisions of this ordinance shall be signed by the authorized representative of such user. The authorized representative shall be the chief operating officer of such user if a corporation, or a partner of such user if a partnership, or the sole owner of such user if a sole proprietorship.
- (F) Retention of user records. The DOT, Licensed Disposers and each industrial user shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and other information relating to monitoring, sampling and chemical analysis made by or on behalf of the user in connection with its discharge. All such records pertaining to matters which are the subject of any enforcement proceedings under these regulations or the subject of any litigation involving the District shall be retained and preserved by the user until such proceedings or litigation have been finally concluded and all periods of limitation with respect to appeals therefrom have expired.
- (6) Monitoring Facilities Or Control Manholes May Be Required For the DOT Rest Areas or Industrial Waste Dischargers. The DOT Rest Areas or any person discharging industrial wastes into a sanitary sewer shall, in the discretion of the District, construct and maintain, one or more control manholes or access points to facilitate observation, measurement and sampling of industrial wastes. Control manholes or access facilities shall be located and built in a manner acceptable to the District. If measuring devices are to be permanently installed, they shall be of a type acceptable to the District. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at the person's expense, and shall be maintained by the person so as to be in a safe condition, accessible, and in proper operating condition at all times. The

monitoring manholes shall be accessible by the District personnel at all times and shall be capable of independently locking the system to allow access by the District only. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the District prior to the beginning of construction of same. (See Appendix G, Control Manhole Detail.)

(h) **Connection To Local System.**

(1) All Connections To The Wastewater Facilities Require Utility District Approval And A Local Connection Permit. All connections to the local sewers or local system shall be reviewed and approved or denied by the District.

(A) Connection To Local Sewers.

- (i) General. Any person desiring to connect property to the District's wastewater facilities shall apply to the District for permission to make such connection and obtain a connection permit ("Local Connection Permit"). The District shall not grant permission for connection where the local sewer is not adequately sized to transport the additional flow or the wastewater facilities do not have available capacity. Industrial connections must be preapproved by the District.
- (ii) Combined sewers. No combined sanitary and storm sewers shall be connected to the local sewers.
- (iii) Application for connection of building sewer to local sewer. No person shall connect a building sewer to a local sewer without obtaining a Connection Permit as herein provided. Applications for permission to connect a building sewer to a local sewer shall be made in writing to the District. The application shall be made by the owner or the owner's representative and shall include a statement giving the exact location of the premises, the purpose for which the connection is to be used, the time when the work is to be done and such other information as may be required by the District. The District Board, by resolution, shall establish non-refundable Connection Permit fees for residential, commercial and industrial customers. The Connection Permit fee shall be paid upon filing the application. No work of laying the building sewer shall be commenced or continued without the required Connection Permit being on the premises. At the time of the connection, each building sewer shall be inspected by the District's designee.

An application for connection to the sewer for the disposal of DOT Rest Area or industrial waste shall include:

- a. estimated volume of waste;

- b. variations in rate of discharge;
- c. characteristics of waste; and
- d. strength of waste.

Application forms for sewer connection applications will be available at the Office of the Utility District Clerk. The application must state fully and truthfully the intended use for which the application is being made. The application must provide the complete, correct, legal description of the property to be served.

If the applicant is not the owner of the premises, the written consent of the property owner must accompany the application

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

(iv) Building sewers.

- a. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- b. The applicant for the building sewer permit shall notify the proper representative of the Town when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of said representative or a representative of District.

(v) Deposit. Each customer shall pay prior to hook-up, to guarantee payment of all charges herein, a deposit in cash in the amount equal to the minimum monthly sewer charge pursuant as hereinafter provided. Said minimum charge to be determined by the type of service by which the property is connected to the mains. Such deposits will be refunded after one (1) year of timely payment of monthly charges, or when the user moves from the premises, whichever is first, providing all charges are current.

(vi) Tap permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises for alterations, extensions, or attachments, unless the party ordering such tapping

or other work shall exhibit the proper permit for the same from the District Board or its agent.

- (vii) Customer to keep in repair. All customers shall keep their own service in good repair and protected from frost at their own risk and expense; and shall prevent any unnecessary waste of water and over-burdening of the sewer system. All expenses relating to the introduction of sewer lines into buildings or private premises, and connection with the sewer system, shall be paid by the applicant.
- (viii) User use only. No user shall allow others or other services to connect to the sewer system through the user's lateral.
- (ix) User to permit inspection. Every user shall permit the District, or its duly authorized agent, at all reasonable hours of the day, to enter its premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate, and must at all times, frankly and without concealment, answer all questions relative to its use.
- (x) Utility responsibility. It is expressly stipulated that no claim shall be made against the District by reason of the breaking clogging, stoppage, or freezing of any service pipe. Whenever it shall become necessary to shut off the sewer service within any area of the District, the board or its agent shall, if practicable, give notice to each and every customer within the District of the time when such service will be so shut off.

(B) Connection Of New Sewers To Existing Wastewater Facilities.

- (i) General. Any developer or builder desiring to construct a sewer at their expense, which will subsequently be dedicated to the District and connected to an existing sewer, shall make application for permission to make such connection. No work of laying the proposed sewer shall be commenced or continued without first obtaining written final approval of the plans and specifications by the District or its designee and the required connection permit and determination and agreement to connection cost which are to borne by the applicant, see (h)(2). The connection permit shall be on the premises or in the hands of a professional engineer licensed to practice in Wisconsin at all times during construction. The District shall not grant permission for connection when the capacity of downstream collection system is inadequate.
- (ii) Application. An application for permission to construct a new sewer which will subsequently be dedicated to the District shall be made as follows:

- a. The application to be made to the District in writing by a professional engineer licensed to practice in Wisconsin;
- b. The 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 District or District Engineer; and shall include a statement that the design, construction, operation and maintenance of the system will be subject to this ordinance and the lawful rules and regulations of the District and that all necessary connection charges, as described herein, shall be paid;

The application shall be accompanied by six (6) sets of plans and specifications for the connecting system. The plans and specifications shall be prepared by a professional engineer, licensed to practice in Wisconsin and shall conform to state and local plumbing codes and the requirements of the DNR. All elevations given on the plans submitted to the District shall be based upon datum of the District, or United States Geological Survey datum, and all bearings shown shall refer to the true north and south meridian. Every plan submitted shall bear a sign showing the direction of true north in relation to the plan;

- c. The plans and specifications described in b. shall be submitted to the District Engineer at least 21 calendar days prior to the District Board meeting at which presentation is desired. The District Engineer shall review said plans and specifications for conformity with all design standards as periodically adopted and approved by rule or regulation of the District, and the District Engineer shall then transmit the plans and specifications along with his or her recommendations, to the District Board;
- d. The District shall review the plans and specifications for conformity with all ordinances, administrative rules and regulations and for any other matter within its jurisdiction. The District 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, the conditions of approval or reasons for rejection shall be given in writing;
- e. Unless the time is extended by written agreement between the applicant and the District, the District shall complete the action required herein within ninety (90) days of the

filing of the plans and specifications previously approved by the District Engineer. Failure to act within such ninety (90) days shall constitute denial of the plans and specifications by the District. In no event shall construction proceed until all required approvals are granted;

- f. The District's approval of the plans and specifications and the issuance of the connection permit shall be conditioned upon approval by the DNR. Any changes or additions to the plans and specifications which are required by an approving authority shall be submitted by the applicant to the District Engineer as said changes or additions are made; and
- g. Determination of and agreement to connection costs (see (h)(2)).

(C) Extension of New Sewers to Existing Unsewered, Developed Areas.

- (i) Extension to existing unsewered, developed areas shall be initiated by application in writing to the Town of Dekorra Utility District Board.
- (ii) By signing the application, the owner(s) agrees to pay the proportionate share of the estimated cost of making such extension.
- (iii) When the Board shall have ordered the construction of any municipal sewer system extension, it shall become part of the sanitary sewer system, the cost of the improvement shall be assessed against the lots, parts of the lots or parcels of land which front upon the proposed line of the sewer main and which are specifically benefited thereby. Special assessments for sewer mains shall be in accordance with the procedures under Wis. Stats. § 66.60.
- (iv) When the cost of a sewer main extension has been determined, following notice and public hearing, notices of special assessment shall be mailed to the abutting property owners at the address appearing in the application. Bills for such special assessment shall be mailed following completion of construction and acceptance of the sewer. If such assessments have not been paid by October 1 of the year in which rendered, the amount of such assessment shall be certified to the District Clerk by the Town Treasurer shall charge the amounts on the tax rolls of the Town to the property described to be collected according to law for collection of general taxes.
- (v) The amount assessed against any property shall be computed by a formula considering the acreage development category and the total cost of the improvement including the construction cost for

the sewer main required to adequately serve and benefit the property as determined by the Board. In no case shall such main be less than eight (8) inches. The costs of engineering and legal services and any other item of direct or indirect cost which is attributed to the improvement, including the cost of that portion of the sewer main in intersections of streets and alleys, shall be included in computing the costs of the improvement.

- (vi) When the Board extends sewer mains for new customers on the basis of subs (iii) & (v) above, the Utility District shall determine the sewer system size requirements.
  - (vii) Nothing herein shall prevent the Board from entering into a development agreement with the owner for a benefited parcel or parcels which may provide, among other things, for a different method of calculation or imposition of special assessments for the extension of sewer services to such benefited parcel or parcels including, but not limited to, provisions for oversizing of mains, or system appurtenance, deferral of assessments and the posting of security to insure future performance.
- (2) Fees and Charges For Local Connection Permit. Prior to issuance of a Local Connection Permit, the applicant shall pay the following to the District
- (A) Initial Capital Contribution to Utility District: Assessment Charge. All relevant outstanding assessment charges, including deferred charges, and/or interest thereon, for wastewater facilities previously installed by the District shall be verified as to the status of payment. The assessment payment schedule will vary depending on the specific property as established in conjunction with the Assessment Report for Wastewater Treatment Facilities (“Report”). The Report is included as Appendix B.

The initial Report dealt with larger parcels of property that may be subdivided or combined over time as the Utility District develops. The District will require verification of payment progress of the assessment charge for the specific parcel for which the local connection permit is requested.

- (B) Connection Fee. The Utility District Board shall set a sewer connection fee over and above the assessment charge (See Appendix D). The connection fee shall be assessed against all commercial, industrial, private and public institutions connecting to the system. The fee shall be determined on an individual basis, taking into account the type of use, volume, strength of wastewater, and additional costs of other factors as the Board may consider to establish an equitable sewer connection fee. The fee shall be charged to properties that are determined to have developments producing wastewater volume/strength characteristics that exceed two (2) REU’s that equates to approximately 500 gpd/acre of domestic strength wastewater.



- (C) Installation Expenses for Extension and Connection. The applicant shall pay all expenses related to required extensions of the sanitary sewer, including manhole(s) that are part of the extension, unless otherwise provided by the District. The applicant shall pay all expenses related to installation and connection of the building sewer to the public sewer.
- (D) Consultants' Fees. All costs of services performed by third parties on behalf of the District, including but not limited to fees incurred for consultation with the District's engineer, attorney and/or other professionals with respect to the applicant's permit or application.
- (E) Administrative Costs. All costs incurred by the District for special meetings, publication of notices and other similar costs associated with the applicant's permit or application.

Any person failing to pay the required Connection Permit fees, charges and costs when due may be denied connection and/or subject to other penalties provided for violation of this ordinance.

(3) Supervision and Construction.

- (A) Local Sewers. Construction of local sewers within the District shall be under the direction of a professional engineer licensed to practice in Wisconsin. Such engineer shall keep accurate records of the location, depth, and length of sewers as built; the number and location of manholes, if any; the location of any "Y" branches or slants; and the location of building sewers.

The developer or builder shall be charged for engineering, inspection, consulting and legal services performed by or on behalf of the District in conjunction with the design, inspection and review of private construction of a proposed community sewer to be subsequently dedicated to the District. Engineering, inspection, consulting and legal fees shall be the actual cost to the Utility District on the basis of submitted invoices. In addition, the developer or builder shall be charged twice (2x) the actual payroll cost for time spent by employees of the District. Such fees may be determined by the District.

Upon acceptance by the District Board of the construction covered by the plans and specifications for the new local sewer, the developer shall furnish to the District two (2) complete sets of correct prints, one (1) complete set of correct mylar reproducibles of the system as built, and a digital file of the correct plan in a CAD format specified by the District.

In accordance with this ordinance and the provisions of applicable land division ordinances, the developer shall be responsible for performing replacement or acceptable repairs of any defective workmanship or

materials that appear during the one-year guarantee period following completion and acceptance of the project.

(B) Building Sewers.

- (i) All building sewers served by the sewer system shall be constructed and inspected as required by Wis. Admin. Code Chap. Comm 82.
- (ii) A separate and independent building sewer shall be provided for every building.
- (iii) Old building sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of this ordinance.
- (iv) Whenever possible, the building sewer shall be brought to the building on an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (v) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other inflow sources of surface runoff, stormwater or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.
- (vi) The connection of the building sewer into the public sewer shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District before installation.
- (vii) The District or their designated representative shall perform an inspection of the sewer connection, and enforce all laws, ordinances and rules in relation thereto.
- (viii) The building sewer shall be Polyvinyl Chloride (PVC) Pipe, ASTM Specification D-3034 SDR35; or equal; or other suitable material approved by the Building Inspector. If installed in filled or unstable ground, the building sewer shall be laid on suitable washed stone bed or cradle as approved by the Building Inspector.
- (ix) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain may be lifted by approved artificial means and discharged to the building sewer at the expense of the building owner. Each

building owner shall request approval for the Utility prior to connecting any pumping equipment.

(C) Excavations and Main Tapping.

- (i) In making excavations in streets or highways for laying service pipe or making repairs, the excavated material must be deposited in a manner that will occasion the least inconvenience to the public and provide for the passage of water along gutters or drainageways. Proper erosion control practices in accordance with District, Town and State requirements must be followed.
- (ii) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- (iii) In refilling the excavation after the service pipes are laid, the earth must be laid in layers of not more than 12 inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, curb & gutter, landscaping and paving, must be done so as to replace the street to as good, or better condition as before it was disturbed, and satisfactory to the District or its agent. No opening of the streets for tapping the sewer mains will be permitted when the ground is frozen, except in emergency circumstances, with prior permission of the District.
- (iv) Tapping of Sewer Mains. No persons, except those having special approval and permission from the District will be permitted, under any circumstances, to tap the collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said board. Pipes should be tapped at the 2:00, 10:00 or 12:00 o'clock position and not within six inches of the joint, or within 24 inches of another lateral connection.
- (v) Connection at Wye. The connection of the building sewer into the public sewer shall be made at the provided wye branch of the public sewer. If no suitable wye branch is available, a nest hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction through a strap or saddle wye. The saddle wye shall be a manufactured PVC fitting including gasket to seal the wye to the public sewer pipe. The wye shall be strapped to the public sewer pipe with a minimum of 2 stainless steel bands. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. All such cut-ins shall be done with a sewer tapping

machine. Special connections may be used for the connection only when approved by the Approving Authority. If the public sewer is broken or damaged in any manner by making a connection, the owner shall replace all damaged pipe in the public sewer at his/her expense.

- (vi) Slope of sewer. The size and slope of the building sewer shall be subject to the approval of the Building Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such pipe shall not be less than one-eighth (1/8) inch per foot.
- (vii) Depth. Building sewer shall be also laid as to attain a seven (7) foot depth to the lot line, except where the public sewer main is less than seven (7) feet deep and a lesser depth for the building sewer is accepted by the Utility District.
- (viii) Replacing street surface. All paved street crossings shall be bored if possible so as not to disturb the pavement except with approval of the Utility District. When opening any street surface or other public way, all material for paving and ballasting must be removed with the least possible loss of surfacing material and such material, together with the excavated material from the trenches, or otherwise, must be placed where it will cause the least inconvenience to the public. All such materials must be so placed that they will permit free passage of water along the gutters or ditches and the road or street must be at all times kept open for traffic. No more than the necessary amount of the trench may be dug until the lateral or main line sewer is found.

The backfill must be compacted to 95% maximum density. The paving and gravel base must be replaced in kind with minimum 8" gravel base and 3" asphalt pavement, and to the satisfaction of the Approving Authority. Asphalt surfaces shall be saw cut prior to repaving. All excavation for building sewers shall be adequately shored or braced to prevent the sidewalls from caving, as required to meet OSHA and State Agency requirements. When any excavation is made in the graveled or paved surface of a road or street, and the shoulder thereof, the spoils excavated must be removed and the excavation entirely backfilled with suitable granular material acceptable to the Town Engineer.

- (ix) Protection of the Public. Every contractor must enclose each opening made in the roads, street, or public ways with sufficient barriers. Yellow lights must remain on from sunset to sunrise, one (1) yellow light to be placed at each end of the openings in the streets, and the other lights to be placed in the intervals of ten (10)

feet. All necessary precautions shall be taken to guard the public effectively from accident or damage to persons or property from the beginning to the end of the work. Contractors and owners will be held liable for all damages, including costs incurred by the Utility or the Town in defending any action brought against them for damages and costs and of any appeal thereon they may result from the neglect of servants, agents, or employees of contractor or owner. Necessary precautions shall be taken to prevent injury or damage to persons, livestock, vehicles or property of any kind. Prior to the issuing of a permit, the Utility District shall require:

- a. A performance and payment bond in the sum of the greater of Five Thousand (\$5,000.00) Dollars or 10% of the project cost, insuring that the opened roads, streets, or public ways will be returned to their original condition.
  - b. Satisfactory evidence that the person, firm, or corporation applying for such permit carries public liability insurance in the sum of at least Two Hundred Fifty Thousand (\$250,000) Dollars, for injury to each person and Five Hundred Thousand (\$500,000) Dollars, for each accident.
- (x) **Plumber's License.** No person, firm or corporation shall carry on the business of plumbing or installation of plumbing or sewer connection or drain laying or do or perform any such work within the limits of the Town, until first obtaining the Plumber's License prescribed by the State Department of Commerce Administrative Code 5.90 or successor regulations, and have on file with the Town a copy of the license. Such person shall also carry sufficient insurance to cover the performance of those works, and any resultant bodily harm, or injury, or other damage, and have on file with the Town a current Certificate of Insurance showing effective date and expiration date.

The Plumbing Inspector for the Town of Dekorra shall serve as the Plumbing Inspector for the Utility District.

- (xi) **Inspection of Connection.** The person making a connection to a public sewer shall notify the Building Inspector when the building sewer is ready for inspection and connection to the sewer system. The connection shall be inspected and approved by the Building Inspector prior to use of the building sewer.
- (4) **Records Of Connection To Local Sewers.** Records of building sewer connections or other connections to local sewers shall be kept by the District's Engineer. Information to be furnished regarding building sewer connections shall consist of

the number of connections for the reporting period, the size of each connection, the location of each connection, the nature or character of the user and such additional information as the District may require.

(5) Prohibited Connections.

- (A) Septic tanks. No connection shall be made to any sanitary sewer if the connection pipe is carrying any contents from a septic or holding tank except a septic tank serving as a pretreatment process which has been required or permitted by the District.
- (B) Building foundation drains. No connection shall be made to any local sewer if the connection pipe is carrying flow from a building foundation drain.
- (C) Sump pumps. It shall be unlawful to connect any foundation drainage system to any sanitary sewer system. It shall be unlawful to willfully allow any sump pump to be connected to any sanitary sewer.

(6) Mandatory Connections.

- (A) When required. Except as provided in subsection (B) herein, every owner of a parcel of land within the District shall install, at the owner's expense, suitable plumbing facilities and connect to a local sewer whenever the following conditions exist:
  - (i) The parcel of land is located within the District and is adjacent to a local sewer; and
  - (ii) There is located upon such parcel a building or other structure used for human habitation, recreation or occupancy, or for the conduct of any trade, business or industry; and
  - (iii) Such building or structure is being served by a private sewage disposal or treatment works; and
  - (iv) Such connection shall be made within 90 days after the date the sewer main is in operation or of written notice by the District. As used in this paragraph "adjacent" means the sanitary sewer main is within one hundred (100) feet of the property line or 50% or more of the frontage of the property abuts upon a right-of-way or easement in which is installed a sanitary sewer main.
  - (v) Upon failure to do so, the Utility District Board may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days after the completion of the work, the owner may file a written option with the Town Clerk stating that the owner cannot pay the amount in one sum and asking that it be levied in not more than five equal

annual installments. If installments are utilized, the amount collected shall bear interest at a rate not to exceed fifteen (15%) percent per year from the completion of the work. The unpaid balance shall constitute a special tax lien, in accordance with Wis. Stats. § 281.45.

- (vi) In lieu of Section (h)(6)(A)(vi) of this Ordinance, the District, 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 sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, the penalty shall be assessed as a special tax lien against the property, all pursuant to Wis. Stats. § 281.45.
- (vii) This Ordinance ordains that any such failure to connect to an adjacent sewer system is contrary to the minimum health standards of the Town and fails to insure preservation of public health, welfare, comfort and safety, and that such failure constitutes a public nuisance under Wis. Stats. § 823.02, subject to abatement as provided for therein.

(B) Waiver. The requirement to connect to an adjacent local sewer may be temporarily waived by the District by a unanimous vote of the entire UD Board upon application of the property owner and a finding by the District that there is no evidence of a condition hazardous to health and that immediate connection would cause the property owner extraordinary hardship and expense. The period of temporary waiver shall be established by the District but in no event shall a waiver period exceed one (1) year after installation of the sewer adjoining such parcel. The granting of a temporary waiver will not delay the collection of special assessments unless the District so provides. The owner's application for a waiver must be accompanied by proof, in a form acceptable to the District that the private sewerage system is operating satisfactorily in accordance with all applicable District and State regulations. A temporary waiver grant applies only to the property owner receiving the waiver. In the event ownership of the property is subsequently transferred, the temporary waiver will automatically expire upon such transfer and the new owner must immediately comply with the compulsory connection requirement.

(C) Deferred connection of exclusive agricultural lands. Upon application by the owner to the District, lands proven to meet the requirement for eligible farmland per state statute 66.0721 zoned for exclusive agricultural use or for which a farmland preservation agreement has been recorded as provided in Wis. Stats. Ch. 91, shall be granted a mandatory connection waiver. This waiver shall remain in effect only so long as the property meets the statutory requirement for eligible farmland and remains zoned for exclusively agricultural use or is covered by a recorded farmland preservation agreement. Pursuant to Wis. Stats. §§ 91.15 and 66.0721,

such lands will be deferred from paying any related special assessments for so long as the waiver is in effect and the owner makes no use of the public sewerage system; provided that interest on such special assessments shall accrue for up to ten (10) years.

- (D) Waiver not to negate other requirements. The provisions of this subsection do not abrogate or alleviate the need for compliance with any other connection requirements that may be imposed by the State of Wisconsin.

All sewers that are part of the local system shall be constructed as required by the District and District Engineer.

(7) Prohibition of New Private On-Site Waste Disposal Systems.

- (A) Purpose. The public interest is served by requiring abatement of private on-site waste disposal systems within the Utility District as soon as possible. In addition, the prohibition of new private on-site waste disposal systems from being constructed within the boundaries of the Utility District No. 1 service area serves the public interest by preventing the owners of parcels of land located within a Utility District and adjacent to a current or soon to be installed public sewer from expending funds upon a new private on-site waste disposal system shortly before having to pay for a connection to the new public sewer system.

- (B) No owner of a parcel of land located within a Town Utility District and adjacent to a public sewer shall commence construction of a new private on-site waste disposal system on said parcel of land to serve an existing or proposed building or public structure used or usable for human habitation or occupancy or for the conduct of any trade, business or industry.

(i) Sewer Service Charges.

- (1) General. It is necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town of Dekorra Utility District to levy and collect charges, rentals, or rates of service upon lands, lots, and premises served by and having connection with the wastewater system of Dekorra Utility District, whether metered or unmetered.

Sewer service charges to each customer shall be imposed using a methodology that allocates a reasonably proportionate share of the costs of administration, operation, maintenance, replacement and debt service for all wastewater facilities and services provided by the District. The charges imposed shall be based on the best information reasonably available to the District.

- (2) Methodology for Calculating Basic Sewer Service Charges. The basic sewer service charge is the total service charges incurred by the District to pay for its share of debt retirement costs for capital expenditures as well as the operation, maintenance and replacement costs of the wastewater facilities. The basic sewer



service charge does not include surcharges, special charges or connection charges which are otherwise provided for in this ordinance. The component costs are described as follows:

- (A) Debt Retirement Costs. Debt retirement costs include the financing costs (both principal and interest) for all capital expenditures existing and proposed to be made by the District for the wastewater facilities. New debts shall be added as incurred. A significant portion of the debt retirement is made by the DOT in the form of an upfront payment to the District. The anticipated remainder of the debt retirement costs are to be on an assessment basis to each property within the District. The result is the debt retirement cost should initially be eliminated. A nominal debt retirement cost will be placed on the system users to defray startup related costs.
- (B) Operation, Maintenance and Replacement Costs. Operation and maintenance costs include all ordinary and necessary costs required to support daily operations of the sewerage system, including, but not limited to, treatment costs, supplies, employees' wages and benefits, administrative expenses and consultants' fees.

Replacement costs are determined by using the installed cost of the equipment, excluding the cost of technical, legal, administrative, and other fees, since such costs generally are not required when materials are replaced, and assigning a service life to such facilities in order to estimate when replacement will be required. A sinking fund factor is then applied to determine the amount of money to be collected per year to ensure that an adequate amount will be available at the time the equipment is likely to need replacement.

It is anticipated that such funds will be invested by the District in an interest-bearing account until required, although replacement funds shall be otherwise invested if prudent with respect to qualifications for the Clean Water Fund loan program. OM&R charges may include debt service costs if borrowing is ever required to meet unexpected OM&R costs.

- (3) Adjustments In Sewer Service Charges. The Utility District Board shall review every year the wastewater contribution of its sewer users, the operation, maintenance, replacement, and debt expenses of the wastewater collection and treatment facility and the sewer service charge system, if necessary to accomplish the following:
  - (A) Maintain a proportionate distribution of operation, maintenance and replacement expense among sewer users based on the wastewater volume and pollutant loadings discharged by the users.

- (B) Generate sufficient revenues to pay the operation, maintenance, replacement and debt expenses of the wastewater collection and treatment facility.
  - (C) Apply excess revenues collected from a class of users to the operation, maintenance, and replacement expenses attributable to that class of users for the next year and adjust the sewer service charge rate accordingly.
- (4) Surcharges And Special Charges. In addition to general sewer service charges, customers may be subject to surcharges or other special charges, as determined by the District.
- (A) Surcharge Based On Wastewater Strength. The District may impose a surcharge based on the strength of the wastewater discharged into the district's Wastewater facilities.
  - (B) Special Charges. Whenever any customer discharges waste into the District's wastewater facilities which causes physical damage to the District's wastewater facilities or which causes the District to incur unusual additional costs, the District may assess a special charge against such customer for the work required to repair the facilities or to recover the unusual additional cost.
- Surcharges and special charges shall be assessed on a case-by-case basis, as determined by the District and described in more detail in Exhibit B, which is attached hereto and incorporated by reference.
- (5) Special Assessments. When authorized by resolution of the District Board, the cost of any work or improvement to the wastewater facilities may be levied and collected by special assessment against benefited property pursuant to Wis. Stats. § 66.0703 or other applicable special assessment procedures.
- (6) User Charge System. The District intends to apply the methodology set forth in section (i)(2) of this ordinance by relying on the following guidelines:
- (A) User classification. All sewer users shall be classified as category "A" commercial/industrial (domestic strength waste), category "B" residential or category "C" holding tank customers;
  - (B) Basis of charges. User charges shall consist of two parts: (i) a minimum monthly billing which shall include a fixed debt service charge and (ii) a variable charge based on the volume of water metered;
  - (C) Fixed charge. The fixed charge on the basis of residential equivalent units (REUs) shall be sufficient to pay the annual debt related to the wastewater facilities;

- (D) Variable charge. The volume portion of the charge shall be sufficient to pay the annual replacement fund cost and the annual operation and maintenance costs of the wastewater facilities;
  - (E) Sewer Users. Category “A” (non-residential) users will be billed a flat rate plus a charge based on their volume of metered water, and an assessed surcharge if the pollutant concentrations as monitored are greater than those permitted in the wastewater. Category “B” (residential) users discharging wastewater into the sanitary sewers will be billed based on a flat rate plus a charge based on their volume of metered water; and
  - (F) Records. The District shall maintain such records as are necessary to document compliance with 40 C.F.R. Chap. 35 subpart e.
- (7) Water Meter Use For Sewer User Charge Billing. Water meters will be utilized to determine the Volume of Sewage billed to the customer.
- (A) Meter Placement. Meters will be furnished and placed by the Utility District (U.D.). All meters shall be so located that they shall be safeguarded from obstructions and frost to allow easy access thereto for reading and inspection. The location shall be designated by an authorized employee of the U.D. or its designee. No bypass or other connection between the meter and the owner’s well shall be maintained, unless specifically authorized by the U.D. or its designee.
  - (B) Right Of Access To Premises. Authorized employees of the U.D. and/or the U.D. designee shall have the right of access during reasonable hours to premises for the purpose of inspection or for enforcement of the rules and regulations of the U.D. as provided in this chapter. Whenever, in the opinion of the U.D. the right of access is unduly obstructed, the U.D. shall cause notice to be given to the property owner that access must be maintained. The U.D. employee or designee may, in his or her decision, notify the owner of the premises being served that water service will be discontinued unless access is given at a reasonable time.
  - (C) Installation Of New Services. In setting new meters, all connections shall be made according to the rules and regulations of the U.D. Meter horn or setters shall be required in installation of all meters up to and including one (1”) inch. Shutoff valves shall be installed before and after meter setter. A filter shall be installed just upstream of the meter to prevent meter damage due to sand. A sealed bypass shall be required on all meters over one (1”) inch of size.

- (D) **Sewage Volume To Be Paid For.** All water, as a measure of sewage volume, which has passed through the meter shall be paid for. If it is believed that the meter is registering incorrectly or if there is a sound of running water, the consumer shall notify the office of the Utility and U.D. employee or designee will be sent to examine the service and advise the consumer without a charge therefor.
- (E) **Relocation of Meters.** Where a property owner requests a change in the location of the meter, such meter may be relocated as directed by the U.D. designee at the expense of the property owner.
- (F) **Testing Meters.** All new meters purchased and all old meters which have been repaired or removed from service for any cause shall be tested and adjusted to show not more than two (2%) percent error before again being placed in service and all meters shall be tested in accordance with NR 103 of the Wisconsin Administrative Code. A complete record shall be kept of each meter, noting all repairs and inspections made and the results of each test.
- (G) **Meters Sealed.** All water meters while in service shall be kept under seal affixed by the U.D. employee or designee. The customer who is responsible for water bills for water supplied through a meter whose seal has been tampered with or broken shall be deemed prima facie guilty of the offense.
- (H) **Meters Tested For Accuracy.** The U.D. shall make a test of the accuracy of any water meter not greater than two (2") inches in size upon the written request of a consumer filed at the office of the U.D. provided the consumer does not request such test more frequently than once in twelve (12) months. Tests shall only be made more frequently upon order of the Wisconsin Public Service Commission or at the expense of the consumer when the meter is within the tolerance of two (2%) percent. Meters greater than two (2") inches of size will be tested at the instance and direction of the U.D. employee or designee, but not less often than once every two (2) calendar years. All tests are to be made in conformity with the rules provided by the Public Service Commission.
- (I) **Fire Protection Service.** Fire Protection service for individual customers may have connections for automatic sprinkler systems, to their private well. Metered water Service shall be connected to wither a separate private well or isolated from the fire protection service by a reduced pressure back flow preventor.

- (J) Water Meter Readings. Water meter readings shall be used to determine the actual water volume used. Meters will be provided with exterior readers for both the District's and customer's convenience.
- (K) Sewage Service Billing. All bills shall be rendered quarterly to the premises described in a clear and definite manner, by fire number address when possible. All bills, except those for special readings or special purposes, shall be dated on the last day of the quarter in which such service rendered, at the net rate. To each bill remaining unpaid twenty (20) days after the date thereof, shall be added a penalty of one and one-half (1 1/2%) percent a month and the penalty shall be collectible in the same manner as the original charge. When the 20<sup>th</sup> of the month falls on a legal holiday or Sunday, the penalty rule shall apply on the next business day.
- (L) Discontinuance Of Service For Nonpayment Of Bill. Service to premises for which bills for service are not paid by noon twenty (20) days from the date of the bill will be discontinued and will not be turned on again until the bill, including the penalty plus a fee for turning the water off and on, has been paid. If a bill service remains unpaid at noon fifteen (15) days from the date, the owner of the property shall be notified by mail at his last know address that water will be turned off for nonpayment on the date named. Specifically, the water meter isolation valves will be closed and locked.
- (M) Water Meter Readings Unavailable. Where it is not possible to obtain a water meter reading, the customer shall be assigned an average water volume by the District based on previous meter readings or other reasonable methods of estimation. The method for determining the estimate shall be stated on the bill. If meter readings later become available, the District Board, in its discretion, may adjust the bills accordingly.
- (N) How Account Computed When Meter Fails To Register. If a meter fails to register, the account will be computed in the same manner as provided in (7)(M), above.
- (O) Charges For Removing Meter. When a meter is removed from the premises for any reason other than testing or repairing, or the premises is vacated, there will be a charge made to the owner of the property to cover the cost of isolating and reactivating the meter. Meters will be installed and removed only upon proper application signed by the owner of the property served, or his authorized agent, and not upon the request of a tenant.

(j) **Billing And Collection.**

- (1) **Calculation Of Charges Due.** The District, or designee, shall compute all charges due pursuant to this ordinance.
- (2) **Estimates Of Future Charges.** Where possible, the District may provide to the customers a non-binding good faith estimate of the annual charges anticipated for the next fiscal year.
- (3) **Billing Schedule.** During each fiscal year, the District shall bill its customers on or before the 20th day of each month, based on actual use and the factors described in these ordinances. All such charges shall be payable on or before two (2) days from receipt of said bill. Invoices for charges shall be mailed by first class mail postage prepaid to the customer's last known address or the address of the property being served.
- (4) **Late Payment Charges; Collection Costs; Disconnection.** If a customer owing money to the District fails to pay invoices when due, the payment due shall be subject to late charges. Late charges will accrue to past due accounts at the rate of 1.5 % per month or fraction thereof past due, including penalties. In addition to late charges, the delinquent party shall pay the District the reasonable attorneys' fees and legal costs incurred by the District to collect delinquent charges. In addition, if the bill is not paid within thirty (30) days of the due date, the user will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangement for payment is made within five (5) days, the District reserves the right to discontinue service without further notice. The delinquent bill, any penalty charges, plus a \$50.00 reconnection fee must be paid before service will be restored.
- (5) **Disposition of Revenue.** The amounts received from the collection of charges authorized by these ordinances shall be credited to the District and used to defray the District's costs of operating and maintaining adequate wastewater facilities for the District as well as to provide sufficient funds for capital outlay, debt service costs and capital improvements of the wastewater facilities. The District shall maintain records of all receipts and expenditures of the District.
  - (A) Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. Other charges collected shall be credited to the District's general account and available for the payment of the requirements for operation, maintenance, repair, and replacement consistent with Wis. Admin. Code Chap. NR 162. Any surplus outside the purview of said Chap. NR 162 in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said wastewater facilities, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the

District may resolve to pledge such surplus or any part thereof for any such purpose.

(6) Miscellaneous Billing Provisions.

- (A) Charges Are A Lien On Real Estate. Any delinquent bill including penalties will become a lien on the property, as provided herein. On October 15th of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1st and payment for which is owing and in arrears at the time of giving such notice.

The notice shall be given by the Town treasurer unless the District Board authorizes otherwise. Such notice shall be in writing, shall state the amount of the arrears including any penalty assessed pursuant to the rules of the utility; and state that unless the same is paid by November 1st, thereafter, a penalty of 10% of the amount of such arrears will be added thereto; and unless such arrears, with any such added penalty, shall be paid by November 15th, thereafter, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate.

On November 16th, the treasurer issuing the notice shall certify and file with the Town Clerk a list of all lots or parcels of real estate giving the legal description thereof, to the owners or occupants of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent, and the Town Clerk shall insert the same as a tax against such lots or parcels of real estate.

- (B) Failure to receive bill no penalty exemption. Reasonable care will be taken to properly deliver sewer bills. Failure to receive a sewer bill, however, shall not relieve any person from the responsibility for payment of sewer charges within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (C) Billing: Responsible party. The property owner is held responsible for all sewer bills on premises that he or she owns. All sewer bills and notices shall be deemed sufficiently addressed if addressed to the owner and delivered to the premises referred to on the bill or notice.
- (D) Reassignment of Sewer Users. The Utility District Board will reassign sewer users into appropriate sewer service charge categories if wastewater

flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

(k) **Enforcement And Abatement.**

- (1) Enforcement Authority. These ordinances shall be enforced by the District and/or its designee.
- (2) Jurisdiction and Forum for Enforcement. By connecting to the wastewater facilities, a customer is submitting to the jurisdiction of the District, applicable administrative agencies, municipal court, if any, and circuit court for enforcement purposes. Enforcement may occur as permitted by, including but not limited to the following:
  - (A) administrative notices and/or special orders issued by the District or another administrative agency having jurisdiction (such as the DNR);
  - (B) citations issued by the District and prosecuted in municipal court or circuit court; and/or,
  - (C) complaints filed by the District in small claims or circuit court.
- (3) Authority To Enter Private Property and Obtain Samples for Enforcement Purposes. The District or its designee is authorized to enter private properties served by and/or connected to the local system to insure compliance with federal, state or local law. The District or its designee is further authorized to obtain grab samples of sewage, test sewage, measure or require metering, require pretreatment and inspect any and all connections, sediment traps, grease traps or other appurtenances that are or may affect local, regional system's operations.
- (4) Notice of Violation. Where circumstances permit informal notice prior to taking more formal action, the District or designee shall give notice of violations that have occurred or are threatened to occur to a suspected violator or other responsible person so that remedial action may be taken. Such notice may either be written or verbal, and shall describe the relevant federal, state or District law, regulation, the nature of the alleged violation, and, to the full extent possible, the action required and the time allowed to remedy the violation and comply with the relevant law, regulation or ordinance.

Service and proof of service of any notice given in writing may be made by personal delivery, certified mail, return receipt requested, or in the manner provided for service of a summons in circuit court. Where service is by certified mail, service shall be deemed given within three (3) days of mailing and the return receipt shall constitute proof of service.

Notwithstanding the foregoing, and solely as determined appropriate by the District Board, the notice of violation may take the form of a notice from the



District, a municipal court or circuit court citation issued by the District based on the District's complaint, or a complaint initiated in circuit court.

If the Utility District Board determines that a public nuisance exists within the utility and that there is great and immediate danger to the wastewater collection and treatment facility or the public health and safety, the Utility District 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.

- (5) Penalties For Violations. Any person who fails to comply with the provisions of this ordinance or any regulations, rule, order or special order of the District Board and/or designee shall be subject to forfeitures of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution for the first violation and not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for conviction of a second violation of this ordinance within one (1) year of the first conviction. In default of payment of payment of such forfeiture and costs, said violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Specific penalties for failure to comply with section (f) of this ordinance shall so precede the forfeitures so stated above. Each day in which any violation is continued shall be deemed a separate offense.

In addition to any fine or forfeiture, any person violating any provision of this ordinance shall become liable to the Utility District for any expense, loss or damage by reason of such violation.

The penalty for unauthorized sewer construction and connections shall be a minimum fine of Five Hundred (\$500.00) Dollars payable prior to obtaining a permit after once noticed. If upon notice the connection is not immediately uncovered and inspection made, an additional fine of One Hundred (\$100.00) Dollars per calendar day shall be charged. In addition, the violator shall pay the District its engineering, legal and administrative fees incurred in enforcing such violation.

Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this ordinance or of any conditions of the Dekorra Utility District Board approval for holding tank disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the disposal approval.

The penalty for unauthorized entry into the sanitary sewer system (i.e. physical entry into a public sanitary sewer manhole, lift station, or the discharge of trash, garbage, rocks, miscellaneous debris, and construction site surface or subsurface water) shall be not less than Two Thousand (\$2,000.00) Dollars, together with the

costs involved with any loss or damage or costs caused or which result from said material being discharged to the system.

- (6) Violation Constitutes A Public Nuisance. Any violation of the provisions of this ordinance or any other rule, regulation or special order promulgated by the District shall constitute a public nuisance subject to injunction and abatement in accordance with the procedures of Wis. Stats. § 823.02, as from time-to-time amended.
- (7) Restitution. Any person found in violation of these regulations or any other rule, regulation or special order shall pay to the District such damages, losses or expenses as may be sustained by the District as the result of the violation, together with such costs as may be collectible by law.
- (8) Remedies Cumulative. The remedies provided by this section shall be in addition to all other remedies provided by these regulations or by any other law.
- (9) Appeals.
  - (A) Procedures. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders or permit revocation made by the District or its authorized representative interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the District Representative a written request for reconsideration within ten (10) days of the date of such decision, action, or determination setting forth in detail the facts supporting the user's request for reconsideration. The District Representative shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing within twenty-one (21) days of receipt of request. If the ruling on the request for reconsideration is unsatisfactory, the person requesting reconsideration may within ten (10) days after notification of the action file a written appeal with the Utility District Board of the Town of Dekorra.
  - (B) Appeal Fee. A fee of Fifty (\$50.00) Dollars shall accompany any appeal to the Town Utility District for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
  - (C) Appeal Hearing. The written appeal shall be heard by the Utility District Board within thirty (30) days from the date of filing. The Utility District shall make final ruling on the appeal within ten (10) days from the date of hearing.
- (1) Special Orders And Appeals.
  - (1) Special Orders. The District is hereby authorized to execute special orders as necessary and prudent to maintain and protect the District's WPDES permit

without restriction, particularly with respect to situations where the quality of wastewater being discharged may impair the wastewater facilities, to enforce proper use of the wastewater facilities as set forth in Section (e) of this ordinance, or to enforce other provisions of these regulations.

Service and proof of service of any special order may be made by personal delivery, certified mail, return receipt requested, or in the manner provided for service of a summons in circuit court. Where service is by certified mail, service shall be deemed given within three (3) days of mailing and the return receipt shall constitute proof of service.

- (2) Emergency Orders. The District Chairperson, District Engineer, and the District Board as a whole or other person designated in writing by the District Board is hereby authorized and empowered to issue special orders in the name of the District in an emergency to prevent damage to the wastewater facilities from misuse; injury to employees of the District; interference with the process of sewage collection, treatment or disposal; or substantial risk to the public health, safety and welfare. A special order is effective and enforceable upon service. Service shall be made as provided in Section (1)(1) above.
  - (3) Appeals. Special orders and emergency orders may be appealed to the Town Board as follows:
    - (A) The customer may appeal a special order issued pursuant to this Section by providing written notice of its intent to appeal and the basis for its appeal to the District Chairperson within thirty (30) days of the date of issuance of the special order. Failure to timely submit said written notice within the prescribed time frame shall be deemed a waiver of the right to appeal the special order.
    - (B) If the District Chairperson receives a proper and timely appeal, the appeal shall be presented to the Town Board within thirty (30) days of receipt. The decision of the Town Board shall be a final administrative determination, appealable to circuit court pursuant to Wis. Stats. Chap. 68.
  - (4) Stay of Order During Appeal. Except when the District Board or the Town Board, on notice to the appellant, determines that a stay of the special or emergency order will cause imminent danger to life or health, the special or emergency order shall be stayed during the pendency of the appeal.
- (m) **Miscellaneous Special Provisions.**
- (1) Purpose of Miscellaneous Special Provisions. This subsection (m) and the Appendixes attached hereto and incorporated herein by this reference are intended to allow the District to tailor its ordinances meet its obligations to regulatory agencies.

- (A) Utility District Assessment Payments Options and Methodology. Dekorra Utility District No. 1 has set forth in Appendix B of Ordinance 7.04, the assessment format for payment of the capital debt of the initial wastewater collection and treatment system (sewer system). The following is provided as clarification to the Assessment Report regarding specific assessment payment and deferment options:
- (i) Interest Accrual on Assessment Amount:
- a. Interest accrues on an annual basis at 5-1/2 % per year starting January, 2008.
  - b. The annual payment for 2008 only, if made in the first quarter, will not be subject to that year's interest.
  - c. Annual payments made in the first quarter of other years will be allowed a 10% reduction in that year's interest.
- (ii) Method and Timing of Billing:
- a. A billing statement will be sent out in January of each year.
  - b. If the property owner chooses to pay off the incremental annual assessment due during the first quarter of a given year they can reduce that year's interest payment by 10%.
  - c. If the property owner chooses to pay off the full remaining assessment anytime during a given year they can avoid incurring future years' interest beyond the year paid.
  - d. Assessment bills will be sent out in the fourth quarter of the year, if the incremental annual or full assessment payment is not received in the first quarter.
  - e. If payment is not received before tax bills are sent out at the end of the year, the incremental annual assessment payment will be listed as a liability due to the Town on the property owner's tax bill.
- (iii) Assessment Payment Plan Options:
- a. Developed Properties Served by Public Sewer.
  - b. First annual assessment bill will be sent in the 4<sup>th</sup> quarter of 2008 (or with the 2008 property tax bill).
  - c. Interest starts accruing at the beginning of January 2008.
  - d. Payment plan anticipates ten annual installments.
  - e. For 2008 only property owner can pay off the full remaining assessment without that year's and future years' interest if the assessment is paid in the first quarter of the year.
  - f. For other years, if the incremental payment for that year is made in the first quarter of the year, a 10% reduction in the interest amount for that year will be permitted.

- g. Property owner can pay off the full remaining assessment at any time without incurring future years' interest beyond the year paid.
- h. District will assume ten year pay back plan unless advised otherwise by property owner.
  - 1. Undeveloped and Residential Properties Served by Public Sewer:
    - a) Have up to five years of deferral of the initial payment, however, interest will accrue.
    - b) Interest starts accruing at the beginning of January 2008.
    - c) Property owner can take up to 20 years to make payments after starting.
    - d) Property owner has option of starting payments immediately and completing in 10 years.
    - e) Property owner can pay off full assessment without interest if done in the first quarter of 2008.
    - f) Property owner can pay off the full remaining assessment at any time without incurring future years' interest beyond the year paid.
    - g) District will assume maximum deferral and maximum time to pay back assessment unless advised otherwise by property owner.
  - 2. East Side Properties Without Service Lateral:
    - a) Have up to 10 years of deferral of initial payment, unless collection system lateral is constructed 5 or more years after 2008 but prior to the end of the 10 year period, in which case payments start to be immediately assessed. Interest will accrue during the deferral period.
    - b) Interest starts accruing at the beginning of January 2008.
    - c) Property owner can take up to 20 years to make payments after starting.
    - d) Property owner has option of starting payments immediately and completing in 10 years.
    - e) Property owner can pay off full assessment without interest if done in the first quarter of 2008.
    - f) Property owner can pay off the full remaining assessment at any time without incurring future year's interest beyond the year paid.
    - g) District will assume maximum deferral and maximum time to pay back assessment unless advised otherwise by property owner.

3. Agricultural Use Deferment:
  - a) Must meet Wis. Stats. 66.0721 for each year of deferral.
  - b) Mandatory connection will be waived.
  - c) Assessment payments will be deferred, but interest will accrue for 10 years.
- (iv) Early Payment Options and Late Payment Penalties.
  - a. Remaining assessment amount due can be paid off any time without penalty and without accrual of additional interest beyond the year paid.
  - b. Late payments are subject to an additional interest penalty of 1½ percent per month until paid.
- (2) Effective Date. This ordinance shall take effect and be in force from and after its adoption by the District and Town Boards and publication according to law.
- (3) Miscellaneous Rules and Regulations.
  - (A) Vacating of premises and discontinuance of service. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the District must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system by reason of failure to notify the system of a vacancy or any such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.
  - (B) Maintenance of service. All sewer services within the boundaries of the District from the wye at the street main to the location of the property line will be maintained by the property owner. All sewer services from the point of maintenance to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. If the property owner does not repair, within 24 hours, any break between the property line and the building allowing clear water infiltration, the service may be repaired by the District and charged to the property owner as a special charge pursuant to Wis. Stats. § 66.0627.

When any sewer service is to be re-laid and two or more buildings are on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.
- (4) Damage recovery. The District shall have the right of recovery from all persons for any expense incurred by the District for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under the person's control, or by any negligent act.

- (5) Adoption of other rules. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Wisconsin Department of Commerce to the extent the same are applicable to the District.”

(n) **Referenced Standards.**

- (1) Wis. Stats. §§ 60.71, 60.77, 66.0821 – authority to establish Utility District and user requirements.
- (2) Wis. Admin. Code Chap NR 149.
- (3) Standard Methods for Examination of Water and Wastewater, American Public Health Association
- (4) 40 C.F.R. § 136.
- (5) 40 C.F.R. 35.905-8.
- (6) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-0063371-01-0
- (7) 33 U.S.C. § 1251, Federal Water Pollution Control Act.
- (8) 33 U.S.C. § 1317, Clean Water Act.
- (9) Wis. Stats. Chap 281.
- (10) National Categorical Pretreatment Standards.
- (11) WDOT/UD Agreement, with amendments.
- (12) Wis. Stats. § 285.01(3), definition of air pollution.
- (13) Wis. Admin. Chap. NR 110.
- (14) Wis. Admin. Chap. NR 204.
- (15) Wis. Admin. Code § NR 101.
- (16) Wis. Admin. Code Chap COMM 82, sewer construction and inspection requirements.
- (17) Wis. Stats. § 281.45, special tax lien provisions.
- (18) Wis. Stats. § 823.02, definition of public nuisance.
- (19) Wis. Stats. Chap 91, Farmland Preservation Agreement
- (20) Wis. Stats. §§ 91.15 and 66.0721, Agricultural use deferment
- (21) Wis. Stats. § 66.0703, Special Assessments
- (22) Wis. Admin. Code Chap NR 162.
- (23) Wis. Stats. Chap 68, Decisions on appeals.
- (24) Wis. Stats. § 66.0627, special charges for repairs.

History Note: Section 7.04 created by Ordinance 03-2007 on April 17, 2007; amended by Ord. 14-2007 and 01-2008; amended through 2009 codification.

**SECTION 7.05**      **WASTE TREATMENT, DISPOSAL AND STORAGE**  
**[Created by Ord. 2011-02, 2/22/11.]**

(a)      **Purpose.**

The purpose of this Ordinance is for the Town to regulate by permit and penalty the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.

(b)      **Definitions.**

- (1)      **Hazardous waste.** Any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under Wis. Stats. §§ 291.05(1), (2) or (4).
- (2)      **Hazardous waste facility.** A site or structure for the treatment, storage, or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure
- (3)      **Solid waste.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Wis. Stats. Chap. 283, or source material as defined in Wis. Stats. § 254.31(1), special nuclear material as defined in Wis. Stats. § 254.31(11), or by-product material as defined in Wis. Stats. § 254.31(1).
- (4)      **Solid waste disposal.** The discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.
- (5)      **Solid waste facility.** A facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
  - (A)      A facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes.



- (B) A facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
  - (C) An auto junkyard or scrap metal salvage yard.
  - (D) Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
- (6) Solid waste storage. The holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed
- (7) Solid waste treatment. Any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- (c) **Permit Required.**
- (1) No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
  - (2) The permit under this ordinance shall be considered a local approval, as defined in Wis. Stats. § 289.33(3)(d), subject to the requirements of Wis. Stats. § 289.22.
  - (3) The permit application fees shall be as set forth in Section 1.04 of this Code.
- (d) **Application.**
- The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:
- (1) The name of the applicant and the name of any agent for the applicant;
  - (2) The address of the applicant;
  - (3) The address and legal description of the premises for the facility or site and the current owner of the premises;
  - (4) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises;

- (5) The length of time in years for construction of the facility, if applicable;
  - (6) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care;
  - (7) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care;
  - (8) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility;
  - (9) The current and proposed zoning and land use plan for the facility premises, if any;
  - (10) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis;
  - (11) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis;
  - (12) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources;
  - (13) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals;
  - (14) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location; and
  - (15) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.
- (e) **Exemptions.**  
All of the following facilities, sites or uses in the Town are exempt from this ordinance:
- (1) A facility or site under Wis. Stats. § 289.43(5), used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the Town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the Town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.

- (2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the Town.
- (3) The discharge of human waste products into any public sewerage system located within the town, or of the landspreading of human waste products on lands in the Town.
- (4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- (5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the Town.
- (6) Any existing waste facility or site operating upon the effective date of the Ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this Ordinance, or any expansion of the capacity of the facility or site after the effective date of this Ordinance, shall be subject to this ordinance.
- (7) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under Wis. Stats. § 289.43.
- (8) Any alcohol fuel production system exempt under Wis. Stats. § 289.44.
- (9) Any fruit and vegetable waste facility exempt under Wis. Stats. § 289.445.
- (10) Any recyclable material collection facility approved for collection or processing operations by the county, the Town, or any responsible unit under Wis. Stats. § 287.09.
- (11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the Ordinance.
- (12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
- (13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.

- (14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the Town.

(f) **General Regulations.**

- (1) No person may be issued or reissued a permit in the Town under this Ordinance until the appropriate application fee has been paid by the applicant to the Town Clerk.
- (2) No person may be issued or reissued a permit under this Ordinance who has failed to properly and fully complete and submit to the Town Clerk complete and truthful responses on the application form developed and provided by the Town.
- (3) No person may be issued or reissued a permit in the Town under this Ordinance, and any permit may be revoked or suspended after a public hearing by the Town Board, if the facility applicant or the permittee fails to do any of the following:
  - (A) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, county, state, and federal agencies;
  - (B) Comply with all conditions and restrictions attached by the Town Board to the permit issued under this Ordinance by the Town Board.
  - (C) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the Town Board.
- (4) The Town Board may, in order to prevent public nuisances, protect the public health, and protect the environment in the Town, require specific conditions or restrictions to be attached to any permit issued by the Town Board under this Ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

(g) **Enforcement.**

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$5,000.00 for each violation. Each day a violation exists or continues constitutes a separate offense under this Ordinance. In addition, the Town Board may seek a injunctive relief from a court of record to enjoin further violations.

- (2) In addition to the penalties in subsection (1), the Town Board may authorize any action at law or equity to address any public nuisance or violation of this Ordinance.
- (h) **Severability.**  
If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- (i) **Effective Date.**  
This ordinance is effective on publication or posting.

History Note: Section 7.05 created by Ordinance 2011-02 on 2/22/11

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