

Chapter 262

SEWER UTILITY

[HISTORY: Adopted by the Village Board of the Village of Hustisford 4-3-2000 (Title 9, Ch. 2 of the 1994 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Utility Commission — See Ch. 17.
Building construction — See Ch. 140.
Housing standards — See Ch. 193.
Streets and sidewalks — See Ch. 277.
Subdivision of land — See Ch. 281.
Water Utility — See Ch. 315.

ARTICLE I General Provisions

§ 262-1. Purpose.

- A. This chapter sets forth uniform requirements for discharges into the Village of Hustisford wastewater facilities and enables the Village to protect the public health in conformity with all applicable local, state and federal laws relating thereto.
- B. The purpose of this chapter is to:
 - (1) Ensure proper design and construction of all connections to the Village wastewater facilities;
 - (2) Prevent the introduction of pollutants into the Village wastewater facilities which will interfere with the normal operation of the facilities or contaminate the resulting treatment works' sludge; and
 - (3) Prevent the introduction of pollutants into the wastewater facilities which do not receive adequate treatment in the Village treatment works and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the facilities.

§ 262-2. Authority.

This chapter is adopted under the authority granted by §§ 62.18, 62.185 and 66.0821, Wis. Stats.

§ 262-3. Definitions.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

APPROVING AUTHORITY — The Superintendent of Sewer and Water, the Utility Commission, or other designated official of the municipality or his or its duly authorized deputy, agent or representative.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter or pounds.

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 and conveys it to the building sewer beginning five feet outside the inner face of the building wall

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

COMBINED SEWER — A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the Village's wastewater treatment works if such works were designed to treat such additional pollutants and, in fact, do remove such pollutants to a substantial degree.

COMPOSITE SAMPLE — Denotes a sampling consisting of portions of a waste taken in proportion to the volume of the flow of said waste.

DNR — Wisconsin Department of Natural Resources.

DOMESTIC WASTES — Wastewater discharged from sanitary conveniences which contains none of the prohibited discharges set forth in Article V of this chapter.

EASEMENT — An acquired legal right for a specific use of land owned by others.

EPA — United States Environmental Protection Agency.

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

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

HOLDING TANK WASTE — Any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INCOMPATIBLE POLLUTANT — Any pollutant which is not a compatible pollutant.

INDUSTRIAL USER

- (1) Any nongovernmental, nonresidential user of the public sewer system which discharges more than the equivalent of 25,000 gallons per day of sanitary

wastes and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented as of October 1, 1978, under one of the following divisions:

- (a) Division A: Agriculture, Forestry and Fishing.
 - (b) Division B: Mining.
 - (c) Division D: Manufacturing.
 - (d) Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
 - (e) Division I: Services.
- (2) In determining the amount of a user's discharge, domestic wastes or discharges from sanitary conveniences may be excluded.
 - (3) After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 25,000 gallons per day, or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gallons per day of sanitary waste, are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The strength of the residential waste discharges is defined as 250 milligrams per liter biological oxygen demand (BOD) and 250 milligrams per liter suspended solids (SS). Therefore, dischargers with a BOD discharge exceeding 52.15 pounds per day or SS exceeding 52.15 pounds per day are considered as industrial users even though this volume does not exceed 25,000 gallons per day.
 - (4) Any nongovernmental user of the public sewer system which discharges wastewater 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 system or injure or interfere with any sewage treatment process, constitutes a hazard to humans or animal, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works is also considered an industrial user.

MAJOR CONTRIBUTING INDUSTRY — An industrial or commercial facility that is a discharger to the public wastewater facilities and:

- (1) Has a waste discharge flow of 50,000 gallons or more per average workday;
- (2) Has a waste discharge flow greater than 5% of the flow carried by the public system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in Ch. NR 215, Wis. Adm. Code, or in Article V of this chapter; or
- (4) Has a waste which the Village or the DNR determines has or, in the case of a

new source, will have a significant impact either singly or in combination with other wastes on the Village wastewater treatment works or on the quality of effluent from such works.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

PERSON — Any individual, firm, company, association, society, corporation, or group.

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

PRETREATMENT — The treatment of wastewaters to remove or reduce the quantity of one or more pollutants prior to discharge to the Village wastewater treatment works.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A common sewer controlled by the municipality.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS — The examination and analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in compliance with Federal Regulations 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants.

STORM DRAIN (sometimes termed "storm sewer") — A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS — 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 Standard Methods for the Examination of Water and Wastewater

and referred to as "nonfilterable residue."

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "publicly owned treatment works."

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

WPDES PERMIT — The permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System pursuant to Ch. 283, Wis. Stats.

B. "May" is permissive; "shall" is mandatory.

ARTICLE II Use of Public Sewers Required

§ 262-4. Unsanitary deposits.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Hustisford, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or objectionable waste.

§ 262-5. Discharge to natural outlet.

It shall be unlawful to discharge to any natural outlet within the Village of Hustisford, or in any area under the jurisdiction of said Village, any wastewater or other polluted waters, except where suitable treatment has been provided, in accordance with subsequent provisions of this chapter.

§ 262-6. Private waste disposal systems.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 262-7. Connection to wastewater facilities.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the Village is hereby required, at the owner's (owners') expense, to install suitable sanitary conveniences therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within 90 days after date of official notice to do so.

ARTICLE III
Private Wastewater Disposal

§ 262-8. Connection authorized.

Where a public sanitary sewer is not available under the provisions of § 262-7, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

§ 262-9. Permit required.

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Village. A permit and inspection fee shall be paid to the Village at the time the application is filed.

§ 262-10. Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Village. A representative of the Village shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify said representative when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

§ 262-11. Compliance with state and local codes.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate administrative codes of the State of Wisconsin. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that set forth in the Village's or county's subdivision regulations or sanitary codes. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 262-12. Availability of public sewer.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in § 262-7, a direct connection shall be made to

the public sewer within 90 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or sand.

§ 262-13. Operation of private disposal systems.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Village. Sludge removal from private disposal systems is to be performed by licensed operators and disposed of in a manner approved by the DNR. Sludge removal shall be no less frequent than once every three years.

§ 262-14. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Village.

ARTICLE IV

Building Sewers and Connections to Sewers

§ 262-15. Building sewer permits.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit.
- B. There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- C. In either case, the owner(s) or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the Village at the time the application is filed.

§ 262-16. Costs and expenses; indemnification.

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 Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 262-17. Separate building sewers.

A separate and independent building sewer shall be provided for every building.

§ 262-18. Existing building sewers.

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 chapter.

§ 262-19. Construction and materials.

The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placement of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of Ch. COMM 85, Wis. Adm. Code.

§ 262-20. Depth of building sewer.

Whenever possible, the building sewer shall be brought to the building at 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 sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 262-21. Exclusion of unpolluted water.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other inflow sources of surface runoff or groundwater 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 Village for purposes of disposal of polluted surface drainage.

§ 262-22. Connection of building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Village and State. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

§ 262-23. Inspection.

The applicant for the building sewer permit shall notify the proper representative of the Village 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.

§ 262-24. Excavation.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

§ 262-25. Connection of sanitary sewer.

Any person desiring to connect a sanitary sewer, other than a building sewer, to a public sewer shall make application to the Village in writing. The application shall describe the location of the requested connection and the volume and characteristics of the wastewater to be transmitted and shall include a statement that the new sewers and connections to the public sewer system shall be properly designed and constructed and shall be subject to the lawful rules and regulations of the Village. Connections will be allowed only when the capacity of downstream collection and treatment facilities is adequate. All construction costs, including engineering, materials, labor, inspection, and easements, shall be the responsibility of the owner(s) of the property for which such connection is desired. Upon completion and Village acceptance of the project for which the connection is desired, all of the facilities constructed, other than the building sewers, shall be conveyed to the Village free and clear of any liens, and the Village shall assume the responsibility for the operation and maintenance of said facilities thenceforth.

§ 262-26. Design and construction of sanitary sewers.

Design and construction of sanitary sewers and their connection to the public sewers shall be under the direction of a licensed professional engineer authorized by the owner(s) of the property or the Village Engineer if requested by the owner(s). Such engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the Y branches or slants. All costs of such engineering shall be the responsibility of the owner(s). The owner(s) of the property shall notify the proper representative of the Village when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be inspected by said representative.

§ 262-27. Unlawful acts.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of criminal damage to property or other appropriate charge.

ARTICLE V
Use of Village Sewers

§ 262-28. General prohibited discharges.

No person shall discharge wastes to a Village sewer which cause or are capable of causing, either alone or with other substances:

- A. A fire or explosion.
- B. Obstruction of flow or damage to the wastewater facilities.
- C. Danger to life or safety of persons.
- D. Air pollution as defined in § 285.01(3), Wis. Stats.
- E. Prevention of effective maintenance or operation of the wastewater facilities.
- F. Any product of the Village treatment processes or any of the Village's residue,

sludge or scum to be unsuitable for reclamation and reuse or to interfere with reclamation processes.

- G. A detrimental environmental impact, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the Village.
- H. Any sanitary sewer or the Village wastewater facilities to be overloaded.
- I. Excessive Village collection and treatment costs or use of a disproportionate share of the Village facilities.
- J. A violation of the Village WPDES permit.

§ 262-29. Specific prohibited discharges.

Prohibited discharges shall include but not be limited to:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction or in combination with other wastes to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters or wastes having a pH lower than five or higher than 10 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel.
- D. Solids or viscous substances, including but not limited to such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, or milk containers either whole or ground by garbage grinders.
- E. Any wastewater from industrial plants containing floatable oils, fats, or greases.
- F. Any wastewater which contains organosulfur or organophosphate pesticides, herbicides or fertilizers.
- G. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- H. Any water or wastes containing odor-producing substances exceeding limits which may be established by the Village.
- I. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

§ 262-30. Discharge of unpolluted water.

No person(s) shall discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sewer, except that stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by written permission of the Village.

§ 262-31. Stormwater and unpolluted industrial cooling water.

Stormwater, other than that exempted under § 262-30, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Village or other regulatory agency to a storm sewer, combined sewer, or natural outlet.

§ 262-32. Limitations on treatment plant influent.

Discharge to the Village wastewater facilities of the following described substances, materials, waters or waste shall be limited to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance:

- A. Liquid having a temperature higher than 150° F.
- B. Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
- C. Radioactive wastes which alone or with other wastes result in releases greater than those specified by current United States Bureau of Standards Handbooks or which violate rules or regulations of any applicable regulatory agency.
- D. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- E. Wastewater containing more than 300 milligrams per liter of oil or grease of animal or vegetable origin.
- F. Wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.
- G. Wastewater which contains in excess of:

Pollutant or Pollutant Property		Maximum Concentration for Any 1 Day (mg/l)
Arsenic	As	0.15
Aluminum	Al	1.0
Cadmium	Cd	0.5
Chromium	Cr	2.6
Copper	Cu	1.5
Cyanide, Total	CN	1.9
Lead	Pb	0.8
Mercury	Hg	0.0002
Nickel	Ni	3.5
Selenium	Se	0.24
Silver	Ag	0.04
Zinc	Zn	4.2
Total metals		10.5

H. The Village may change the requirements established in the regulations above if necessary to meet the objectives of this chapter or the requirements of government agencies.

§ 262-33. Accidental discharges.

All dischargers shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Dischargers shall notify the Village immediately upon the occurrence of an accidental discharge, including the location of the discharge and the type, concentration and volume of the discharge. Within 15 days of the discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent future occurrences shall be submitted to the Village. The dischargers will be liable for any expense, loss or damage to the treatment works caused by the discharge, in addition to any fines imposed by the Village pursuant to this chapter.

§ 262-34. Dilution.

No discharger shall increase the use of potable or process water in any way or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

§ 262-35. Alternatives to acceptance of wastewater.

If any waters or wastes are discharged or are proposed to be discharged to the Village sewers in excess of those limitations enumerated in § 262-32, or other substances not enumerated, and which, in the judgment of the Village, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge.
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

§ 262-36. Pretreatment.

- A. Major contributing industries shall pretreat their discharges pursuant to this chapter and Ch. NR 211, Wis. Adm. Code, and industrial dischargers shall pretreat their discharges when required by the Village.
- B. The construction, operation, and maintenance of all pretreatment facilities shall be at the expense of the discharger.

§ 262-37. Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be provided when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in § 262-32, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the owner's (owners') personnel must be performed by currently licensed waste disposal firms.

§ 262-38. Discharge of holding tank wastes.

No person shall discharge holding tank wastes directly into a manhole or other opening in a Village sewer. Holding tank wastes shall be discharged as directed by the Village at the treatment works. The Village shall determine appropriate charges for such discharges.

§ 262-39. Special agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Village and a user whereby a waste of unusual strength or character may be accepted by the Village for treatment.

ARTICLE VI
Monitoring, Sampling and Reporting

§ 262-40. Monitoring facilities.

- A. Wastewater characteristics and constituents of all major contributing industries shall be monitored to determine compliance with this chapter. To facilitate this monitoring, the discharger shall construct monitoring facilities in a safe and accessible condition at all times. The monitoring facilities shall be installed in accordance with plans approved by the Village.
- B. Any discharger may be required by the Village to monitor its discharge to determine compliance with this chapter. If such monitoring shows that the discharger is a major contributing industry due to the nature of its discharges, the Village may require monitoring facilities to be installed. Such monitoring facilities shall be installed within 90 days after written notice is given by the Village.
- C. Monitoring facilities shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes and be appropriate for the specific items requiring monitoring.
- D. The requirements of this section may be waived upon special written permission of the Village.

§ 262-41. Right of entry; inspection and sampling.

- A. The officials or other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the Village wastewater facilities in accordance with the provisions of this chapter.
- B. The officials or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties referred to above, the official or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village officials or employees, and the Village shall indemnify the company against loss or damage to its property by the Village officials or employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 262-40.
- D. The officials and other duly authorized employees of the Village bearing proper

credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 262-42. Reporting requirements.

- A. The Village may require a discharger to provide information concerning, but not limited to:
 - (1) Volume, time and peak rate of discharges.
 - (2) Chemical analysis of discharges.
 - (3) Raw materials, processes and products relevant to discharge characteristics.
 - (4) Discharges of specific wastes, such as sludge, oil, solvent, or incompatible pollutants.
 - (5) Plot plans of sewers on the discharger's property showing locations of sewers, monitoring facilities and pretreatment facilities.
 - (6) Details of pretreatment facilities.
 - (7) Details of systems to prevent losses of materials through spills to the Village sewers.
- B. Each major contributing industry shall submit to the Village by the 15th of March each year a report on the quality and quantity of its industrial discharges. The report shall be a copy of the form required by Ch. NR 101, Wis. Adm. Code, and shall contain analyses for compatible pollutants (e.g., BOD, SS and pH) and for all incompatible pollutants listed in this chapter unless the discharger has obtained specific exemption from reporting certain constituents.
- C. If any major contributing industry discharges incompatible pollutants which require pretreatment prior to discharge to the Village wastewater system, the quality and quantity of the discharge shall be reported to the Village quarterly by March 15, June 15, September 15 and December 15.
- D. The reporting period shall not include the thirty-day period immediately preceding the day that the report is due. All analyses should be done on representative twenty-four-hour composite samples taken during a typical operating day.
- E. All measurements and test analyses of the characteristics of wastewater shall be determined in accordance with Standard Methods. Alternate methods of analysis may be used subject to prior written approval of the Village.
- F. All dischargers required to report under this section shall retain and preserve, for no less than three years, any records, books, documents, memorandums, reports,

correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analysis made by or in behalf of the discharger in connection with its discharge.

- G. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Village pursuant to this chapter shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.

ARTICLE VII Sewer Main Extensions

§ 262-43. New customers.

Sewer mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under § 66.0703, Wis. Stats., will apply, and no additional customer contribution to the Utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection A.
 - (2) Part of the contribution required in Subsection B(1) will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, a contribution in aid of construction will be collected equal to the amount which would have been assessed under Subsection A for the abutting property being served. This amount will be refunded to the original contributor(s); in no case will the contribution received from additional customers exceed the proportionate amount which would have been required under Subsection A, nor will it exceed the total assessable cost of the original extension.
- C. When a new customer(s) is connected to an existing main, not financed by customer contributions, it shall not be considered as a main extension, and no contributions may be collected from the customer(s). This provision applies to a main installed after the effective date of this chapter.

§ 262-44. Extensions in subdivisions.

- A. Application for installation of sewer mains in regularly platted real estate development subdivisions shall be filed with the Village Clerk-Treasurer and shall set forth the following information:
 - (1) The name of the subdivision.

- (2) Legal descriptions.
 - (3) A map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
 - (4) The date of approval of the subdivision plan by the Department of Administration.
 - (5) The date of approval of proposed mains by the Department of Natural Resources.
 - (6) The number of houses presently under construction.
- B. Upon receipt of the applications, the Sewer Utility will prepare detailed estimates of the cost of extending sewer mains of the size deemed necessary in the subdivision and submit the same to the municipal governing body for approval of the extension. The applicant for sewer service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due, with the balance to be paid within 30 days. If final costs are less than estimated, a refund of overpayment will be made by the Utility.
- C. If the developer, or a contractor employed by the developer, is to install the sewer mains (with the approval of the Utility), the developer shall be responsible for the total cost of construction and inspections by the Village Engineer.

§ 262-45. Sewer lateral installation charge.

- A. The subdivision developer shall be responsible, where the main extension has been approved by the Utility, for the sewer lateral installation costs from the main to the property line.
- B. When the cost of a utility main extension is to be collected through assessment by the municipality, the sewer installation costs from the main to the property line shall be included in the assessment of the appropriate properties.
- C. The initial sewer lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main to the property line for sewer laterals by the Utility, for which there will be made a charge as set by a resolution adopted by the Village.

**ARTICLE VIII
Sewer Service Charges**

§ 262-46. Credit for water not discharged to sewer.

If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided that a meter has been installed to measure such water. The customer must, at his own expense, make necessary changes in the water piping and install

couplings so that a meter can be set. See Rate Schedule Am-1 for applicable charges.¹

§ 262-47. General metered sewer service.

- A. General metered sewer service is available for sewage contributors discharging domestic strength sewage up to 250 milligrams per liter BOD and 250 milligrams per liter suspended solids. The Village shall, by resolution, set the monthly service charge for domestic strength sewage plus a volume discharge charge.
- B. Bills for sewer service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to bills not paid within 20 days of issuance. This one-time late payment charge of 3% will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued, and unless payment or satisfactory arrangement for payment is made within the next eight days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.

§ 262-48. Commercial and industrial metered sewer service.

- A. When the sewage from any contributor does not exceed the strength limitations of 250 milligrams per liter for BOD and 250 milligrams per liter for suspended solids, the sewer bill shall be calculated under the general sewer service rate. Where the waste of any contributor exceeds the above strength, a periodic sampling shall be taken and the sewage analyzed to determine the strength of said waste, which will be billed at rates established by resolution of the Village.
- B. Bills for sewer service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to bills not paid within 20 days of issuance. This one-time late payment charge of 3% will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Utility customer may be given written notice that the bill is overdue no sooner than 20 days after the bill is issued, and unless payment or satisfactory arrangement for payment is made within the next eight days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.

§ 262-49. Unmetered sewer service.

Service shall be billed at the rate set by resolution adopted by the Village. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for 4,000 gallons per month discharged to the sewer system. If it is determined by the Utility that the user discharges more than 4,000 gallons per month to the system, an additional charge per 1,000 gallons will be made for estimated additional usage and the charge set by resolution adopted by the Village.

1. Editor's Note: Current rate schedules are on file at the Clerk-Treasurer's office.

§ 262-50. Wholesale sewer service.

For wholesale sewer service to Hubbard Sanitary District No. 1 and Hubbard Sanitary District No. 2, the charge shall be established by resolution adopted by the Village.

**ARTICLE IX
Enforcement**

§ 262-51. Notice of violation.

Any person found to be violating any provision of this chapter, except § 262-27, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 262-52. Violations and penalties.

- A. Any person who shall continue any violation beyond the time limit provided for in § 262-51 shall forfeit an amount not exceeding \$10 for each violation for residential, commercial and public users and \$50 for each violation for industrial customers. Each day in which any such violation shall continue shall be deemed a separate offense.
- B. Continued violation may result in the refusal of the Village to accept the discharges of the violating discharger.

§ 262-53. Discharger liability.

Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

§ 262-54. Misrepresentation.

Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by the imposition of a forfeiture of not more than \$1,000.

§ 262-55. Appeals.

- A. Right of appeal. Any discharger or agent of the discharger shall have the right to appeal an interpretation or ruling by the Village on any matter covered by this chapter. The discharger or his agent shall be entitled to a hearing before the Village Board of the Village for the purpose of appeal. Such a meeting shall be promptly scheduled by the Village upon receipt of a written appeal from the discharger.
- B. Stay of enforcement. In the event that such appeal deals with matters of performance or compliance with this chapter for which enforcement activity

relating to an alleged violation is subject, receipt of a discharger's written appeal shall stay all enforcement proceedings pending the hearing before the Board. Appeal on a final judgment by the Village entered pursuant to this chapter may be taken in accordance with the law of the State of Wisconsin.