

# Village of Oliver

## Chapter 200. Sewer Utility

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### Section 1. General

- A. Administration. The management, operation, and control of the sewer system for the Village of Oliver is vested in the Village Board of said Village of Oliver; all records, minutes and all written proceedings thereof shall be kept by the Clerk of the Village of Oliver and all financial records shall be kept by the Treasurer of the Village of Oliver.
- B. Utility powers. The sewer utility of the Village of Oliver shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village of Oliver and to maintain/replace/repair facilities in St. Louis County, Minnesota, and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village of Oliver shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore, and the Village Board may acquire all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- C. Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary to the sewer system; and cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with Wisconsin Statutes and, if Federal Funds are used, the Uniform Relocation and Real Property Acquisition Policy Act of 1970, as amended.
- D. Title to Real Estate and Personal Property. All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said Village of Oliver.
- E. Maintenance of Services. The Owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions and so no clear water is discharged to the building service, by and at the expense of the Owner or occupant of the property. When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. Building sewers shall be inspected prior to sale of property, and repairs will be made to bring the lateral into compliance prior to the sale being approved, unless the buyer agrees to make the repairs in which case the buyer has 30 days from closing to make the repairs. If excavation is required to make the repairs they will be made within 30 days of spring thawing.

### Section 2. Definitions

The following definitions are applicable to this ordinance:

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

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

**BUILDING SEWER** shall mean the extension of the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall; also referred to as lateral.

**CLEAR WATER:** Any surface flow, run off, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, storm water and water from foundation and footing drains and basement or other sump pumps.

**CUSTOMER** shall mean any entity which discharges wastewater to the Village wastewater conveyance system.

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

**FATS, OILS AND GREASE (FOG)** shall mean material, either liquid or solid, composed primarily of fat, oil and grease from animal, vegetable or mineral sources.

**FOOD SERVICE FACILITY** shall include the following types of establishments: Full service restaurants, fast food establishments, delicatessens, cafeterias, school cafeterias, church kitchen, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.

**GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products and produce.

**GREASE INTERCEPTOR** shall mean a device designed to capture fats, oils and grease prior to discharge to a sanitary sewer. Also termed grease traps or grease recovery devices.

**INCOMPATIBLE POLLUTANTS** shall mean wastewater or septage with pollutants that will adversely affect or disrupt and wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

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

**NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD and suspended solid no greater than 200 and 200 milligrams per liter (mg/l) respectively.

**NORMAL USER** shall be a user whose contributions to the sewage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

**OPERATION AND MAINTENANCE COSTS** shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. The costs associated with clear water flows (I/I) may be distributed 1) in the same manner as O & M, 2) land area of users, 3) number of hookups, and 4) actual or estimated water usage shall be divided proportionately among the various sewer users.

**PERSON** shall mean any and all persons, including any individual, firm, company, municipal or

private corporation, association, society, institution, enterprise, governmental agency, or other entity.

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

REMODELING means a physical change or operational change causing generation of the amount of fats, oils and grease discharge to the sewer system in an amount that alone or collectively causes or creates a potential for sanitary sewer overflows to occur and involves any one or combination of the following: (1) any change in plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

REPLACEMENT COSTS shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate segregated replacement fund shall be established and used for only replacement of equipment.

SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

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

SEWER SERVICE CHARGE is a service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

SHOCK shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS shall mean solids that either float on the surface or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as nonfilterable residue.

VILLAGE shall mean the Village of Oliver, Wisconsin.

WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions; together with any ground water, surface water, and stormwater that may be present, but not intentionally admitted.

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

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

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

### **Section 3. User Rules and Regulations**

- A. **User Rules and Regulations.** The rule, regulations, and sewer rates of the Village of Oliver of Douglas County, Wisconsin, hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system of the Village of Oliver and every such person, company, or corporation by connecting with the sewer system shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said Village of Oliver may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), and shall be re-established except by order of the Village Board and on payment of all areas, the expenses and established charges of shutting off and turning on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board, may declare any payment made for the service by the party or parties committing such violation, to be forfeited. The right is reserved by the Village Board to change said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.
- B. **Right to Discontinue Acceptance of Waste.** Whereas the Village of Oliver, by accepting wastewater and septage assumes all risks for treatment and meeting their WPDES permit, hereby reserves the right to immediately discontinue acceptance of wastewater or septage for operational and permit reasons.
- C. **General Purpose.** This Ordinance regulates the use of public and private sewers and drains, disposal of septage waste into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the Village of Oliver. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village of Oliver to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is characteristic of wastewater discharged into the Village of Oliver sewerage system.
- D. **Revenues.** This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the capital and operational costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements.
- E. **Charges and Fees.** The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes.
- F. **Supersede Previous Ordinances.** This ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance and any applicable Statute, the State Statute shall be controlling.

### **Section 4. Regulations for Plumbers, Sewer Users and Others**

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

- A. **Plumbers.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin. All work performed by plumbers including service connections to the sewer main shall comply with the state plumbing code.

## B. Users.

### 1. Mandatory Hook-up.

- a. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or a new building usable for human habitation is constructed or in a block through which such system is extended, shall connect to such system within 10 days notice in writing from the Village. Upon failure to do so the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, however, the owner may with 30 days after the completion of the work file a written option with the Village stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed 5 equal installments and that the amount shall be so collected with interest at the rate of 15 percent per annum from the completion of the work, the unpaid balance being special tax lien, all pursuant to Section 281.45, Wisconsin Statutes.
- b. In lieu of the above, the Village at its option may impose a penalty for the period that the violation continues, after 10 days written notice to any Owner failing to make a connection to the sewer system of a fine as set by the Village Board and the costs of prosecution. Upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45, Wisconsin Statutes.
- c. This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village.
- d. Septic Tank Prohibited. The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after date of construction completion, the use of septic tanks, holding tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.

### 2. Application for Service.

- a. Every person connecting with the sewer system shall file an application in writing to the Village Clerk, in such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village of Oliver. The application must fully and truly identify all uses which will be allowed; additional uses may be identified at a later date by submitting an updated application for approval by the Village of Oliver. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of Oliver are referred to herein as "Users."
- b. The application may be for service to more than one building, or more than one unit of service through one service connection; and in such case, charges shall be made accordingly.
- c. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village of Oliver may reject the application. If the Village of Oliver approves the application, it shall issue a permit for services as shown on the application.

### 3. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village Board.

### 4. Connection Charge. Persons attaching to a sewer main shall have the lateral (building sewer) from the sewer main installed at their own expense. Connection fee, as set by the Village Board, is due to the Village of Oliver at the time of application for service.

### 5. User to Keep in Repair. All users shall keep their own service (laterals or building sewers) in

good repair and protected from frost, at their own risk and expenses, and shall prevent any unnecessary overburdening of the sewer system.

6. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
7. User to Permit Inspection. Every user shall permit the Village of Oliver, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use in accordance with this ordinance and Section 196.171, Wis. Stats., as amended.
8. Utility Responsibility. It is expressly stipulated that no claim shall be made against the Village of Oliver or its officers, agents and employees by reason of the breaking, clogging, stoppage, or freezing of any building sewers; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary to shut off the sewer service within any district of the Village of Oliver, the Village Clerk shall, if practicable, give notice to each and every consumer within such affected district at the time when such service will be shut off.
9. Vacating of Premises and Discontinuance of Service. The user shall be responsible for all costs to disconnect and cap the building sewer. Inspection by the Village waste water operator will be required prior to backfilling.
10. Sale of Property Inspections. The user shall be responsible for obtaining an inspection of the sewer lateral and foundation drains/sump pumps prior to the village approving sale of the property. If any of those items are out of compliance they will be required to make repairs prior to the sale of the property being approved or provided funds in the purchase agreement for the buyer to make repairs within 30 days of closing. Concessions will be made to the timeframe of repairs if excavation must occur for the repairs if the sale occurs during times of frozen ground. Repairs will be verified by the Building Inspector prior to backfilling or covering by any means. The Building inspector will certify to the Village that repairs are in compliance with applicable state codes.

#### C. Excavations.

1. In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public and maintain access to all homes and businesses.
2. 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.
3. In refilling the opening, after the service pipes are laid each layer shall be thoroughly compacted so as to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street, at least, as good as before it was disturbed, and satisfactory to the Village Board. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

#### D. Tapping the Mains.

1. No person, except those having special permission from the Village Board, or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collections pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Village Board.
2. Pipes should always be tapped on the top-half, and not within 6 inches (15 cm) from a joint, or with 24 inches (60 cm) of another lateral (building sewer or service connection) connection. All service connections to mains must comply with Wisconsin State plumbing code. Lateral connections (building sewer or service connection) to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye into the existing sewer. The

lateral/wye connection shall be made with approved adapters or couplings.

E. Installation of House Laterals.

1. All building sewers on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter including COMM 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing."
2. Per Section the Wisconsin Administrative Code, all laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling; and tested before backfilling.

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

1. When an extension of a sewer main is required by the prospective use, said person shall make an application on such a form as is prescribed for that purpose for such an extension in writing to the Village by filing of such an application, the Village shall first determine the logical location of the next manhole or manholes. Next, the Village shall determine the length and location of the extension, taking into consideration the prospective demand for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
2. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among those users. The person requesting the extension may recover pro-rata shares of the cost of installing the sewer extension from subsequent owners who are benefitted by the extension in accordance with a recapture agreement between the developer, the Village, and if necessary, future users. All of the terms and conditions of such agreement must be presented to the Village and be acceptable to the Village before such recovery of development costs can be paid by subsequent users and the terms of such recapture agreement shall be fully in compliance with existing Wisconsin law.
3. If the Village has extended the sewer mains any subsequent user (other than a user who made an original pro-rata contribution to the cost of the extension) shall be required to pay the Village their pro-rata share of the lot or lots owned by the new attaching user as if said new user had been one of the original contributors.

## **Section 5. Sewer User Charge System**

- A. Policy. It shall be the policy of the village to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage facilities, including a replacement fund (i.e., an account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the cost of such facilities.
- B. Basis for Service Charge. The minimum monthly billing shall be sufficient to pay the billing and customer related administration expenses. The unit price per volume shall be sufficient to pay the remaining annual costs of operation and maintenance, including any replacement fund, of the sewerage facilities. The method for determining the user charges is given in the Sewer User Charge System.
- C. Sewer Service Charge. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in amount determined by resolution of the Village Board of Oliver.

- D. Unit of Service Definition. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village Board shall set a separate rate for such complex.
- E. Control of Industrial and Septage Wastes.
1. Industrial Discharges. If any waters, wasters, or septage are discharged, or proposed to be discharged to the public sewerage system which contain substances or possess the characteristics which, in the judgment of the Village may be detrimental to the sewerage system the Village may:
    - a. Reject the wastes.
    - b. Require pretreatment to an acceptable condition for discharge to the sewerage system.
    - c. Require a control over the quantities and rates of discharge.
    - d. Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of Section 5C.
  2. Control Manholes.
    - a. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
    - b. Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village.
    - c. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Village prior to the beginning of construction.
  3. Provision for Deductions. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the volume of water discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.
  4. Metering of Waste. Devices for measuring the volume of waste discharged may be required by the Village if this volume cannot otherwise be determined from the meter water consumption records. Metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village.
  5. Waste Sampling
    - a. Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly. The determination shall be required by the Village.
    - b. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village.



1. A minimum of at least quarterly sampling shall be necessary to determine sewer service charges.
2. Depending on the type of industry, monthly monitoring may be required. No industry should be monitored less than quarterly. Monitoring must be done so the industry will be properly billed for sewer use charges.
- c. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Village or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
6. Pretreatment. When required, in the opinion of the Village, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
7. Fat, Oils, and Grease Reduction.
  - a. The installation or upgrade, and maintenance, of grease control equipment at both new and existing FOG generating facilities must meet the following requirements:
    1. Grease Interceptors must be installed at all new FOG generating facilities.
    2. Existing FOG generating facilities must install an approved, properly operated and maintained Grease Interceptor when any of the following conditions exist:
      - a. If the Village determines the discharge of grease from the facility to the sewer has or is creating restrictions in the public sewer or is causing additional sewer maintenance costs.
      - b. Issuance of a building permit from the Village that authorizes remodeling or a change in operations as defined by the "remodeling" in Section 2 of this chapter.
    3. Grease Interceptors must be of adequate size and efficiency and at a minimum shall be sized and installed in accordance with the State of Minnesota Administrative Rules, Chapter 4715, Plumbing Code and all applicable municipal plumbing codes.
    4. Grease Interceptors shall be installed in the waste line leading from the sinks, drains or other fixtures where grease may be introduced, and must be readily accessible for cleaning and inspection.
    5. FOG generating facilities must maintain records for all Grease Interceptor cleaning and maintenance activities in a format approved by the Village and have such records available for inspection.
    6. FOG generating facilities must regularly clean and maintain the Grease Interceptor and properly dispose of captured material.
      - a. Each facility must maintain records of the dates and means of disposal.
      - b. Any removal and hauling of the captured materials not performed by the owner's personnel must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.
  - b. Variance. The Village may grant a variance or conditional waiver from the minimum requirements in Section 5.E.7.a if the FOG generating facility demonstrates to the satisfaction of the municipality that any FOG discharge is negligible and will have an insignificant impact on the sewer system. At a minimum, the following conditions apply:

1. The FOG generating facility must demonstrate that the discharge from its activities contains less than 100 mg/l of FOG.
2. The sampling and testing to demonstrate the concentration of grease in the discharge must be conducted, at the facilities expense, by an independent testing organization in accordance with acceptable industry standards.
- c. The Village will perform periodic and random FOG equipment inspections, including scheduled inspections of known problem areas. Records of the inspections shall be maintained by the Village. An authorized agent of the Village or employee of the Village may at all reasonable hours, enter any private premises for the purpose of inspecting sewer system connections, plumbing, Grease Interceptors and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.
- d. Records required to be maintained under Section 5.E.7 shall be retained for a minimum of 7 years from the date of creation of the record. Records include written, photographic, recorded, electronic, or stored data of any kind.

#### 8. Analyses

- a. All measurements, tests, and analyses of the characteristics of water, waste and septage to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for analysis of pollutants," (1978, 40CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.
  - b. Determination of the character and concentration of the industrial waste shall be made by the person discharging them or their agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
9. Submission of Information. Plans, specifications, and other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Village prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.
10. Submission of Basic Data. Within 3 months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Village a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
11. Extension of Time. When it can be demonstrated that circumstances exist that would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village.
- F. Lateral Charge. In those instances where a lateral serves a property but is not connected to a structure and there is no discharge to the sewer system, a monthly lateral charge shall be assessed. Said charge shall be in an amount set by resolution of the Village Board and shall be equal to the sewer service charge less the sewage treatment cost component.

G. Payment for Charges.

1. Payment and Penalty. The sewerage service charge shall be paid monthly, and shall be payable to the Village Treasurer not later than 30 days after billing by the Village for each period.
  - a. All charges for sewerage service shall be made monthly. If sewerage payment is not received within 30 days of statement, a late fee will be assessed. In addition, a late fee will be assessed with each subsequent statement until paid in full. Statements to delinquent users will be issued each month until paid in full. Partial payments will be accepted at any time, but the full amount of the bill, including all late fees, remains due within 30 days of the statement. Late fees will accrue to any amount which has not been paid as of the 30<sup>th</sup> day, and at the time of subsequent statements. Failure to receive a bill shall not excuse non-payment.
  - b. Any user having not paid their sewerage bill for 3 consecutive months shall be considered grossly delinquent and issued a notice on the twenty-first (21<sup>st</sup>) day after the end of the third delinquent month. This notice will be sent by registered mail or served personally to a household member 14 years of age or older. If payments not received within 5 days of this notice, sewer service will be disconnected at the user's expense. Fees for disconnection and reconnection shall be set by resolution by the Village Board of Oliver. The cost for disconnection shall be the disconnection fee plus the actual amount incurred by the Village to hire a licensed contractor to perform the disconnection. The cost for reconnection shall be the reconnection fee plus the actual amount incurred by the Village to hire a licensed contractor to perform the re-connection. These rates and all delinquent charges shall be paid in full before re-connection takes place. In addition, a deposit, set by resolution of the Village Board of Oliver, shall be paid to the Village as security for future delinquency. This deposit shall be non-interest bearing, and will be returned after 3 consecutive months have elapsed during which the account has been paid in full in a timely fashion. Paying the oldest statement up does not excuse the delinquent user from being considered grossly delinquent. At the time the Village is required to implement this section, the user will be charged an administrative service fee to be set by resolution by the Village Board of Oliver. Any user who pays the sewerage bill on the day disconnection is to take place is responsible for all fees and charges made by the contractor hired to perform the disconnection (regardless of whether the equipment is used that day). Such fee will be due and payable on the same day.
  - c. In the event that a structure which is connected to the sewer system is destroyed or demolished, removed and not replaced the following shall apply:
    1. The sewer lateral shall be removed as per this ordinance and the disconnection fee paid.
    2. All back sewer utility fees are to be paid at time of disconnection.
    3. The property shall continue to be assessed and be responsible for paying the monthly sewer lateral charge. If a new structure is subsequently built upon the lot and part or all of the monthly sewer lateral charges are in arrears, the Village may, upon request of the property owner, waive part or all of the unpaid charges.
    4. If a new structure is built on the lot, a new lateral connection shall be built as per this ordinance along with payment of the connection charge and reconnection administrative fee. In addition, if the Village has outstanding debt on the sewer utility system an additional debt service reconnection charge shall be assessed.
  - d. In addition to all other remedies, the Village may seek recourse in small claims court for any delinquent charges or assessments, plus court costs.
2. Charges a Lien. All sewage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

3. Disposition of Revenue. The amounts received from the collection of charges authorized by this Ordinance shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Board, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the preview of 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Board may Resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
  4. Additional Charges. Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by a public sewer and wastewater facilities located outside the boundaries of the Village to equalize local capital costs. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment from utility revenues. Such additional charges shall be added to the sewer bill for each billing period.
  5. Excess Revenues. Excess revenues collected will be applied to operation and maintenance costs for the next year.
- H. Annual Audit. The Village shall have conducted an independent Annual Audit, the purpose of which shall be to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. The findings and recommendations of this audit shall be posted at the Village Hall.
- I. Violations and Penalties.
1. Damages.
    - a. It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the Village Board, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.
    - b. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 200 mg/l (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate to be set by resolution of the Village Board of Oliver. The Village Board reserves the right to test the sewage at any point within the connection system of the user. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased O&M or replacement costs caused by the toxic pollutants.
    - c. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
      1. Any storm water, surface water, ground water, footing drains, sump pumps, roof run-off or surface drainage.
      2. Any gasoline, benzene, Naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
      3. Any ashes, tar, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.

4. Any water or wastes containing a toxic or poisonous substance in sufficient quantity or injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
  5. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
  6. Any noxious or malodorous gas or substance capable of creating a public nuisance.
  7. Any garbage that has not been properly shredded.
  8. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
  9. Any water or wastes which may contain more than 100mg/L by weight of fat, oil, or grease.
  10. Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d. Damage Recovery. In addition to any other penalty provided by this Ordinance or other law, the Village of Oliver shall have the right of recovery from any responsible persons of any expense incurred by the Village of Oliver for penalties imposed on the Village due to a violation of this Ordinance or other law, correction of conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.
  - e. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
2. Written notice of violation.
    - a. Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
    - b. Any licensed disposer discharging to the sewerage system found to be violating a provision of this ordinance or of any conditions of the Village approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.
  3. Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Board.
  4. Accidental Discharge Reporting. Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village Clerk.
  5. Continued Violations. Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid time limit shall, upon conviction thereof, forfeit an amount to be set by the Village Board of Oliver together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed 5 days. Each day in which any violation is continued beyond the aforesaid time limit shall be deemed a separate offense.

6. **Liability to Village for Losses.** Any person violating any provision of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned by reason of such violation.
7. **Damage Recovery.** The village shall have the right of recovery from all persons, any expense incurred for the repair or replacement of any part of the sewerage system damaged in any manner by any person for any work under their control, or by any negligent acts.
8. **Penalties.** Any person who shall violate any of the provision of this Ordinance, rules or regulations of the Village or who shall connect a service pipe (lateral or building sewer) or discharge without first having obtained a permit; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit an amount to be set by the Village Board of Oliver and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section 4B.1 for mandatory hookup.
9. **Appeal Procedures.** Any user, affected by any decision, action, or determination, including cease and desist order, made by the interpreting or implementing provisions of this Ordinance file with the Village a written request for reconsideration within 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 Village upon receiving the request for reconsideration shall publish the request in the official newspaper. The Board shall render a decision on the request for reconsideration to the user in writing within 15 days of the receipt of request. If the ruling on the request for reconsideration made by the Board is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village.

## **Section 6. Miscellaneous Rules and Regulations**

- A. **Damage Recovery.** In addition to any other penalty provided by this Ordinance or other law, the Village of Oliver shall have the right of recovery from any responsible persons of any expense incurred by the Village of Oliver for penalties imposed on the Village due to a violation of this Ordinance or other law, correction of conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.
- B. **Charges are a Lien on Property.** All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.
- C. **Validity.**
  1. **Repeal of Conflicting Ordinances.** All ordinances, resolution, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance are hereby repealed.
  2. **Severability.** If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional.
  3. **Amendments.** The Village, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

Passed and adopted this 30<sup>th</sup> day of April, 2019.

ACTION: Motion by Abraham, second Rude, to adopt. Motion carried.