

## CHAPTER 7 - SEWER UTILITY

### 7.01 DEFINITIONS

- (1) BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures as specified in Standard Methods in five days at 20 degrees C., expressed in milligrams per liter of pounds.
- (2) Building Sewer shall mean any storm or sanitary sewer beginning at the immediate outside of any building and connecting to a public sewer.
- (3) Color shall mean the color of the light transmitted by domestic or industrial sewage as determined by the appropriate laboratory procedures specified in Standard Methods.
- (4) Compatible Pollutant shall mean biochemical oxygen demand, suspended solids, Ph, or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit issued to the Village for the operation of its wastewater treatment facilities, provided that said facilities were designed to treat such additional pollutants, and in fact does remove such pollutants to a substantial degree.
- (5) Consulting Engineer shall mean Carl C. Crane, Inc., 2702 Monroe Street, Madison, Wisconsin 53711, or any other qualified engineer whom the Village may retain at any time.
- (6) Debt Service shall mean the cost, including the principal, interest and coverage due on bonds, notes or other such instruments, levied on users of the wastewater treatment facilities for the cost of constructing such facilities.
- (7) DNR shall mean the Wisconsin Department of Natural Resources.
- (8) Domestic Sewage shall mean liquid or water - carried wastes that can reasonably be expected to come from the bathrooms, kitchens, and laundries or residences.
- (9) EPA shall mean the United States Environmental Protection Agency.
- (10) Extra Strength Sewage shall mean sewage with more than 232 milligrams per liter (mg/l) of BOD or 300 mg/l of suspended solids. [O-94-04; 3/14/94]

- (11) Incompatible Pollutant shall mean pollutant which is not a compatible pollutant.
- (12) Industrial Sewage shall mean liquid or water - carried wastes, other than domestic sewage, that results from the processes or operations of any industry, business or trade.
- (13) Industrial User shall mean any person, including any individual, firm, company, industry, commercial enterprise, institution or government agency that contributes industrial sewage to the Village wastewater treatment facilities.
- (14) Normal Strength Industrial Sewage shall mean industrial sewage with 232 mg/l of BOD of less or 300 mg/l of suspended solids or less. [O-94-04; 3/14/94]
- (15) Operation and Maintenance Costs shall mean expenses for labor, supplies, electrical power, repairs, upkeep and other such items needed to keep the wastewater treatment facilities functioning on a daily basis.
- (16) pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution, as determined by the appropriate laboratory procedure specified in Standard Methods.
- (17) Public Sewer shall mean any storm or sanitary sewer built, owned or operated by the Village.
- (18) Receiving Waters shall mean the surface waters of the state into which the treated effluent of the wastewater treatment facilities is discharged.
- (19) Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (20) Sanitary Sewer shall mean a sewer intended to carry liquid and water - carried wastes from residences, commercial buildings, industrial plants and institutions, except those wastes expressly prohibited by this ordinance and without the admixture of ground, storm and surface water.
- (21) Standard Methods shall mean the examination and analytical producers set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

- (22) Storm Sewer shall mean a sewer, ditch or drain intended to carry rain, surface or groundwater or other unpolluted water.
- (23) Superintendent shall mean the employee, or his agent or representative, appointed by the Village to operate and maintain the public sewer systems and the wastewater treatment facilities.
- (24) Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, sewage or other liquids and that is removable by laboratory filtering as specified in Standard Methods and referred to as unfilterable residue.
- (25) User shall mean any and all persons, including any individual, firm, company, industry, commercial enterprise, institution or government agency that discharges, or causes to discharge, any domestic or industrial sewage to a building or public sewer.
- (26) User Charge shall mean a charge levied on users of the wastewater treatment facilities for the cost of operation, maintenance and replacement of such facilities.
- (27) User Charge System shall mean the principles of allocating the costs and the methods of collecting the revenue necessary to pay the annual operation, maintenance, replacement and debt service costs of the wastewater treatment facilities as defined in this Ordinance.
- (28) User Classes shall mean the categories of users of the wastewater treatment facility against which User and Debt Service charges shall be levied. There shall be four classes of users:
- (a) Residential - contributors of domestic sewage
  - (b) Commercial - non-residential and non-industrial contributors of domestic sewage
  - (c) Industrial - contributors of industrial sewage
  - (d) Public authority - shall mean all Users under the control or direction of a public entity
- (29) Village shall mean the Village of Deerfield, Wisconsin, or its authorized agent.
- (30) Wastewater Treatment Facilities shall mean the structure, equipment and processes designed to collect, carry and treat domestic and industrial sewage and dispose of the effluent.

(31) WPDES Permit shall mean the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0023744-2, including modifications, as issued to the Village by the DNR for the regulation of its wastewater treatment facilities.

(32) Other terms shall be as defined elsewhere in the Municipal Code of the Village.

## **7.02 SEWAGE USE**

(1) Introduction. This section of the Sewer Code regulates the use of public and private sanitary and storm water sewers and drains and the discharge of waters and wastes into such sewers and drains within the Village.

(2) Use of Public and Building Sewers

- (a) The owner or owners of all houses, buildings or properties used for human occupancy, employment or other purposes, situated within the Village and abutting on any street, alley or public right-of-way in which there is now located or may in the future be located, a public sanitary sewer is hereby required to connect, at their own expense, its sanitary building sewer, to the public sanitary sewer at a point and in a manner designated by the Superintendent within ninety (90) days of official notice to do so. Not more than one property shall be serviced by one building sewer.
- (b) No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, groundwater, roof runoff, surface drainage or other unpolluted water or liquid.
- (c) Except as hereinafter provided, no user shall discharge or cause to be discharged any of the following described liquids, solid wastes or sewage to any sanitary or storm sewer:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - 2. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, 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 wastewater treatment facilities.

3. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
4. Any waters or sewage containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the wastewater treatment facilities.
5. Any noxious or malodorous gas or substance capable of creating a public nuisance.
6. Any garbage that has not been properly shredded.
7. Any liquid or vapor having a temperature higher than 150 degrees F.
8. Any sewage which may contain more than 100 milligrams per liter by weight of fat, oil or grease as determined by the appropriate laboratory procedures specified in Standard Methods.
9. Any waters or sewage having a Ph lower than 6.0 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment facilities.
10. Any water or wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is an upset of a treatment process at the wastewater treatment facilities and subsequent loss of treatment efficiency.
11. New or increased volumes or quantities of industrial sewage in such volumes or quantities as to overload the wastewater treatment facilities or cause a loss of treatment efficiency.
12. Any waters or sewage containing more than 2,500 milligrams per liter of BOD, unless approval is given in writing by the Superintendent.

13. Any waters or sewage containing more than 500 milligrams per liter of suspended solids, unless prior approval is given in writing by the Superintendent.
  14. Any waters or sewage having an objectionable color which is not removable by the wastewater treatment facilities.
  15. Any septic or holding tank sewage or sludge, unless prior written approval is given by the Superintendent.
  16. Any material defined as toxic or hazardous by the EPA or DNR.
- (d) All users shall operate and maintain their building sewer in a manner in conformance with this Ordinance and at their own expense.
  - (e) The Village shall be responsible for the operation and maintenance of all public sewers.
  - (f) All users of public sewers shall notify the Superintendent, in writing, when they intend to discontinue use of said sewers.
  - (g) No sewage or polluted waters or liquids shall be discharged or caused to be discharged to public storm sewers.
  - (h) Contributors of industrial sewage shall comply with all rules and requirements of the EPA or DNR relating to the pretreatment of such sewage before it is discharged into any sanitary public or building sewer.

(3) Powers and Authority of the Superintendent

- (a) After notification to the property owner and bearing proper credentials and identification, the Superintendent shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of all waters, wastes and sewage in accordance with the provisions of this Ordinance.
- (b) The Superintendent may require the installation of such interceptor, trap, sump or pretreatment device or inspection or observation structure or measurement, sampling or testing equipment on any property as he shall feel are necessary for the proper operation or maintenance of the public sewers or wastewater treatment facilities.

Such requirement shall become effective only after formal approval by the Village Board acting in lawful session. Any such requirement for a property shall be installed and properly maintained at the expense of the owner of said property.

(4) Standby or Connection Fees and Charges. [O99-3, 4/26/99]

(a) Payments Due. Prior to connecting any building sewer (lateral) or private sewer to the public sewer, the applicant shall pay the following to the Village:

i. The standby or connection fee established pursuant to Wis. Stats. §66.076 and set by resolution of the Village Board. The Public Works Committee shall review and, as necessary, recommend adjustments in the standby or connection fees to the Village Board on an annual basis.

ii. All outstanding charges, including special assessments and interest thereon, due against the land for local sewers, interceptors, force mains and lift stations previously installed by the Village or other authority.

iii. All costs of services performed by third parties on behalf of the Village, including but not limited to consultation with the Village's Engineer and/or Attorney with respect to the applicant's permit or application.

iv. All costs incurred by the Village for special meetings, publication of notices and other similar costs associated with the applicant's permit or application.

(b) Time of Payment. All standby or connection charges and related fees shall be paid on or before issuance of a building permit for the building that will be connected to the public sewer. If no building permit is to be issued, standby or connection charges and related fees shall be paid at the time that the connection is requested. Any person failing to pay standby or connection fees and the other charges specified herein when due shall be subject to the penalties provided in this Chapter.

(5) Extension of Main. The cost of sewer main extension shall be levied as provided in § 5.01 of the Code.

(6) Design and Construction. The design and construction of all new sewers and all connection to the sewer system shall comply with all applicable local, state, and federal laws and regulations and with all standards deemed reasonably necessary by the Superintendent for their proper operation and maintenance.

### 7.03 USER CHARGE SYSTEM

(1) Introduction. This section of the Sewer Code provides the means for the Village to recover the annual costs of operating and maintaining its public sanitary sewer system and its wastewater treatment facilities. Such costs shall include the annual costs of operation, maintenance, replacement, and debt service as defined in Section 1. All users of said systems and facilities shall be subject to the terms and conditions of this section of the Sewer Code. User charges shall be established which will generate sufficient revenue to pay all operating, maintenance and replacement costs, except for replacement costs paid through the use of Community Development Trust Fund monies, where such replacements meet the eligibility criteria for the use of Community Development Trust Fund monies, as specified herein, as well as the issuance of municipal obligations and intergovernmental transfers, to support the operation, maintenance, and replacement costs associated with this utility. The Village does not specially assess its residents for replacement costs.

(2) Minimum Annual Charge. A minimum annual charge shall be levied on each user, based on its water meter size, to recover debt service. It shall be according to the following schedule:

Water Meter Size	User Charge Factor		Minimum Cost per Single UCF		Cost per User	Annual Cost Per User
5/8"	1	X	\$ 28.35	=	\$ 28.35	\$113.40
1"	2.5	X	28.35	=	70.90	283.60
1 1/4"	3	X	28.35	=	85.05	340.20
1 1/2"	4	X	28.35	=	113.40	453.60
2"	6	X	28.35	=	170.10	680.40

(3) Variable Annual Charge. A variable annual charge shall be levied on each user, based on its metered water use, to recover operation, maintenance and replacement costs. The charge shall be calculated by dividing the annual operating, maintenance and replacement costs as included in the annual budget for the Sewer

Utility by the previous year's total water use for each class of user. The charge shall be expressed as a rate of dollars and cents per 1,000 gallons.

(4) Variable User Charge Formula. At the discretion of the Village Board, the following formula may be used to calculate a user's variable annual charge:

$$(0.6) \frac{A}{X} + (0.2) \frac{A}{Y} - C + (0.2) \frac{A}{Z} - D$$

The terms of the formula are defined as follows:

- A - the annual cost of operation, maintenance and replacement as included in the annual budget of the Sewer Utility;
- B - the actual measured sewage flow of a user
- C - the actual measured BOD<sub>5</sub> (in pounds) of a user
- D - the actual measured suspended solids (in pounds) of a user
- X - the actual flow of sewage as recorded at the Village's wastewater treatment facilities
- Y - the actual measured BOD<sub>5</sub> (in pounds) as recorded at the Village's wastewater treatment facilities
- Z - the actual measured suspended solids (in pounds) as recorded at the Village's wastewater treatment facilities

(5) Bills for User Charges shall be divided into 12 monthly equal payments and shall be rendered monthly and become due and payable on the first day of the month following the period for which service is rendered. A penalty of 3 percent shall be added to bills not paid within twenty days from the date of such bills. If a bill is not paid within twenty days, the user will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangement for payment is made within the next five days, service will be discontinued without further notice. Users shall be notified annually of the portion of user charges attributable to operating the wastewater treatment facilities and the portion attributable to servicing the debt incurred in constructing the facilities.

- a. To Whom Account Shall be Billed. If sewer service is measured jointly for 2 or more rental dwelling units, the owner shall maintain the account for the sewer in the name of the owner or the name of the agent responsible for the collection of rent and the management of the rental dwelling units. The owner shall be listed as the owner appears on the tax rolls. If sewer service is measured individually, the resident (who may also be the owner) shall maintain the account for the sewer.
- b. Regular Billing Cycle: Delinquencies. User charges for the sewer utility shall be billed monthly to the account holder of the property served. The amount billed shall be due and payable in full within twenty (20) days of issuance of the monthly statement. Charges shall be deemed delinquent if not paid in full within said twenty (20) day period.
- c. Late Payment Penalties and Charges Accruing on Delinquencies. A one time penalty of three percent (3%) shall be charged against delinquent amounts due. (The amount due shall be deemed delinquent if not paid within twenty (20) days of issuance of the monthly statement). Charges associated with NSF checks (see Vill. Ord. § 22.05(2)), penalties permitted by law (see Vill. Ord. § 30.50(5)), and costs of collection, including reasonable attorney fees, shall all accrue against and, for the purposes of this ordinance, shall become part of the delinquent charge (hereinafter, "Delinquent Charge(s)") due.
- d. Delinquent Charges May Become Liens Against Real Estate. Delinquent Charges shall be a lien on the property served and arrearages shall be placed on the next succeeding tax roll for collection in the manner provided for in Wis. Stats. §§ 66.60(15) and 66.60(16), as may be amended from time to time. Delinquent Charges are added to the tax roll as of August 31 of each year.
- e. Notification of Delinquency. Account holders are automatically notified of delinquencies through the regular monthly statements. Prior to placing the Delinquent Charges on the tax roll, final written notification of delinquency shall be forwarded to the owner of the property, at the address listed on the tax rolls. Final written notice shall also indicate that a penalty of up to ten percent (10%) shall be included in the Delinquent Charges.

Final notice of the delinquency shall be deemed given on the date of mailing by the Village Clerk or his/her designee. The owner's and/or the resident's failure to receive final notice shall not invalidate any lien

created against the property served. However, if, in the sole discretion of the Village Board, the circumstances warrant it, proof of failure to receive the final notice may result in up to a fifteen (15) day extension of the owner's right to appeal, as described below.

- f. Appeal. The owner shall have fifteen (15) days from the date of final written notice of delinquency within which to notify the Village Clerk in writing of his or her intention to appeal the Delinquent Charges. In the event an appeal is timely and properly requested, a hearing shall be scheduled before the Village Board or a duly appointed committee thereof. The decision as to whether the hearing shall be before the Village Board or its committee shall be made by a majority of the Village Board members present and able to vote. The owner requesting the hearing shall be given no less than ten (10) days notice of the hearing date and place. The owner requesting the hearing shall be given an opportunity to present written or oral evidence in support of his/her appeal to the Village Board or its designated committee. The Village Board or its designated committee shall advise the appealing owner of its decision within ten (10) days of the hearing. The decision of the Village Board or its designated committee shall be final.
  
- g. Conflicts and Severability. Where any terms or requirements of this ordinance may be inconsistent or conflicting with relevant state statutes or Public Service Commission or other administrative rules, the more restrictive requirements or interpretations consistent with state law shall control. If any section provision or portion of this ordinance is found unconstitutional or invalid by a court, the remainder of the ordinance shall remain enforceable and shall not be affected by that ruling.

(6) Determining the Basis for User Charges

- (a) Under the provisions of Section 2(3), the Superintendent shall determine the volume, BOD and suspended solids of the sewage contributed by each user. In the case of the classes of residential and commercial users, he may determine such factors for a representative portion of such users and the results may be applied to the entire class. The Village shall maintain the proportionate distribution of operating, maintenance, and replacement costs among its user classes as determined by the Wisconsin Department of Natural Resources. Any excess revenues collected from a user class shall be applied to operating, maintenance, and replacement costs attributable to such class for the succeeding year.

- (b) Each user, may, with the prior written approval of the Superintendent, instal such devices and conduct such tests, according to the provisions of Standard Methods, as shall fairly and accurately determine the volume, BOD and suspended solids of their sewage.
  - (c) In case of a conflict between the sewage volumes and strengths determined by the Superintendent and those determined by the user, those determined by the Superintendent shall be binding as a basis for charges.
  - (d) Each normal strength industrial user shall be monitored annually by the Superintendent and each extra strength industrial user shall be monitored not less than semi-annually for two consecutive days.
- (8) Payment of Bills
- (a) Every reasonable care will be exercised in proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, not exempt any person from any penalty imposed for delinquency in the payment thereof.
  - (b) The property owner shall be held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.
- (9) Biennial Review. On a biennial basis, the Village shall review the amount of sewage contributed by the users and shall modify, if necessary, the revenue system established to ensure that all costs are recovered from the users.
- (10) Toxic Pollutants. Users discharging toxic pollutants shall be responsible for and shall pay for any increased operating, maintenance, and replacement costs caused thereby. Such costs shall be as established by the Village upon the recommendation of the Superintendent.

#### **7.04 PENALTIES**

- (1) Any user who violates any provision of this Ordinance shall be subject to a fine of not less than \$10 or more than \$100 per day (Class III Penalty) for each day the

violation exists following a 10-day period after issuance of a written notice by the Superintendent or the Village, together with costs of prosecution.

(2) Any user who damages or causes to be damaged any portion of the public sewers or wastewater treatment facilities or to the receiving waters downstream of the wastewater treatment facilities by virtue of the discharge of any waters, liquids or sewage shall be assessed the full costs of damages, repair or replacement as determined by the Village.

#### **7.05 REPEALING CLAUSE**

All other ordinances or parts of ordinances of the Village in conflict with this Ordinance are hereby repealed.

#### **7.06 ADOPTION OF OTHER RULES**

There is hereby adopted by reference all the appropriate rules and regulations of the EPA, DNR, the Wisconsin Department of Industry, Labor and Human Relations, and the Wisconsin State Board of Health insofar as the same are applicable to the Village.

#### **7.07 SEPARABILITY**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision to be adjudged and the remainder of this Ordinance shall be deemed valid and effective.