

## Chapter 11

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#### **11.01 Sewers.**

##### **(1) USE OF PUBLIC SEWERS REQUIRED.**

The owner of all houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated within the village abutting on any street, alley or right of way in which there is now or may be located in the future a public sanitary sewer of the village, is hereby required at his/her expense to install suitable sanitary facilities therein and to connect the facilities directly with the public sewer in accordance with applicable state and local codes.

**(2)** Pursuant to Wis. Stat. §61.36 and §61.39, the village may lay out, construct,

extend and otherwise provide for sanitary and storm sewers for the said village.

**(3)** Special assessments made pursuant to this code and the pertinent statutes shall be administered according to section 10.10 of this code.

#### **11.02 Definitions.**

**(1) 2000 WASTEWATER AGREEMENT** means the 2000 Wastewater Agreement between the City of Fond du Lac and Outlying Sewer Group.

**(2) ACT** means the Federal Water Pollution Control Act Amendment of 1972, (Public Law 92-500) and Clean Water Act of 1977 (Public

Law 95-217).

(3) APPROVING AUTHORITY means the village clerk, director of public works or their authorized deputy, agent or representative.

(4) BOD (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

(5) BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

(6) BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called building connection.

(7) CATEGORY A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than 10 mg/l.

(8) CATEGORY B shall be those sanitary sewer users who discharge industrial wastewater from industrial processes, trade or business distinct from sanitary sewage with concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, and/or phosphorus greater than 10 mg/l.

(9) CHLORINE REQUIREMENT means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content determined in

accordance with procedures set forth in "Standard Methods".

(10) CITY means the City of Fond du Lac, Wisconsin.

(11) CITY APPROVING AUTHORITY means the city manager, the director of public works or superintendent of wastewater collection and treatment system of the City of Fond du Lac; or his duly authorized deputy, agent or representative. Wherein all sewage disposal charges are concerned, the city council of the City of Fond du Lac shall be the city Approving Authority.

(12) COMBINED SEWER means a sewer intended to receive both wastewater and storm or surface water.

(13) COMPATIBLE POLLUTANTS means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and in fact does remove such pollutants to a substantial degree.

(14) DIRECTOR means the director of public works or his authorized deputy, agent or representative.

(15) EASEMENT means an acquired legal right for the specified use of land owned by others.

(16) EXCESSIVE is in such magnitude that in the judgement of the director, it exceeds the allowable flow normally expected from the source. Continuation of such flow will adversely impact the capability of the system to provide uninterrupted service to other customers.

(17) FLOATABLE OIL is oil, fat, or grease in

a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

**(18) GARBAGE** means the residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

**(19) GRANTEE** means the village or the city whichever is appropriate.

**(20) GROUND GARBAGE** means the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2") inch in any dimension.

**(21) INCOMPATIBLE POLLUTANTS** shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

**(22) INTERCEPTOR SEWER** shall mean sewers that carry wastewater flows from the collector sewers in the drainage basin to the regional wastewater treatment plant.

**(23) MAJOR CONTRIBUTING INDUSTRY** shall mean an industry that:

(a) Has a flow of 50,000 gallons or more per average workday;

(b) Has a flow greater than five (5) percent of the flow carried by the municipal system receiving the waste.

(c) Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. §283.21.

(d) Has a significant impact, either singularly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

**(24) NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**(25) OPERATION AND MAINTENANCE COSTS** includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

**(26) PARTS PER MILLION** shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**(27) PERSON** means any and all persons, including any individual, partnership, firm, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**(28) PH** means the reciprocal of the logarithm 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  $10^{-7}$ .

**(29) PUBLIC SEWER** means any sewer provided by or subject to the jurisdiction of the village. It shall also include sewers within or outside the village boundaries that serve one or more persons and ultimately discharge into the village sanitary sewer system, even though those

sewers may not have been constructed with village funds.

**(30) REPLACEMENT COSTS** mean expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the treatment plant or equipment to maintain the capacity and performance for which they were designed and constructed. Operation and maintenance costs include replacement costs.

**(31) SANITARY SEWAGE** means a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities having the following characteristics:

(a) A B.O.D. of not more than 250 mg/l.

(b) A suspended solids content of not more than 250 mg/l.

(c) A phosphorous content of not more than 10 mg/l.

**(32) SANITARY SEWER** means 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.

**(33) SEWAGE** is the spent water of a community. The preferred term is "wastewater".

**(34) SEWERAGE SYSTEMS** shall mean all properties, structures, manholes, pipes, equipment and conduits for the purpose of collecting and transporting wastewater as now exists or hereafter added to, expanded or improved.

**(35) SEWER CONNECTION** shall mean that part of the sewerage system connecting the sewer main and the building lateral of the abutting property.

**(36) SEWER SERVICE CHARGE** is a service

charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses as well as operation and maintenance costs of said facilities. (User charge, which covers operation and maintenance and replacement costs, is a part of the Sewer Service Charge).

**(37) SHALL** is mandatory; **MAY** is permissible.

**(38) SLUG** means any discharge of wastewater with a concentration or flow that exceeds 5 times the average 24 hour concentration or flow for a period greater than 15 minutes.

**(39) STANDARD METHODS** means 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 Association.

**(40) STORM DRAIN** (sometimes termed "Storm Sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

**(41) STORM WATER RUNOFF** means that portion of the rainfall that is drained into the sewers.

**(42) SUSPENDED SOLIDS** means solids that either float on the surface of or are in suspension in, water, wastewater or other liquids and that are removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and are referred to as non-filterable residue.

**(43) UNPOLLUTED WATER** is 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.

(44) USER means any person that discharges wastes into the sewerage system.

(45) USER CHARGE is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of said facilities.

(46) VILLAGE means the Village of North Fond du Lac.

(47) 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 groundwater, surface water and storm water that may be present.

(48) WASTEWATER COLLECTION AND TREATMENT FACILITIES shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

(49) WASTEWATER TREATMENT FACILITY shall mean the City's arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment.

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

(51) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT is a document issued by the State of Wisconsin, Department of Natural Resources which establishes effluent limitations and monitoring

requirements for the District's wastewater treatment facility. The WPDES Permit and modifications thereof pertain to the District's wastewater treatment facility.

### **11.03 Building Sewer Connection.**

(1) BUILDING SEWER CONNECTION. No unauthorized person shall uncover, make any connection or opening into, alter or disturb any public sewer or appurtenance without first obtaining a permit from the appropriate village official. The owner or agent shall make application on a special permit provided by the village. The permit shall be supplemented by any plans, specifications or special information considered pertinent by the village. Permit fees shall be determined by separate village ordinances.

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

(3) Existing building sewers may be used in conjunction with new structures only when they are found to conform to the requirements of this section.

(4) The size, slope alignment, materials of construction of a building sewer and the method to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall conform to the requirements of the plumbing code or other applicable rules and regulations of the village.

(5) Roof leaders, subsurface drains, groundwater drains, foundation footing drains and other clear water drains shall be constructed and maintained, insofar as is practical, in such a fashion as to prevent clear water intrusion into the sanitary sewer system.

(a) All sources of clear water entry into the sanitary system existing at the time of the

adoption of this section shall be illegal.

b) If stormwater or clear water is being discharged into the sanitary system, either intentionally or as a cause of system degeneration, the village shall give the offending person 15 days notice to disconnect or to make sufficient repairs so as to eliminate the source of the clear water intrusion. Failure to disconnect or to make such repairs shall authorize the village to cause disconnection or to make needed repairs and to assess the costs of such work against the property involved.

### **11.031 New Construction Inspection.**

No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the village board. Before any such connection shall be covered, the person making the inspection on behalf of the village shall endorse the approval of the same upon the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector.

All connections shall be made in a workmanlike manner and to the satisfaction of the said inspector. Connections to the main sewers shall be 6 inches in diameter, unless otherwise specially permitted or required by the plumbing inspector.

**11.032 System Reconstruction.** The village has undertaken the systematic reconstruction of the public sanitary sewer system lying within the corporate limits. Metering records taken at the downstream end of the village system indicate the presence of an abnormal amount of clear water entry into the

sanitary sewer system. The presence of this clear water reduces available capacity to all system users, causes system overloads that may manifest themselves as basement flooding, causes a financial burden on the citizens of the village, and is a potential source of severe health hazards. The village recognizes that its public sewer system has a finite life and in many cases has exceeded the useful life of the system. The village also recognizes that private building sewers possess many of the same characteristics as the public system. (1) The village shall inspect all private connections to the public mains at the time of reconstruction of the public system.

(a) Any existing private facility not meeting the requirements of this section shall be considered illegal.

(b) Prior to the actual reconstruction, each property owner shall be given written notice of the project. Such notice shall be made no less than 30 days prior to commencement of the actual work.

(2) As the reconstruction progresses, the village shall inspect each private sewer connection for conformance with this section.

(a) In the event that the private system meets the requirements of this section, the village shall reconnect the private system to the public system at an appropriate point near the right of way line.

(b) In the event that the private sewer is found not to meet the requirements of this section, the village shall immediately notify the owner of the determined deficiency(ies)

(3) The owner shall, at the owner's expense, make the necessary repairs to correct the deficiency(ies). In all cases, the village shall supply an appropriate connection point as part

of its work. The owner may elect to:

(a) *make the repair(s)*. In doing so, the owner recognizes that all work must be done in strict conformance with all applicable local and state codes and in such a manner to correct the noted deficiency(ies). All work needed to accomplish the repair shall be done at the expense of the owner.

(b) *contract with licensed contractor to complete the repair*. All work needed to accomplish the repair shall be done at the expense of the owner.

(c) *have village contractors, if available, complete the repair*. The village agrees, as part of any project, to request unit prices that will allow for the calculation of the cost of making the appropriate repair to the private building sewer.

1. Should the owner select this option, the owner will be charged the entire cost of making the repair.

2. The owner may elect to pay the entire amount upon completion of the work, or the owner may request that he be billed in the form of a special assessment on the owner's tax bill according to section 10.10 of this code.

#### **11.033 System Requirements.**

(1) All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.

(2) All work, construction technique, and materials incorporated into the project shall be in strict conformance with state and local codes and the Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.

(a) *Permitted Materials*. Permitted

materials are those specified in the Technical Guidance Manual of the 2000 Wastewater Agreement.

(b) *Defects Requiring Repair*.

1. Any visible leak.
2. Open, improperly formed, or root intruded joints.
3. Improper materials such as clay, soil or orangeburg pipe.
4. Improper connections such as a palmer valve.

#### **11.04 Use of the Public Sewers.**

(1) No person shall discharge or cause to be discharged any stormwater, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer except with permission of the Approving Authority.

(2) **STORM SEWERS**. Storm water other than that exempted under Section (1) above, and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies.

(a) Unpolluted industrial cooling water or process waters may be discharged on approval of the Approving Authority, to a storm sewer or natural outlet.

(3) **DISCHARGES**. No person shall discharge any waste or other substance directly into a manhole, catch basin or inlet. All discharges to the sewer shall be through an approved sewer connection.

(4) **PROHIBITIONS AND LIMITATIONS**. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, which injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewers.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

(d) Any waters or wastes having a pH in excess of 9.5.

(e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders, and disposable diapers.

(f) The following described substances, materials, waters, or waste shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not

otherwise endanger lives, limb, public property or constitute a nuisance.

1. The Approving Authority may set limitations lower than the limitations established in this chapter if, in the director's opinion, such more severe limitations are necessary to meet the above objectives.

2. In forming his/her opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility and other pertinent factors. 3. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be varied without approval of the Approving Authority as follows:

a. Wastewater having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius).

b. Any water or waste containing fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 140° F. (0° and 60° centigrade).

c. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.

d. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, 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. The installation and operation of any garbage grinders equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the plumbing inspector.

e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.

f. Any waters or wastes containing odor-producing substances exceeding limits that may be established by the Approving Authority.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.

h. Quantities of flow, concentrations or both, which constitute a "slug" as defined herein.

i. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the city wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment

processes.

k. Materials that exert or cause:

1. Unusual BOD, chemical oxygen demand, phosphorus, nitrogen or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

2. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

3. Incompatible pollutants in excess of the allowed limits as determined by City, State and Federal laws and regulations as determined and when amended, referred to as pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

5. An adverse effect on either the wastewater treatment plant operation or on plant processes.

l. Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the person at his expense.

m. The accidental discharge of any prohibited waste into any sewer shall be reported to the village and city Approving Authority by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the sewerage system. Notification of such discharge will not relieve the person of liabilities for any expense,

loss or damage to the system or for any fines imposed by the city and/or village on account thereof.

1. Village shall comply with all of the requirements of the city's WPDES permit and all modifications thereof.

2. No discharge shall be allowed into the sanitary sewerage system that is in violation of the requirements of the WPDES permit and the modifications thereof.

(5) SPECIAL ARRANGEMENTS. No statement contained in this article shall be construed as prohibiting any special agreement between the village and any person whereby industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the village without recompense by the person, provided that all rates and provisions set forth in this ordinance, are recognized and adhered to.

(6) NEW CONNECTIONS. New connections to the village's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(7) COMPLIANCE. The city Approving Authority must be notified within five (5) days of any permission granted and approvals given to persons of special arrangements made to the sewer users, of changes in effluent limitations or of other action taken by the Approving Authority.

### **11.05 Control of Industrial Wastes Directed to Public Sewers.**

(1) SUBMISSION OF BASIC DATA. Each person who discharges Category B industrial wastes to a public sewer, shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data should be subsequently provided annually at a time specified by the Approving Authority.

(a) The following forms or the information needed to complete them will be accepted:

1. Annual NR 101 "Effluent Reporting Form"

2. Form 3400-28 "Industrial Waste Contribution to Municipal System"

(b) 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 Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(c) The above is required to comply with the city's Wisconsin Pollutant Discharge Elimination System Permit.

(2) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Section 11.05 (1), a request for extension of time may be presented for consideration of the Approving Authority.

(3) INDUSTRIAL DISCHARGES. If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 11.04 (4), and which have adverse effect upon the

sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority 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 and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 11.04 (5).

**(4) CONTROL MANHOLES.** 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 of his/her wastes, including domestic sewage.

(a) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

(b) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his/her expense, and shall be maintained by him/her so as to be in safe condition, accessible and in proper operating condition at all times.

(c) The Approving Authority prior to the beginning of construction shall approve plans for installation of the control manholes or access facilities and related equipment.

(d) An approved sketch shall be provided to the Approving Authority for his records showing the locations of all control manholes. 1. The manholes shall be located from both street

lines and building lines.

2. The sketch shall show the roadways and access points to the control manholes and note entry limitations, if any, and the telephone number and person to contact for entrance when necessary and any other data considered pertinent by the Approving Authority and/or the director.

3. Ample space shall be provided around the control manholes and shall be maintained free and clear by the owner at all times.

**(5) MEASUREMENT OF FLOW.** The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility except as noted in item (6) below.

**(6) PROVISION OF DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 20 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 waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person.

**(7) METERING OF WASTE.** Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

**(8) WASTE SAMPLING.** Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

(a) Samples shall be collected in such a manner as to be representative of the composition of the wastes.

(b) The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

(c) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority or their duly authorized representative at all times.

(d) 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.

**(9) PRETREATMENT.** Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his/her expense such preliminary treatment or processing facilities as may be determined required to render his/her wastes acceptable for admission to the public sewers.

**(10) GREASE AND/OR SAND INTERCEPTORS.** Grease, oil and sand interceptors shall be provided as required by the state plumbing code (H62.11 and amendments) when they are necessary for the proper handling of liquid wastes containing

floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

(a) All interceptors shall be of a type and capacity approved by the plumbing inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) 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 shall be subject to review by the Approving Authority.

(c) Disposal of the collected materials performed by owner(s) personnel or currently licensed waste disposal firm or agent must be in accordance with currently acceptable DNR practice.

**(11) ANALYSES.** All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance 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 with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants". Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(a) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his/her agent, as designated and required by the

Approving Authority.

(b) The village may also make its own analyses on the wastes and these determinations shall be binding as a basis for treatment service charges.

**(12) SUBMISSION OF INFORMATION.**

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review to the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

**(13) COMPLIANCE.** The City Approving Authority must receive copies of all information submitted by sewer users to the Approving Authority within 5 days after the information is received by the Approving Authority. The City Approving Authority must also be notified within 5 days of any permission granted and approvals given to sewer users or of other action taken by the Approving Authority regarding the control of industrial wastes directed to public sewers.

**11.06 Basis for Sewer Service Charges.**

**(1) SEWER USERS SERVED BY WATER UTILITY WATER METERS.** There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a sewer usage charge based on the volume of water used, as measured by the water utility water meter used upon the premises. In addition, a minimum monthly (commercial) or quarterly (residential) service charge will be assessed each sewer user to cover administrative costs.

**(2) Sewer Users Served By Private**

**Wells.** If any person discharging sewage into the public sanitary sewer system procures any part or all of his/her water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall have water meters installed by the water utility at his/her expense for the purpose of determining the volume of water obtained from these sources.

(a) The water meters shall be furnished by the water utility, installed under its supervision, and maintained by the water utility.

(b) If it is not practical to meter a customer with a meter device, a monthly or quarterly charge will be calculated to recover the cost of sanitary sewer usage.

**(3) DEDUCT METERS.** If a user feels that a significant amount of water metered does not reach the sanitary sewer due to lawn or garden watering, etc., he/she can at his/her own expense, through the Approving Authority, install a second water meter, or an additional metered service that would monitor this flow.

(a) Charges for sewer use would be made based on the difference between the two meter readings.

(b) Refer to rate schedule for second water meter rental fee, PSC Rate File Schedule AM-1 Amendment 19 or amendment in force at time of rental.

(c) Requests for a second meter or metered service must be made in writing to the Approving Authority.

(d) The water utility will charge for each meter a service charge set by the water utility to compensate for the cost of furnishing and servicing the meter.

**(4) Inflow and Infiltration (I/I).** The village reserves the right to meter the

wastewater of any customer reasonably believed to be generating I/I.

(a) The ratio of water usage to wastewater flow will be determined using the three previous year's of pumped water to metered wastewater flow. The village shall bill the customer the higher of the pumped volume or water usage to wastewater flow ratio.

(b) If it is determined through calculation of water usage to wastewater flow ratio that a customer's actual wastewater flow is higher than the system ratio, the customer shall have a sewer meter installed at the customer's expenses for the purpose of determining sewage volume for billing purposes.

**11.07 Amount of Sewer Service Charges.**

(1) BASIS FOR SERVICE CHARGE. Service charges are based on an annual revenue requirement consisting of operation and maintenance expenses, replacement costs, taxes and debt service.

(a) These costs are to be recovered as follows:

1. Village of North Fond du Lac treatment costs: Volume & Fixed charge
2. Operation and maintenance expense:  
Volume charge
3. Replacement costs: Volume charge
4. Taxes: Volume charge
5. Debt Service: Fixed charge

*(b) Fixed Charge*

1. The fixed charge shall be a minimum monthly or quarterly charge for all users based on the user's meter size, meter equivalency ratio, monthly equivalency factor and benefited/non-benefited status. The fixed charge shall recover annual debt service costs.

Annual debt service costs shall be allocated to benefited/non-benefited users based upon their proportionate share of total wastewater discharged to the sewer system. a. The fixed charge calculation is described below. The fixed charge shall be revised to reflect the actual number and size of users and actual cost as part of overall rate adjustments.

1. Benefited Monthly Fixed Charge =  
(Meter Equivalency Ratio) x  
(Benefited Monthly Equivalency Factor)
2. Monthly Non-Benefited Fixed Charge =  
(Meter Equivalency Ratio) x  
(Non-Benefited Monthly Equivalency Factor)
3. The meter equivalency ratios are as follows:

<u>Meter Size</u>	<u>Meter Equivalency Ratio</u>
5/8" & 3/4"	1.0
1"	2.5
1-1/2"	5.0
2"	8.0
3"	15.0
4"	25.0
6"	50.0
8"	80.0

(c) *Volume Charge.* The volume charge shall be a monthly or quarterly charge based upon the volume and strength of wastewater discharged by a user to the sewer system. The volume charge shall recover operation and maintenance expenses, replacement cost and taxes.

1. The normal domestic strength volume charge shall be revised to reflect actual volume cost no less often than biennially. The normal domestic strength volume charge shall be as calculated:

Annual Operation, Maintenance, Replacement and Tax Expense ÷

Total Annual Wastewater Volume =  
Normal Domestic Strength Volume Charge

2. The monthly volume charge shall be as calculated:

a. Normal Domestic Strength User

Monthly Volume Charge =  
Normal Domestic Strength User Charge x  
Monthly Volume of Wastewater Discharged to  
the Sewer System

b. Greater Than Domestic Strength Users.

Charges to users discharging wastewater greater than normal domestic strength shall be assessed a surcharge based on the amount by which the wastewater exceeds normal domestic strength in accordance with the following formula:

Monthly Volume Charge = (NDS x V) +  
{(.00834 x V) x [(B\$ x B#) + (S\$ x S#) + (P\$ x P#)]} Where

NDS = Normal domestic strength volume charge

V = Wastewater volume in CCF

B\$ = Cost per pound of BOD above normal domestic strength

B# = Concentration of BOD from a user above normal domestic strength

S\$ = Cost per pound of SS above normal

domestic strength

S# = Concentration of SS from a user above normal domestic strength

P\$ = Cost per pound of phosphorus above normal domestic strength

P# = Concentration of phosphorus from a user above normal domestic strength

.00834 = Conversion factor (mg/l to pounds)

c. In no event will a user pay less than the charge for normal domestic strength wastewater.

d. Flood Mobile Home Park. Charges to Flood Mobile Home Park discharging wastewater not greater than normal domestic strength shall be equal to monthly volume charges designed for normal domestic users less the portion of the utility's cost of service related to clear water elimination funding.

**(2) Category A.** As previously defined as normal domestic strength wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than 10 mg/l. The sewer service charge for Category A wastewater is as follows:

<b>Fixed Customer Charges</b>	<b>Meter Charges</b>	<b>Old Rate</b>	<b>New Rate</b>
		<b>Pre-January 2010</b>	<b>Commercial 1/5/2010 Residential 1/5/2010</b>
<b>Quarterly</b>	5/8 - 3/4 residential	\$48.55	\$53.41
	1" - 1 1/4" residential	\$81.26	\$89.39
<b>Monthly</b>	5/8 commercial	\$16.18	\$17.80
	3/4" commercial	\$16.18	\$17.80
	1" commercial	\$27.09	\$29.80
	1 1/2" commercial	\$44.43	\$48.87
	2" commercial	\$66.67	\$73.34
	3" commercial	\$104.18	\$114.60
	4" commercial	\$185.43	\$203.97
	6" commercial	\$361.82	\$398.00

**VOLUME CHARGES PER 1,000 GALLONS**

General	\$9.01	\$9.91
Flood*	\$5.59	\$6.15

\*Note: Flood MHP receives Clearwater credit as part of rate per agreement

**Mobile Home Parks**

FLOOD	\$400.65	\$440.72
SABEL'S	\$295.16	\$324.68
GR MEADOW	\$208.34	\$229.17

(3) CATEGORY B is defined as wastewater having concentrations of BOD greater than 300 mg/l, suspended solids greater than 250 mg/l and/or phosphorus greater than 10 mg/l. The sewer charge for Category B wastewater is as follows:

(a) Volume Charge Same as Category A  
(b) Customer Charges Same as Category A  
(c) A surcharge will be charged for the following as determined by the previous year's annual true up as required by the 2000 Wastewater Agreement. 1.BOD (greater than 250 mg/l)

2. SS (greater than 300 mg/l)
3. Phosphorus (greater than 10 mg/l)

(4) REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service categories if wastewater sampling programs and other related information indicates a change of categories is necessary.

### **11.08 Billing Practices.**

(1) BILLING PERIOD. Sewer service charges and industrial cost recovery charges shall be shown separately from the water on a monthly or quarterly basis.

(2) PAYMENT. Sewer service charges and industrial cost recovery charges shall be payable twenty (20) days after the billing date at the Municipal Building.

(3) PENALTIES. Such charges levied in accordance with the ordinance shall be a debt due to the village and shall be a lien upon the property in accordance with Wis. Stats. §66.0809.

(a) If this debt is not paid within twenty (20) days after it shall be due and payable, it shall be deemed delinquent and may be

recovered by civil action in the name of the village against the property owner, the person or both.

(b) A penalty charge of one (1%) percent per month of original bill will be assessed to delinquent bills.

(c) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

### **11.09 Right of Entry, Safety and Identification**

(1) RIGHT OF ENTRY. The Approving Authority or city Approving Authority or other duly authorized employee of the village or city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this section and Wis. Stat. §196.171. The Approving Authority or city Approving Authority, or other duly authorized employee of the village or city shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(2) SAFETY. While performing the necessary work on private premises referred to in (1) above, the duly authorized village or city employees shall observe all safety rules applicable to the premises established by the person; and the village or city shall indemnify the person against loss or damage for personal injury or property damage asserted against the person growing out of gauging and sampling operation and indemnify the person against loss or damage to its property by village or city employees, except as such may be caused by

negligence or failure of the person to maintain safe conditions as required in section 11.05(4).

**(3) IDENTIFICATION, RIGHT TO ENTER EASEMENTS.** The Approving Authority, City Approving Authority or other duly-authorized employees of the village or city bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the easement agreement.

**11.10 Sewer Construction.**

**(1) WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the public sewer or appurtenance thereof without first obtaining a written permit from the Plumbing Inspector.

**(2) COST OF SEWER CONNECTION.** All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

**(3) USE OF OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.

**(4) MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating,

placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the Technical Guidance Manual of the 2000 Wastewater Agreement with the city.

**(5) BUILDING SEWER GRADE.** 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.

**(6) STORM AND GROUNDWATER DRAINS.** No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

*(a)* No person shall make connection of a lateral subject to the inflow or infiltration of storm water to a public sanitary sewer.

1. All such connections, including laterals subject to the inflow or infiltration of storm water, existing at the time of passage of this code shall thereafter be illegal.

2. If storm water or clear water is being discharged into a sanitary sewer, the Approving Authority shall give the offending person thirty (30) days notice to disconnect.

3. Failure to disconnect after such notice shall authorize the Approving Authority to cause disconnection and assessment to the costs of such disconnection against the property

involved.

(b) The Approving Authority may, in the alternative, institute legal action for violation of this subsection.

(c) One 90-day extension may be granted to the person by the Approving Authority if the disconnection cannot be made due to inclement weather or due to conditions beyond the person's control.

**(7) CONFORMANCE TO PLUMBING CODES.**

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the Technical Guidance Manual of the 2000 Wastewater Agreement with the city. All such connections shall be made gastight and watertight. The Approving Authority must approve any deviation from the prescribed procedures and materials before installation.

**(8) INSPECTION OF CONNECTION.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the plumbing inspector.

**(9) BARRICADES AND RESTORATION.** All excavations for the 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 Approving Authority.

**11.11 Damage or Tampering with**

**Wastewater Collection Facilities.**

**(1) WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE.** No person 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 collection facilities. Any person violating this provision shall be subject to prosecution under Wisconsin State Statutes.

**11.12 Violations and Penalties.**

**(1) WRITTEN NOTICE OF VIOLATION.** Any person found to be violating any provision of this section shall be served by the Approving Authority 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.

**(2) ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the treatment facility and/or receiving body of water shall pay the amount to cover damages, established by the Approving Authority.

**(3) LIABILITY TO VILLAGE FOR LOSSES.** Any person violating any provisions of this section shall become liable to the village for any expense, loss or damage occasioned by reason of such violation, which the village may suffer as a result thereof.

**(4) COMPLIANCE.** If any violations or accidental discharges affect the city wastewater collection and treatment facilities as well as the village's sanitary sewer system, the city may penalize the violator independently and concurrently with the village according to the city's sewer use code. The city Approving

Authority must be notified immediately of any violation or accidental discharges that occur.

### **11.13 Appeals.**

(1) PROCEDURES. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) calendar days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

(a) The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) calendar days of receipt of request.

(b) If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) calendar days after notification of the action, file a written appeal according to the procedures outlined in chapter 23 of this code. A fee as set from time to time by resolution of the village board shall accompany any appeal for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

### **11.14 Amendment.**

(1) AMENDMENT. The village through its duly-authorized officers, reserves the right to amend this ordinance in part or in whole wherever it may deem necessary, but such right

will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

**11.15 Audit.** The village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer service charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. Copies of the annual audit report must be submitted to the City Approving Authority after the annual audit has been completed.

**11.16 Public Utility Exemption.** Nothing contained in this chapter shall prevent any public service corporation or any contractor engaged by the village for the purpose of laying mains, conduits, water pipes or sewers from operating under a contract or other permit.

**11.25 Penalty.** In addition to penalties which may be expressed in various sections of this chapter, the penalty for violation of any provisions of this chapter shall be as provided in section 24.05 of this code.