

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 2, SERIES OF 2025

AN ORDINANCE AMENDING THE SEWER UTILITY ORDINANCE SECTIONS 34-1 AND 34-128 THROUGH 34-415 OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE.

**WHEREAS**, the Village Utility Commission considered changes to amend the sewer utility ordinance sections of the Little Chute Municipal Code on February 18, 2025; and

**WHEREAS**, the Village Board of Trustees, Village of Little Chute finds the following ordinance amendments to be in the public interest;

**NOW THEREFORE**, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

**Section 1:** That the Public Utilities Ordinance, Chapter 34, Section 34-1 is hereby amended by adding the underlined text and deleting the strikethrough text as set forth below:

**Sec. 34-1. Compulsory connection to sewer and water.**

- (a) *Notice to connect.* Wherever sewer and/or water becomes available to any building within Village limits used for human habitation, ~~the health officer and/or building inspector~~ Department of Public Works shall notify, in writing, the owner, agent or occupant thereof to connect all facilities thereto required by the ~~health officer and/or building inspector~~ Department of Public Works. If such person to whom the notice ~~is provided fails to connect to available sewer and/or water facilities within 30 days~~, the ~~health officer and/or building inspector~~ Department of Public Works shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. § 281.45.
- (b) *Abatement of privies and cesspools.* After connection to a water main and public sewer, no privy, privy vault, or cesspool shall be constructed or maintained upon such lot or parcel and shall be abated upon 30 days' written notice for such abatement by the ~~health officer and/or building inspector~~ Department of Public Works. If not so abated, the ~~health officer and/or building inspector~~ Department of Public Works shall cause the same to be done and the cost thereof assessed as a special tax against the property.
- (c) *Abandonment of private wells.* After connection to a water main, any well on the lot or parcel shall be abandoned or a well permit obtained in accordance with section 34-107 of this code upon 30 days' written notice by the department of public works. If a private well is not abandoned, the department of public works may cause the same to be done and the cost thereof assessed as a special tax against the property.
- (ed) *Time extension.* The village board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.

**Section 2:** That the Public Utilities Ordinance, Chapter 34, Article III is hereby amended by adding the underlined text and deleting the strikethrough text as set forth below:

**ARTICLE III. SEWER USE AND ~~INDUSTRIAL COST RECOVERY RATE~~ REGULATIONS**

## DIVISION 1. GENERALLY

### Sec. 34-128. Sump pump discharge regulated.

- (a) *Findings.* The village board finds that uncontrolled discharge from sump pumps including frozen runoff onto public sidewalks and streets and excess runoff from one lot onto another, poses a threat to the public health and safety. The problem is not uniform throughout the village, as it varies with the ~~topology~~ topography of the area and on the soil contents.
- (b) *Discharge into storm sewer required.* Where a connection order is issued in accordance with this section, a sump pump shall be connected so as to discharge into a storm sewer. The expense incurred to connect to the storm sewer is the responsibility of the property owner.
- (c) *Where system not available.* Where no storm sewer system is available or is not adequate to receive the anticipated flow, between the dates of November 15 and April 15 of the following year, the sump pump discharge shall drain on the premises, not onto the roadway, ~~or curbing,~~ or sidewalk.
- (d) *Issuance of connection order.* The ~~building inspector~~ ~~Department of Public Works~~ shall issue a written order that a property drain its sump pump discharge into a storm sewer if a storm sewer is adjacent to the lot ~~and a lateral has been installed to the property line.~~
- (e) *Inspection.* All connections to the storm sewer must be inspected by the ~~building inspector~~ ~~Department~~ ~~department of Public-public Worksworks.~~
- (f) *Connection order; extensions.* A connection order may be served, in person or by first class mail, upon either the owner of the property or its occupant. The order shall provide that, unless an appeal from the order is timely filed, connection to the storm sewer shall be made within ~~45-30~~ days after its issuance. Upon issuing such an order, the ~~building inspector~~ ~~Department of Public Works~~ shall promptly file a copy thereof with the village clerk. Upon reasonable written request made by the owner, time extensions may be granted for ordered connections at the discretion of the ~~building inspector~~ ~~Department of Public Works~~.
- (g) *Appeal of order.* The procedure for an appeal of the connection order is as follows:
  - (1) Within 30 days after issuance and filing of a determination of public necessity, the owner or occupant may file with the village clerk a petition to the village board for de novo review of the order. The matter shall be set for a public hearing before the village board, and the village clerk shall give notice of the time and place thereof to the petitioner. No person shall be in violation of this section for failure to comply with a connection order so long as an appeal to the village board is pending. The petitioner and the ~~building inspector~~ ~~Department of Public Works~~ may appear and be heard at the review hearing.
  - (2) At the conclusion of the hearing the board shall:
    - a. Ratify the order;
    - b. Revoke the order; or
    - c. Modify the order in a manner consistent with the circumstances of the case and the public health and safety.

### Sec. 34-129. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ammonia-nitrogen* is a measure for the amount of ammonia, a toxic pollutant often found in landfill leachate and in waste products, such as sewage, liquid manure, and other liquid organic waste products.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in standard methods.

*Building drain* means that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

*Categorical Pretreatment Standards or Pretreatment Standards* means the regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency ("EPA") in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

*Category A* means those sanitary sewer users who discharge normal domestic wastewater with concentrations of:

- (1) Ammonia-nitrogen no greater than 35 mg/l;
- (2) BOD no greater than 180 mg/l;
- (3) Suspended solids no greater than 250 mg/l; ~~and~~
- (4) Phosphorus no greater than eight mg/l; ~~and~~
- (5) Chlorides no greater than 750 mg/l.

*Category B* means those sanitary sewer users who discharge wastewater with concentrations of:

- (1) Ammonia-nitrogen ~~no~~ greater than 35 mg/l;
- (2) BOD greater than 180 mg/l;
- (3) Suspended solids greater than 250 mg/l; ~~and~~
- (4) Phosphorus greater than eight mg/l; ~~and~~
- (5) Chlorides greater than 750 mg/l.

*Chlorine requirement* means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in standard methods.

~~*Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.~~

*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 designated to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

*District* or *HOVMSD* means the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

*District approving authority* means the district ~~engineer/manager~~director, or other authorized representatives of the district.

*District wastewater collection facilities* or *district wastewater collection system* means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

*Easement* means an acquired legal right for the specified use of land owned by others.

*Floatable oil* means 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.

*Garbage* means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

**Grantee** means the district, for those projects in which the district receives federal funding. The grantee means the municipality for those projects in which the municipality receives federal funding.

**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 inch in any dimension.

**Heart of the Valley Metropolitan Sewerage Commission** means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

**Incompatible pollutants** means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

~~**Industrial cost recovery charge** means a charge collected by the village from users discharging industrial wastes for the recovery of the federal EPA grant amount allocable to the treatment of the user's wastewater volume and characteristics at design capacity of federal EPA funded wastewater collection and treatment facilities, as further defined under article VII of this chapter.~~

~~**Industrial user**, for the purpose of industrial cost recovery, means: a user that discharges industrial waste into the wastewater collection system.~~

- ~~(1) — Any nongovernmental, nonresidential user of publicly owned treatment works which discharge more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification (SIC) manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:~~

<del>Division A</del>	<del>Agriculture, forestry, fishing</del>
<del>Division B</del>	<del>Mining</del>
<del>Division D</del>	<del>Manufacturing</del>
<del>Division E</del>	<del>Transportation, communications, electric, gas and sanitary services</del>
<del>Division I</del>	<del>Services</del>

- ~~a. — The grantee may exclude domestic wastes or discharges from sanitary conveniences.~~

- ~~b. — After applying the sanitary waste exclusion, discharges in the divisions in this definition that have a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users.~~

- ~~(2) — A user who discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works.~~

- ~~(3) — A commercial user of an EPA funded individual system.~~

~~**Industrial waste** means the wastewater from resulting from the processes employed in agriculture, forestry, fishing, industry or manufacturing, energy production, or from the development of a natural resource industrial process, trade, or business as distinct from sanitary sewage.~~

**Infiltration** means the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. The term "infiltration" does not include, and is distinguished from, inflow.

**Inflow** means the water discharged into a sewer system, including service connections, from such sources, as but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, storm sewers, surface run-off, street wash waters, or drainage. The term "inflow" does not include, and is distinguished from, infiltration.

**Inflow and infiltration (I/I)** means the total quantity of water from both infiltration and inflow without distinguishing the source.

~~Major contributing industry~~**Significant industrial user** means an ~~industry~~**user** that:

~~(1) Is subject to Categorical Pretreatment Standards; or~~

(1) ~~Any other user that:~~

~~a. Has a flow of 5025,000 gallons or more per average workday (excluding sanitary, non-contact cooling and boiler/blowdown wastewater); or~~

~~(2) b. Has a process waste stream flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste or more of the average dry weather hydraulic or organic capacity of the District wastewater collection facilities; or~~

~~(3) Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 283.21; or~~

~~(4) c. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent as designated as such by the District as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the District wastewater collection facilities operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f)(6)).~~

**Municipal approving authority** means the village ~~engineer~~**director of public works** or other authorized representatives of the village.

**Municipal wastewater collection facilities or municipal wastewater collection system** means the municipal sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These municipal wastewater collection facilities, which are owned, operated, and maintained by the municipalities, extend to the influent point of the metering stations owned by the district.

**Municipality** means the Village of Little Chute.

**Natural outlet** means any outlet, including storm sewer outfalls ~~and combined sewer outfalls~~ into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**Normal domestic strength wastewater** means wastewater with concentrations of BOD no greater than 180.

**Operation and maintenance costs** means and 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.

**parts per million** means 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.

**pH** means the reciprocal of the logarithm of the hydrogen concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10<sup>-7</sup>.

**Public sewer** means any publicly owned sewer, storm drain, ~~or sanitary sewer, or combined sewer.~~

**Replacement costs** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

**Sanitary sewage** means a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwater, surface water, and stormwater as may be present.

**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 groundwater, stormwater, and surface water that are not admitted intentionally.



*Segregated domestic wastes* means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and/or process discharge wastes.

*Sewage* means the spent water of a community. The preferred term is wastewater, as defined in this section.

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Sewerage System* means the wastewater collection system and the wastewater treatment facility.

*Slug* means any discharge of water or wastewater which, in concentration of any given constituent or in quality of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment work.

*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~~ Water Environment Federation.

*Storm drain or storm sewer* means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

*Stormwater runoff* means that portion of the rainfall that is drained into the sewers.

*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 nonfilterable residue.

*Unpolluted water* means 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.

*User charge* means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance ~~and capital~~ costs of said facilities.

*Wastewater* means the spent water of a community. The term "wastewater," from the standpoint of source, may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

*Wastewater collection facilities or wastewater collection system* means the district and municipal wastewater collection facilities.

*Wastewater treatment facility* means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with waste treatment.

*Watercourse* means a natural or artificial channel for the passage of water, either continuously or intermittently.

*Wisconsin Pollutant Discharge Elimination System (WPDES) Permit* means a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. The WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

#### **Sec. 34-130. Purpose.**

The village is located within the geographic boundaries of the Heart of the Valley Metropolitan Sewerage District (HOVMSD) and receives sanitary sewer service from HOVMSD. HOVMSD has enacted sewer use and user charge ordinance, Ord. No. 2006-1, relating to the discharge of wastewater into the public sewerage system, setting forth discharge limitations and prohibitions relative to wastewater and establishing sewer charges, connection fees and other charges.

**Sec. 34-131. HOVMSD connection fee.**

- (a) For each connection of a building sewer, as defined in the HOVMSD sewer use and user charge ordinance, Ord. No. 2006-1, to a public sewer located within the village, there shall be paid to the village such connection charges or connection fees as may be determined from time to time pursuant to the HOVMSD sewer use and user charge ordinance, Ord. No. 2006-1, as amended from time to time, which charges and fees are incorporated herein by reference. Such payment to the village shall be made by or on behalf of the person seeking the connection at the time and in the manner in subsection (b) of this section.
- (b) The owner of every new building sewer as defined in this article and in the HOVMSD sewer use and user charge ordinance, Ord. No. 2006-1, as a condition for connection to a public sewer located within the village shall pay to the village such connection charges or connection fees at the time of, and as a condition for, installation of a water meter, for servicing the building or other facility served by the building sewer. If no water meter is required to be installed or the facility is already serviced by a water meter, then the charges or fees shall be paid to the village on or prior to the connection of the building sewer to the public sewer as a condition for connection.

**Secs. 34-132—34-160. Reserved.**

*DIVISION 2. USE OF THE PUBLIC SEWERS*

**Sec. 34-161. Prohibited discharges into sanitary sewers.**

- (a) *Exceptions.* No person shall ~~allow the discharge or~~ cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or ~~unpolluted industrial cooling or process water~~ to any sanitary sewer, ~~subject to the exception of article XII, section 12.05.~~ Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the district approving authority.
- (b) *Compliance with HOVMSD sewer use and user charge ordinance.* No person shall discharge waste or wastewater into a public sewer located within the village except in accordance with the provisions of HOVMSD sewer use and user charge ordinance, Ord. No. 2006-1, as amended from time to time, and in accordance with any other ordinances of this village having application thereto.

**Sec. 34-162. Discharges into storm sewers.**

Stormwater, other than that exempted under section 34-161, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet. ~~Stormwater, including unpolluted industrial cooling water or process waters may be discharged, on approval of the district approving authority, to a combined sewer.~~

**Sec. 34-229163. Sanitary sewer lateral fees; inspection and enforcement provisions.**

- (a) *Purpose.* Freshwater infiltration into the village and/or sewerage district sanitary mains through sanitary sewer laterals serving residential, commercial, and industrial properties adversely impacts the sewerage treatment systems in terms of expense, efficiency, and overall burden on sewerage treatment facilities. In the interest of health, safety, and general welfare of village residents, it is necessary to impose inspection and enforcement provisions in an effort to minimize such adverse impacts.
- (b) *Sewer lateral fees.* The following fees are hereby created and imposed, each fee separately at the rate of \$50.00 per month, payable in monthly installments and billed with the regular monthly billing for village utility services:
  - (1) *Televising refusal fee.* A \$50.00 monthly fee is hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, serving village residents, which owner

refuses to consent to televising of the sewer lateral by the village. This fee will be imposed beginning 30 days after request has been made by the village for permission to televise the owner's sewer lateral. This fee will continue until the property owner consents to televising by the village.

- (2) *Failure to correct fee.* A \$50.00 monthly fee is also hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, serving village residents, which owner fails to take corrective action upon request by the village to repair sewer laterals leaking freshwater into the sewerage system. This fee will be imposed beginning 30 days following notice by the village to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken.

(c) *Fee exemptions.* The following are the exemptions and procedures from lateral fees:

- (1) *Televising exemption.* Upon request by the village public works department to televise a sewer lateral connected to a sewer main in the village, the property owner may grant consent to televise the lateral by signing a consent form approved by the village. Upon receipt of such signed consent form, the village is authorized to access the private sewer lateral and adjacent property for purposes of televising the lateral. Owners complying with this section are exempt from the televising refusal fee.
- (2) *Corrective fee exemption.* Each owner that repairs all laterals determined by the village to be leaking freshwater into the sewerage system shall be exempt from the failure to correct fee beginning at such time that verification of corrective action has been provided by the owner to the village.

(d) *Statutory warrants and procedures.* The village hereby preserves its rights to obtain special inspection warrants pursuant to Wis. Stats. § 66.0119, in addition to the procedures set forth in this section.

#### Sec. 34-164. Disposal of septic tank sludge and holding tank sewage.

- (a) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for this permit shall be made to the district approving authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable, except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee per calendar year established from time to time by the district approving authority and approved by the HOVMSC. The time and place of disposal will be designated by the district approving authority.
- (b) The district approving authority may impose such conditions as it deems necessary on any permit granted.
- (c) Any person or party disposing of septic tank sludge or holding tank sewage shall carry public liability insurance in an amount not less than \$1,000,000.00 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
- (d) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and each waste hauler shall comply with the provisions of any and all applicable ordinances of the village and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the sewerage system. Such wastes shall not exceed BTEX concentration of one (1.0) mg/l and a total benzene concentration of five tenths (0.5) mg/l.
- (e) Payments for disposal of septic tank sludge and/or holding tank sewage shall be made to the district. If the material is disposed of into one of the village's sanitary sewers, the district shall credit the village for the full amount of the disposal charge. Additional charges as determined by the municipal approving authority may be imposed.



~~(fe) The person disposing waste agrees to indemnify and hold harmless the village and district from any and all liability and claims for damages arising out of the resulting from work and labor performed.~~

**Sec. 34-~~163~~165. 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:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, which either singly or by interaction with other wastes, to 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 facility;
  - (a) causes fumes within the Sewerage System;
  - (b) creates a toxic effect;
  - (c) cause a public nuisance in the receiving waters of the Sewerage System;
  - (d) exceeds the limitation set forth in Categorical Pretreatment Standards set forth in this Ordinance.
- (3) Any waters or wastes having a pH lower than 5.5-0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (4) Any waters or wastes having a pH in excess of 9.0.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (6) ~~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 sanitary 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. The district approving authority may set limitations lower than the limitations established in the regulations below if, in his their opinion such more severe limitations are necessary to meet the above objectives. In forming his their opinion as to the acceptability, the district 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. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows~~Wastewater with any of the following characteristics or containing any of the following pollutants:
  - a. Wastewater having a temperature higher than 150 degrees Fahrenheit or 65 degrees Celsius or any wastewater which, in combination with other wastewater, will cause the temperature of the raw wastewater entering the wastewater collection and treatment facilities to exceed 104 degrees Fahrenheit or 40 degrees Celsius.
  - b. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or oils of mineral origin which will cause interference or pass through (nonpolar substances).

- c. Wastewater from users containing floatable oils, fat, grease or wax, whether emulsified or not in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures from zero to 65 degrees Celsius or 32 to 150 degrees Fahrenheit at the point of discharge as analyzed for in accordance with standard methods (polar substances).
- 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.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar, objectionable toxic substances to such degree that any such material received in the composite wastewater at the wastewater collection and treatment facilities exceeds the limits established by the district or village engineer for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or federal regulations.
- h. Quantities of flow, concentrations, or both, which constitute a slug as defined in section 34-129.
- i. Any waters or wastes containing substances which are not ~~amendable-amenable~~ to treatment or reduction by the wastewater treatment processes employed, ~~or are amendable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.~~
- j. Any waters or wastes which, by interaction with other waters or wastes in the sanitary 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 which exert or cause:
  - 1. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  - 2. Unusual volume of flow or concentration of wastes constituting slugs as defined in section 34-129.
  - 3. 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.
  - 4. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

~~l. Wastewater containing more than 750 mg/l of chlorides.~~

~~m].~~ The ~~village engineer~~ ~~Department de~~ Department of Public-public Works-works or the district approving authority may set limits lower than the limitations set forth above in this subsection if, in the municipal approving authority's sole opinion, more severe stringent limitations for limited periods of time are necessary in order to avoid:

- 1. Harm to the sewerage system;
- 2. Endangerment of public health; or
- 3. A public nuisance.

- (7) Any substance which may cause the HOVMSD facility's effluent or any other product of the HOVMSD facility such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the HOVMSD facility cause the HOVMSD facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (8) Any sludges, floats, skimmings, etc., generated by an industrial or commercial user's pretreatment system. Such sludges shall be contained, transported, and disposed of by haulers in accordance with all federal, state, and local regulations.
- (9) Any substances in amounts or concentration that can interfere with the flow of wastewaters within the sanitary sewerage systems, in violation of 40 CFR 403.5.
- (10) The village shall comply with all the appropriate requirements of the district's ~~WPDES Permit No. WI-0031232-2~~ Department of Natural Resources Wisconsin Pollutant Discharge System (WPDES) program and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

**Sec. 34-~~164~~166. Special arrangements.**

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

**Secs. 34-~~165~~167—34-181. Reserved.**

*DIVISION 3. CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS*

**Sec. 34-182. Submission of basic data.**

- ~~(a) Within three months after passage of the sewer use and user charge ordinance, Ord. No. 2006-1, of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with both the district approving authority and municipal 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 shall be subsequently provided annually to both authorities at a time specified by the district approving authority.~~
- ~~(b) Similarly, e~~Each person, ~~except residential dischargers,~~ desiring to make a new connection to a public sewer ~~for the purpose of discharging industrial wastes~~ shall prepare and file with both the district approving authority and the municipal approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- ~~(b) All significant industrial users shall obtain a Wastewater Discharge Permit from the district approving authority pursuant to the sewer use and user charge ordinance, Ord. No. 2006-1, of the district.~~
- (c) Data provided pursuant to ~~subsections (a) and (b) of this section~~ is required to comply with the ~~village's~~ district's WPDES Permit ~~No. WI-003123202~~.

#### **Sec. 34-183. 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 34-182, a request for extension of time may be presented to the district approving authority for consideration.

#### **Sec. 34-184. Industrial discharges.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in division 2 of this article, and which, in the judgment of the district approving authority have a deleterious 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 district approving authority may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes ~~not covered by existing taxes or sewer charges from the person discharging the wastes~~, under the provisions of section 34-164.

#### **Sec. 34-185. 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 of ~~his~~ their wastes, including domestic sewage.
- (b) Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority, and the location of the same shall be approved by the municipal approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
- (c) Control manholes, access facilities, and related equipment shall be approved by the district approving authority prior to the beginning of construction shall be installed at the industrial user's expense, and shall be maintained by the industrial user so as to be in safe condition, accessible, and in proper operating condition at all times.

#### ~~**Sec. 34-186. 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 department except as noted in sections 34-187 and 34-188.~~

~~{Code 2006, § 9-2-24; Ord. No. 12(Ser. of 2007), exh. A(9-2-24), 9-5-2007}~~

#### ~~**Sec. 34-187. Provision for deductions.**~~

~~In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the district approving authority, and the municipal approving authority, with the person.~~

~~{Code 2006, § 9-2-25; Ord. No. 12(Ser. of 2007), exh. A(9-2-25), 9-5-2007}~~

**~~Sec. 34-188. Metering of waste.~~**

~~Devices for measuring the volume of waste discharged may be required by the district 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 district approving authority and the municipal approving authority.~~

~~{Code 2006, § 9-2-26; Ord. No. 12(Ser. of 2007), exh. A(9-2-26), 9-5-2007}~~

**Sec. 34-~~189~~186. Waste sampling.**

- (a) 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 ~~district-municipal~~ approving authority. Frequency of sampling will be determined for each industrial user based on the character of the wastewater.
- (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 ~~district-municipal~~ approving authority.
- (c) Samples, 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 ~~district-municipal~~ approving authority. Access to sampling locations shall be granted to the district approving authority, municipal approving authority, or their 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.

**Sec. 34-~~190~~187. Pretreatment.**

When required, in the opinion of the district 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-their~~ expense such preliminary treatment processing facilities as may be determined necessary to render the wastes acceptable for admission to the sanitary sewers. Preliminary treatment or processing facilities may be required when, in the opinion of the municipal approving authority, it is necessary to eliminate harmful effects to the structures, processes or operation of the municipal wastewater collection facilities.

**Sec. 34-~~191~~188. Grease and/or sand interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the district approving authority or municipal approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in section 34-163(6)c, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the district approving authority or the municipal approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the district approving authority or the municipal approving authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable state department of natural resources practice.

**Sec. 34-~~192~~189. Analyses.**

- (a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article 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 federal regulations, 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. Sampling



methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.

- (b) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or ~~his~~ their agent, as designated and required by the ~~district~~ municipal approving authority. The ~~district~~ municipal approving authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for user charges ~~and/or industrial cost recovery charges~~.

**Sec. 34-~~193~~190. Submission of information.**

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

**Secs. 34-~~194~~191—34-224. Reserved.**

**DIVISION 4. BASIS FOR SEWER USER CHARGES DETERMINATION OF WASTEWATER VOLUME**

**Sec. 34-225. ~~Sewer users served—By water department meters~~ Measurement of flow.**

The volume of flow used for computing user charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water department except as otherwise provided in this division.

~~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 department a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the water department water meter used upon the premises.~~

**Sec. 34-226. ~~Same~~ Sewer users served —~~B~~ y private wells.**

- (a) If any person discharging sewage into the public sanitary sewer system procures any part or all of ~~his~~ their water from sources other than the water department, all or part of which is discharged into the public sanitary system, the person shall have water meters installed by the water department at ~~his~~ their expense for the purpose of determining the volume of water obtained from these sources.
- (b) The water meters shall be furnished by the water department and installed under its supervision, all costs being at the expense of the person requiring the meter.
- (c) The water department will charge for each meter a rental charge set by the water department to compensate for the cost of furnishing and servicing the meter.

**Sec. 34-227. Summer credit system.**

- (a) A credit system is created to minimize sewer service charges on water that does not enter the sanitary sewer. The ~~summer~~ monthly bills with an invoice date of June through September (meter read dates in May through August) will limit the sewer user fee on consumption to 120 percent of the individual customer's preceding ~~winter months~~ average consumption for October through May invoices (meter read dates in September through April). The 120 percent will be in increments of 100 gallons since meter readings are read in 100-gallon increments.

~~(b)—The winter months will be defined as the billing period with meter readings in October through March.~~

- ~~(e)~~ b) Credit for new homes. In the event a residential customer in a new home establishes a lawn, the customer will be eligible for a village wide average of residential accounts as the ~~winter~~ base since no history would exist.

- ~~(e)~~ c) The summer credit system applies only to residential accounts.

(ed) For residential accounts that have irregular water use ~~during the winter months~~ for establishing the base calculation, the director of finance will apply ~~a~~ the village wide annual average of residential accounts as the ~~winter~~ base.

#### **Sec. 34-228. Billing.**

~~(a) — Bills for sewer service are rendered monthly.~~

~~(b) — One percent will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued.~~

~~(c) — The volume charge per 1,000 gallons of metered water will be set by the village board. The charge shall be reviewed periodically and shall be such that they produce sufficient revenue.~~

~~{Code 2006, § 9-2-43; Ord. No. 24(Ser. of 1995), 9-6-1995; Ord. No. 10(Ser. of 2000), 9-20-2000; Ord. No. 6(Ser. of 2002), 5-1-2002; Ord. No. 12(Ser. of 2007), exh. A(9-2-43), 9-5-2007}~~

#### **Sec. 34-228. Provision for deductions.**

~~If a portion of the water furnished to any premises is not discharged into the sewerage system, the amount of such water will be deducted in computing the sewer user charges, provided a separate water meter or continuous flow monitoring device is installed. The size and type of meter will be determined by the director of public works. The property owner desiring to install a separate water meter shall make application and payment for the meter to the department of public works and engage a plumber to make the necessary piping changes and install the couplings so that the meter can be set.~~

~~{Code 2006, § 9-2-25; Ord. No. 12(Ser. of 2007), exh. A(9-2-25), 9-5-2007}~~

#### **Sec. 34-229. Metering of wastewater.**

~~Devices for measuring the volume of wastewater discharged will be required by the director of public works if this volume cannot be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the utility unless the director of public works approves the use of a wastewater meter installed, owned, and maintained by the person discharging the waste. Such meters owned by the person discharging the waste must be maintained in proper working order. Following approval and installation, such meters may not be removed without the consent of the village.~~

#### **Sec. 34-229. Sanitary sewer lateral fees; inspection and enforcement provisions.**

~~(a) — Purpose. Freshwater infiltration into the village and/or sewerage district sanitary mains through sanitary sewer laterals serving residential, commercial, and industrial properties adversely impacts the sewerage treatment systems in terms of expense, efficiency, and overall burden on sewerage treatment facilities. In the interest of health, safety, and general welfare of village residents, it is necessary to impose inspection and enforcement provisions in an effort to minimize such adverse impacts.~~

~~(b) — Sewer lateral fees. The following fees are hereby created and imposed, each fee separately at the rate of \$50.00 per month, payable in monthly installments and billed with the regular monthly billing for village utility services:~~

~~(1) — Televising refusal fee. A \$50.00 monthly fee is hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, serving village residents, which owner~~

~~refuses to consent to televising of the sewer lateral by the village. This fee will be imposed beginning 30 days after request has been made by the village for permission to televise the owner's sewer lateral. This fee will continue until the property owner consents to televising by the village.~~

- ~~(2) **Failure to correct fee.** A \$50.00 monthly fee is also hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, serving village residents, which owner fails to take corrective action upon request by the village to repair sewer laterals leaking freshwater into the sewerage system. This fee will be imposed beginning 30 days following notice by the village to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken.~~

~~(c) **Fee exemptions.** The following are the exemptions and procedures from lateral fees:~~

- ~~(1) **Televising exemption.** Upon request by the village public works department to televise a sewer lateral connected to a sewer main in the village, the property owner may grant consent to televise the lateral by signing a consent form approved by the village. Upon receipt of such signed consent form, the village is authorized to access the private sewer lateral and adjacent property for purposes of televising the lateral. Owners complying with this section are exempt from the televising refusal fee.~~

- ~~(2) **Corrective fee exemption.** Each owner that repairs all laterals determined by the village to be leaking freshwater into the sewerage system shall be exempt from the failure to correct fee beginning at such time that verification of corrective action has been provided by the owner to the village.~~

~~(d) **Statutory warrants and procedures.** The village hereby preserves its rights to obtain special inspection warrants pursuant to Wis. Stats. § 66.0119, in addition to the procedures set forth in this section.~~

~~(Ord. No. 12(Ser. of 2007), exh. A(9-2-44), 9-5-2007)~~

**Secs. 34-229—34-251. Reserved.**

#### **DIVISION 5. ~~AMOUNT OF~~ USER CHARGES**

##### **Sec. 34-252. ~~Category A users~~Classification of users.**

~~Category A is defined as normal domestic wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 180 mg/l, suspended solids no greater than 250 mg/l, ammonia-nitrogen no greater than 35 mg/l and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is the volume charge set by the village board.~~

~~(Code 2006, § 9-2-50; Ord. No. 2(Ser. of 1994), 1-19-1994; Ord. No. 12(Ser. of 2007), exh. A(9-2-50), 9-5-2007; Ord. No. 1(Ser. of 2017), § 1, 4-5-2017) The municipal approving authority will classify users of the sewerage system as Category A or Category B users, septic tank sludge, holding tank sewage, and any other necessary classifications based on use of the sewerage system. This classification recognizes that the village incurs additional costs for wastewater with concentrations greater than normal domestic strength wastewater. It will be the policy of the village to ensure that each class of user of the wastewater treatment system pays its proportionate share of the costs of wastewater collection and treatment.~~

##### **Sec. 34-253. ~~Category B users~~Basis for user charges.**

- ~~(a) Category B is defined as wastewater having concentrations of BOD greater than 180 mg/l, suspended solids greater than 250 mg/l, ammonia-nitrogen greater than 35 mg/l and/or phosphorus greater than eight mg/l. The minimum Category B charge will be based on a concentration of not less than 180 mg/l for BOD, 250 mg/l for suspended solids, 35 mg/l for ammonia-nitrogen and eight mg/l for phosphorus. The user charge for category B wastewater is the volume charge set by the village board plus surcharges for BOD, suspended solids, ammonia-nitrogen, and phosphorus. The district determines annual user charges for BOD, suspended solids, ammonia-nitrogen, and phosphorus according to their rules and regulations, article V, Schedule of Charges and Fees, section 502, amount of user charge. The village will revise Category B user charges~~

annually to reflect district changes. The Village Board will establish user charges rates by resolution. The rates established by the Village Board shall distinguish between user classes. At a minimum the rates established will distinguish between Class A and Class B user rates.

- (b) The Category B user charges for volume, BOD, suspended solids, ammonia-nitrogen, and phosphorus shall be computed in accordance with the formula presented below:

$$C = F + (V \times C_v) + 0.00834V [(B \times C_b) + (S \times C_s) + (A \times C_A) + (P \times C_p)]$$

Where:

C = Charge to sewer user for collection and treatment of wastewater

F = Fixed charge per billing period

B = Concentration of BOD in mg/l in the wastewater (concentration minus 180 mg/l equals B)

S = Concentration of suspended solids in mg/l in the wastewater (concentration minus 250 mg/l equals S)

A = Concentration of ammonia-nitrogen in mg/l in the wastewater (concentration minus 35 mg/l equals A)

P = Concentration of phosphorus in mg/l wastewater (concentration minus eight mg/l equals P)

V = Wastewater volume in 1,000 gallons for the billing period

C<sub>v</sub> = Cost per 1,000 gallons

C<sub>b</sub> = Cost per pound of BOD

C<sub>s</sub> = Cost per pound of suspended solids

C<sub>A</sub> = Cost per pound of ammonia-nitrogen

C<sub>p</sub> = Cost per pound of phosphorus

0.00834 = Conversion factor

(Code 2006, § 9-2-51; Ord. No. 2(Ser. of 1994), 1-19-1994; Ord. No. 6(Ser. of 1996), 3-20-1996; Ord. No. 12(Ser. of 2007), exh. A(9-2-51), 9-5-2007; Ord. No. 1(Ser. of 2017), § 1, 4-5-2017) The rates established will be based on a methodology documented in a written rate study approved by the Village Board. The rate study will be reviewed and updated from time to time and the methodology used in the rate study may be revised. The methodology used in the rate study shall ensure that each user class pays its proportionate share of the cost of the sewerage system.

- (c) The village may establish a fixed rate for each user class to recover the utility's billing and customer related administration expense attributable to that user class and the cost of flow not directly attributable to any user. usage-based rates to recover sewerage system costs related to collection and treatment of domestic strength wastewater, high strength surcharge rates to recover the additional costs for wastewater with concentrations greater than normal domestic strength wastewater, and other rates as needed to ensure that each user class pays its proportionate share of the cost of the sewer system.

#### **Sec. 34-254. Reassignment of sewer users.**

The district approving authority and/or the municipal approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicates a change of categories is necessary.

#### **Sec. 34-255. ~~Replacement fund account~~ Sufficiency of charges.**



~~The annual replacement revenues will be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for the authorized use only with the approval of the district approving authority.~~

~~(Code 2006, § 9-2-53; Ord. No. 12(Ser. of 2007), exh. A(9-2-53), 9-5-2007) The village will establish fair and equitable cost-based user charges sufficient to meet the utility's revenue needs. User charges will be established in such amounts as to obtain sufficient revenues to pay operation and maintenance costs including contributions to a replacement fund if required, debt service, including any debt service reserves and coverage requirements, and annual capital outlay.~~

~~Sec. 34-256. Disposal of septic tank sludge and holding tank sewage.~~

- ~~(a) — No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for this permit shall be made to the district approving authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable, except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee per calendar year established from time to time by the district approving authority and approved by the HOVMSC. The time and place of disposal will be designated by the district approving authority.~~
- ~~(b) — The district approving authority may impose such conditions as it deems necessary on any permit granted.~~
- ~~(c) — Any person or party disposing of septic tank sludge or holding tank sewage shall carry public liability insurance in an amount not less than \$1,000,000.00 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of his their employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.~~
- ~~(d) — All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and each waste hauler shall comply with the provisions of any and all applicable ordinances of the village and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.~~
- ~~(e) — Payments for disposal of septic tank sludge and/or holding tank sewage shall be made to the district. If the material is disposed of into one of the municipality's sanitary sewers, the district shall credit the village for the full amount of the disposal charge. Additional charges as determined by the municipal approving authority may be imposed.~~
- ~~(f) — The person disposing waste agrees to indemnify and hold harmless the village and district from any and all liability and claims for damages arising out of the resulting from work and labor performed.~~

~~(Code 2006, § 9-2-54; Ord. No. 6(Ser. of 1996), 3-20-1996; Ord. No. 12(Ser. of 2007), exh. A(9-2-54), 9-5-2007)~~

**Secs. 34-~~257~~256 — 34-275. Reserved.**

**DIVISION 6. AMOUNT OF INDUSTRIAL COST RECOVERY CHARGES RESERVED**

**Sec. 34-276. Category A users.**

~~Category A is defined as normal domestic wastewater having concentrations of BOD no greater than 180 mg/l, suspended solids no greater than 250 mg/l, ammonia-nitrogen no greater than 35 mg/l and phosphorus no greater than eight mg/l. The industrial cost recovery charge for Category A wastewater will be set by the village board. The charge shall be reviewed periodically and shall be such that they produce sufficient revenue.~~

~~(Ord. No. 12(Ser. of 2007), exh. A(9-2-60), 9-5-2007; Ord. No. 1(Ser. of 2017), § 1, 4-5-2017)~~



**~~Sec. 34-277. Category B users.~~**

- ~~(a) — Category B is defined as wastewater having concentrations of BOD greater than 180 mg/l, suspended solids greater than 250 mg/l, ammonia-nitrogen greater than 35 mg/l and/or phosphorus greater than eight mg/l. The minimum Category B charge will be based on a concentration of not less than 180 mg/l for BOD, 250 mg/l for suspended solids, not less than 35 mg/l for ammonia-nitrogen and eight mg/l for phosphorus. The industrial cost recovery charge for Category B wastewater will be set by the village board. The charge shall be reviewed periodically and shall be such that they produce sufficient revenue.~~
- ~~(b) — The Category B industrial cost recovery charges for volume, BOD, suspended solids, ammonia-nitrogen, and phosphorus shall be computed in accordance with the formula presented below:~~

$$R = (V \times R_v) + 0.00834V [(B \times R_B) + (S \times R_S) + (A \times R_A) + (P \times R_P)]$$

~~Where:~~

- ~~R = Charge to sewer user for industrial cost recovery system~~
- ~~A = Concentration of ammonia-nitrogen in mg/l in the wastewater (concentration minus 35 mg/l equals A)~~
- ~~B = Concentration of BOD in mg/l in the wastewater (concentration minus 180 mg/l equals B)~~
- ~~S = Concentration of suspended solids in mg/l in the wastewater (concentration minus 250 mg/l equals S)~~
- ~~P = Concentration of phosphorus in mg/l in the wastewater (concentration minus eight mg/l equals P)~~
- ~~V = Wastewater volume in 1,000 gallons for the billing period~~
- ~~R<sub>v</sub> = Industrial cost recovery charge for 1,000 gallons of flow~~
- ~~R<sub>B</sub> = Industrial cost recovery charge per pound of BOD~~
- ~~R<sub>S</sub> = Industrial cost recovery charge per pound of suspended solids~~
- ~~R<sub>A</sub> = Industrial cost recovery charge per pound of ammonia-nitrogen~~
- ~~R<sub>P</sub> = Industrial cost recovery charge per pound of phosphorus~~
- ~~0.00834 = Conversion factor~~

~~{Ord. No. 12(Ser. of 2007), exh. A(9-2-61), 9-5-2007; Ord. No. 1(Ser. of 2017), § 1, 4-5-2017}~~

**~~Sec. 34-278. Reassignment of sewer users.~~**

~~The district approving authority will reassign sewer users into appropriate industrial cost recovery categories if wastewater sampling programs and other related information indicate a change of categories is necessary.~~

~~{Ord. No. 12(Ser. of 2007), exh. A(9-2-62), 9-5-2007}~~

**~~Sec. 34-279. Recovery and disbursement of industrial cost recovery charge revenues.~~**

~~The recovery and the disbursement of revenues collected by the village and transmitted to the district through the industrial cost recovery charge shall conform to the 40 CFR 35.928-1 and 35.928-2, reproduced in this section, as promulgated by the Clean Water Act of 1977:~~

- ~~(1) — Approval of the industrial cost recovery system. (40 CFR 35.928-1) The regional administrator may approve an industrial cost recovery system if it meets the following requirements:~~
- ~~a. — Generally. Each industrial user of the treatment works shall pay an annual amount equal to its share of the total amount of the step 1, 2, and 3 grants and any grant amendments awarded under this subpart, divided by the number of years in the recovery period. An industrial user's share shall be based on factors which significantly influence the cost of the treatment works.~~

~~Volume of flow shall be a factor in determining an industrial user's share in all industrial cost recovery systems; other factors shall include strength, volume, and delivery flow rate characteristics if necessary, to ensure that all industrial users of the treatment works pay a proportionate distribution of the grant assistance allocable to industrial use.~~

- ~~b. *Industrial cost recovery period.* The industrial cost recovery period shall be equal to 30 years or to the useful life of the treatment works, whichever is less.~~
  - ~~c. *Frequency of payment.* Except as provided in 40 CFR 35.928-3, each industrial user shall pay not less often than annually. The first payment by an industrial user shall be made not later than one year after the user begins use of the treatment works.~~
  - ~~d. *Reserve capacity.* If an industrial user enters into an agreement with the grantee to reserve a certain capacity in the treatment works, the user's industrial cost recovery payments shall be based on the total reserved capacity in relation to the design capacity of the treatment works. If the discharge of an industrial user exceeds the reserved capacity in volume, strength or delivery flow rate characteristics, the user's industrial cost recovery payment shall be increased to reflect the actual use. If there is no reserve capacity agreement between the industrial user and the grantee, and a substantial change in the strength, volume, or delivery flow rate characteristics of an industrial user's discharge occurs, the user's share shall be adjusted proportionately.~~
  - ~~e. *Upgrading and expansion.* If the treatment works are:
    - 1. Upgraded, each existing industrial user's share shall be adjusted proportionately;
    - 2. Expanded, each industrial user's share shall be adjusted proportionately, except that a user with reserved capacity under subsection (1)d of this section, shall incur no additional industrial cost recovery charges unless the user's actual use exceeded its reserved capacity.~~
  - ~~f. *Collection of industrial cost recovery payments.* Industrial cost recovery payments may be collected on a systemwide or on a project-by-project basis. The total amount collected from all industrial users on a systemwide basis shall equal the sum of the amounts which would be collected on a project-by-project basis.~~
  - ~~g. *Adoption of system.* One or more municipal legislative enactments or other appropriate authority must incorporate the industrial cost recovery system. If the project is a regional treatment works accepting wastewaters from other municipalities, the subscribers receiving waste treatment services from the grantee shall adopt industrial cost recovery systems in accordance with section 204(b)(1)(B) of the Act (33 USC 1284(b)(1)(B)) and 40 CFR 35.928 through 35.928-4. These industrial cost recovery systems shall be incorporated in appropriate municipal legislative enactments or other appropriate authority of all municipalities contributing wastes to the treatment works.~~
  - ~~h. *Inconsistent agreements.* The grantee may have preexisting agreements which address the reservation of capacity in the grantee's treatment works or the charges to be collected by the grantee in providing wastewater treatment services or reserving capacity. The industrial cost recovery system shall take precedence over any terms or conditions of agreements or contracts between the grantee and industrial users which are inconsistent with the requirements of section 204(b)(1)(B) of the Act (33 USC 1284(b)(1)(B)) and these industrial cost recovery regulations.~~
- ~~(2) *Use of industrial cost recovery payments.* (40 CFR 35.928-2)~~
- ~~a. The grantee shall use industrial cost recovery payments received from industrial users as follows:
    - 1. The grantee shall return 50 percent of the amounts received from industrial users, together with any interest earned thereon, to the U.S. Treasury annually.
    - 2. The grantee shall retain 50 percent of the amount recovered from industrial users.~~

- (i) ~~A portion of the amounts which the grantee retains may be used to pay the incremental costs of administration of the industrial cost recovery system. The incremental costs of administration are those costs remaining after deducting all costs reasonably attributable to the administration of the user charge system. The incremental costs shall be segregated from all other administrative costs of the grantee.~~
- (ii) ~~A minimum of 80 percent of the amounts the grantee retains after paying the incremental costs of administration, together with any interest earned, shall be used for the allowable costs (40 CFR 35.940) of any expansion, upgrading, or reconstruction of treatment works necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the regional administrator before the commitment of the amounts retained for expansion, upgrading, or reconstruction.~~
- (iii) ~~The remainder of the amounts retained by the grantee may be used as the grantee sees fit, except that they may not be used for construction of industrial pretreatment facilities or rebates to industrial users for costs incurred in complying with user charge or industrial cost recovery requirements.~~

b. ~~Pending the use of industrial cost recovery payments, as described in subsection (2)a of this section, the grantee shall:~~

- 1. ~~Invest the amounts received in obligations of the federal government or in obligations guaranteed as to principal and interest by the federal government or any agency thereof;~~
- ~~or~~
- 2. ~~Deposit the amounts received in accounts fully collateralized by obligations of the federal government or any agency thereof.~~

~~{Ord. No. 12(Ser. of 2007), exh. A(9-2-63), 9-5-2007}~~

**Secs. 34-~~280276~~—34-306. Reserved.**

## *DIVISION 7. BILLING PRACTICE*

### **Sec. 34-307. ~~Calculation of user charges~~Billing period.**

~~Bills for sewer service are rendered monthly. User charges that shall be assessed to village sewer users shall be computed by the village according to the rates and formula presented in division 5 of this article. The district shall provide the village with all information in its possession necessary to compute the same.~~

### **~~Sec. 34-308. Industrial cost recovery charges—Calculation.~~**

~~Industrial cost recovery charges shall be computed by the village according to the rates and formulas presented in division 6 of this article. The district shall provide the village with all information in its possession necessary to compute the same.~~

~~{Code 2006, § 9-2-71; Ord. No. 12(Ser. of 2007), exh. A(9-2-71), 9-5-2007}~~

### **~~Sec. 34-309. Same—Billing period.~~**

~~Industrial cost recovery charges shall be billed by the village to those subject to the charge on a quarterly basis.~~

~~{Code 2006, § 9-2-72; Ord. No. 12(Ser. of 2007), exh. A(9-2-72), 9-5-2007}~~

**Sec. 34-~~310~~308. Payment of user charges.**

Those persons billed by the village for user charges shall pay such charges within 20 days after the billing date ~~at the finance department in the village hall.~~ (b) — One percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued.

**~~Sec. 34-311. Payment of industrial cost recovery charges.~~**

~~Those industries billed by the village for industrial cost recovery charges shall pay such charges within 20 days after the billing date at the finance department in the village hall. Industrial cost recovery charges collected by the village from the industries shall be turned over to the district within 60 days from the date that the village bills the industry.~~

~~{Code 2006, § 9-2-74; Ord. No. 12(Ser. of 2007), exh. A(9-2-74), 9-5-2007}~~

**Sec. 34-~~312~~309. Penalties.**

- (a) ~~Such a~~User charges ~~and industrial cost recovery charges~~ levied by the village against the sewer users in accordance with this chapter shall be a debt due to the village and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due, it shall be deemed delinquent and may be placed on the next year's tax roll by use of the procedures set forth in Wis. Stats. § 66.0811, and be collected as other taxes are collected. A penalty of ten percent will be added to the delinquent balance when it is placed on the tax roll.
- (b) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

**Secs. 34-~~313~~310—34-342. Reserved.**

*DIVISION 8. RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION*

**Sec. 34-343. Authorized persons to inspect.**

The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, in accordance with all of the provisions of this article and Wis. Stats. § 200.11. The district and municipal approving authorities or other duly authorized employees of the district and municipality 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 wastewater treatment facilities.

**Sec. 34-344. Indemnify municipal employees.**

While performing the necessary work on private premises referred to in section 34-343, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district and/or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district and/or municipal employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in section 34-185.

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**Sec. 34-345. Properly credentialed employees permitted to inspect, etc.**

The district and municipal approving authorities or duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the district and/or municipality 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 this duly negotiated easement.

**Secs. 34-346—34-363. Reserved.**

*DIVISION 9. SEWER CONSTRUCTION, RECONSTRUCTION, AND CONNECTIONS*

**Sec. 34-364. Work authorized.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the municipal approving authority.

**Sec. 34-365. Cost of sewer connection.**

- (a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person. The person shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**Sec. 34-366. 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 municipal approving authority, to meet all requirements for this article.

**Sec. 34-367. Materials and methods of construction.**

- (a) *Standards.* The size, slope, alignment, materials or 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 appropriate specifications of the ASTM, and W.P.C.F. Manual of Practice No. 9 shall apply.
- (b) *New construction inspection.* No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the ~~building inspector~~ ~~Department of Public Works~~ or some other person authorized to make such inspection by the village. 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 inspector. Connections to the main sewers shall be four inches in diameter, unless otherwise permitted or required by the inspector.

**Sec. 34-368. 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 sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**Sec. 34-369. Stormwater and groundwater drains.**

- (a) *Connection prohibited.* Stormwater and groundwater drain connections are prohibited as follows:
  - (1) No person shall allow the discharge or cause to be discharged into any sanitary sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling waste or



unpolluted industrial process waters. All stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers whenever reasonably available; further provided that if no storm sewer is available, in no event shall any such waters be discharged into any sanitary sewer.

- (2) All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer whenever available, and, if no storm sewer is available shall discharge into an underground conduit leading to a drainage ditch, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump is allowed to flow on or across a public sidewalk.
  - (3) In carrying out the provisions of this chapter, the ~~building inspector~~Department of Public Works and ~~his~~their agents shall have the authority to enter upon private premises at reasonable times to determine whether any of the water drainage hereinabove described exists thereon and whether such drainage complies with the provisions of this chapter. No person shall refuse to permit the ~~building inspector~~Department of Public Works or ~~his~~their agents to enter upon any premises at reasonable times to exercise their duties under this article.
  - (4) It shall be rebuttably presumed that clear water is being discharged in a sanitary sewer if it is shown that existing sump pumps or other means of clear water discharge have or can be readily connected to drains, pipes or other mechanisms of discharge connected to the sanitary sewer drain within the premises.
- (b) *Disconnection time frame; exception.* All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the municipal approving authority. Exceptions to this subsection may be made by the municipal approving authority.

Sec. 34-370. Conformance to plumbing code.

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the ASTM, ~~and~~ W.P.C.F. Manual of Practice No. 9, and Wisconsin Department of Safety and Professional Services Administrative Code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the municipal approving authority before installation.

Sec. 34-371. Inspection of connection.

- (a) *Notification to authority required.* The applicant for the building sewer permit shall notify the municipal 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 municipal approving authority.
- (b) *System reconstruction.* Inspection and connection procedures are as follows:
  - (1) *Inspection required.* The village shall inspect all private connections to the public mains at the time that the public system is being reconstructed.
    - a. Any existing private sewer lateral not meeting the requirements of this section or the village's policy on private I/I shall be considered illegal.
    - b. As the reconstruction progresses, the village shall inspect each private sewer connection for conformance with this section; or in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.
    - c. 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.

- d. In the event that the private sewer is found not to meet the requirements of this section, the village shall notify the owner of the determined deficiencies.
- (2) *Owner to correct deficiencies.* The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. 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.* 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 deficiencies. 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.* 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 deficiencies. 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 that as part of a project, unit bid prices will be requested for the calculation of the cost of making appropriate repair to the private building sewer.
- (3) *System requirements.*
- a. 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.
  - b. The size, slope alignment, materials or construction of a 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 appropriate specifications of the ASTM, ~~and~~ W.P.C.F. (WEF) Manual of Practice No. 9, and Wisconsin Department of Safety and Professional Services Administrative Code shall apply or Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
  - c. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the ASTM, ~~and~~ W.P.C.F. (WEF) Manual of Practice No. 9, and Wisconsin Department of Safety and Professional Services Administrative Code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the municipal approving authority before installation.
  - d. Back water valves shall be required on all building sewers new or reconstructed at a location approved by the municipal approving authority.

**Sec. 34-372. Barricades; 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 municipal approving authority.

**Secs. 34-373—34-402. Reserved.**

*DIVISION 10. VIOLATIONS; ABATEMENT PROCEDURES; PENALTIES; APPEALS; AUDITS*

**Sec. 34-403. Public nuisance.**

Violation of any provision of this article or any other rule or order lawfully promulgated by the village board is declared to be a public nuisance.

**Sec. 34-404. Enforcement.**

The municipal approving authority shall enforce those provisions of this article that come within the jurisdiction of ~~his~~-their office, and ~~he~~-their-~~they~~ shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this division to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall be satisfied ~~himself-themselves~~ that a nuisance does, in fact, exist.

**Sec. 34-405. Summary abatement.**

If the municipal approving authority determines that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

**Sec. 34-406. Abatement after notice.**

If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, ~~he~~-~~they~~ shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in section 34-405.

**Sec. 34-407. Other methods not excluded.**

Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the village or its officials in accordance with the laws of the state.

**Sec. 34-408. Court order.**

Except when necessary under section 34-405, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

**Sec. 34-409. Cost of abatement.**

In addition to any other penalty imposed by this division for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.

**Sec. 34-410. Continued violations.**

Any person, partnership, or corporation, or any officer, agent, or employee thereof who shall continue any violation beyond the aforesaid notice time limits provided shall, upon conviction hereof, forfeit not more than ~~\$200.00~~\$300.00, together with the costs of prosecution. In default of payment of such forfeiture and costs, said violation shall be imprisoned in the county jail for a period of not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

**Sec. 34-411. Liability to village and/or district for losses.**

- (a) Any person violating any provisions of this article shall become liable to the village and/or district for any expense, loss, or damage occasioned by reason of such violation which the village and/or district may suffer as a result thereof.
- (b) If any violation affects the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the village according to the district's rules and regulations.
- (c) The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

**Sec. 34-412. Administrative review procedure.**

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the municipal approving authority interpreting or implementing the provisions of this article or in any permit issued herein may have such determination reviewed as provided in the administrative review procedure, as in effect in the village, and incorporated therein, as necessary, the provisions of Wis. Stats. ch. 68, as amended from time to time.

**Sec. 34-413. Amendment.**

The village, through its duly authorized officers, reserves the right to amend this article in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment.

**Sec. 34-414. Conflict with district's rules and regulations.**

In the event that any provisions of the sewer use and user charge ordinance, Ord. No. 2006-1 are in conflict with this article, the former shall control.

**Sec. 34-415. Annual audit.**


The village shall conduct an annual audit, the purpose of which shall be to ~~maintain the proper proportion between users and user classes of the user charge system and to~~ ensure that adequate revenues are available to meet the charges assessed to the village by the district. ~~Copies of the municipal annual audit reports must be submitted to the district approving authority after the municipal annual audits have been completed.~~

**Section 3:** Effective Date: This ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.

Approved and adopted: April 2, 2025

**VILLAGE OF LITTLE CHUTE**

By:

  
Michael R. Vanden Berg, President

Attest:

  
Laurie Decker, Clerk

