

Chapter 3 Utility District: Sewer Use

9-3-1	Introduction
9-3-2	General Provisions
9-3-3	Legal Authority
9-3-4	Organization
9-3-5	Authority of Town
9-3-6	Curative Provisions
9-3-7	Definitions
9-3-8	Management
9-3-9	District's Construction Authority
9-3-10	Owner's Maintenance of Building Sewer
9-3-11	Title to Real Estate and Personal Property
9-3-12	Authority of the Commission
9-3-13	Additions to District
9-3-14	Administrative Rules and Regulations
9-3-15	Use of the Public Sewer
9-3-16	Sewer Use Charge System
9-3-17	Discharge of Holding Tank Waste and Other Waste
9-3-18	Billing and Payment of Sewer Service Charges
9-3-19	Audit
9-3-20	Connection Fees
9-3-21	Violations, Abatement Procedures and Penalties
9-3-22	Review of Administrative Determinations
9-3-23	Septic Systems
9-3-24	Validity

Sec. 9-3-1 Introduction.

This Ordinance regulates the use of public and private sewers and drains, connections to the Public Sewer System, and the discharge of waters and wastes into the Public Sewer System within the Town of Warren Sewer Utility District. It also provides for and explains the method used for levying and collecting wastewater treatment services charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the aforesaid District to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Sewerage System.

Sec. 9-3-2 General Provisions.

This Ordinance provides a means for regulating the use of the public sewers, effectuating connections, determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain Users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinances, Rules or Regulations of the Town of Warren Sewer Utility District and the Town of Warren relating to the subject matter hereof; and shall repeal all parts that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Wisconsin Statute shall control in such instance.

Sec. 9-3-3 Legal Authority.

This Ordinance is enacted pursuant to the power and authority conferred by Chapter 60 as amended, of the Wisconsin Statutes and Section 66.0827 as amended, of the Wisconsin Statutes..

Sec. 9-3-4 Organization.

The Town of Warren Sewer Utility District is organized as a utility district pursuant to Section 66.0827 as amended, of the Wisconsin Statutes. The Town of Warren Sewer Utility District is hereinafter sometimes referred to as the "Utility District." The Utility District shall have all of the power and authority authorized by applicable statutes; and nothing contained in this Ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority. In connection with the organization of the Utility District, the following provisions shall control:

- (a) (i) Unless otherwise provided for in section 9-3-4(a)(ii), the Town Board of the Town of Warren shall act as the Commission of the Utility District. The term of office of such members of the Commission of the Utility District shall be concurrent with their terms of office as members of the Town Board. In the event of any vacancy on the Commission, such vacancy shall be filled in the same manner as the filling of a vacancy in the office of a Town Board Supervisor. (ii) As an alternative to Section 9-3-4(a)(i), the Town Board may, by resolution, appoint three (3) persons, who shall be residents of the Town and of the Utility District and shall own property within the Town, as members of the Commission. The term of office for such members shall be three (3) years, and shall be staggered so no more than one (1) member is appointed each year. In making the initial appointments, the Town Board shall appoint one (1) member for a one (1) year term of office, another member for a two (2) year term of office, and the final member for a three (3) year term of office. Any vacancy may be filled by appointment by the Town Board for the remainder of the unexpired term.

TOWN OF WARREN

UTILITY ORDINANCE

- (b) (i) When the Town Board constitutes the Commission of the Utility District, the Town Board Chair shall be the President of the Commission, the Town Clerk shall be the Secretary of the Commission, and the Town Treasurer shall be the Treasurer of the Commission; except where there is a Town Clerk-Treasurer, in which event, such individual shall be the Commission Secretary-Treasurer. Any vacancy in the offices of President, Secretary or Treasurer shall be filled in the manner applicable to filling vacancies in similar Town offices. (ii) When the Commission has been appointed by the Town Board pursuant to Section 9-3-4(a)(ii) hereof, the Commission shall organize itself by electing one (1) of its members as President. The Town Clerk and the Town Treasurer shall be the Secretary and Treasurer of the Commission as provided for in Section 9-3-4(b) (i) in any event.
- (c) The President of the Commission shall preside at all meetings of the Commission. The Secretary shall keep a separate record of all proceedings and minutes of meetings and hearings of the Commission. The Treasurer shall maintain the accounts of the District pursuant to Section 66.0827 as amended, of the Wisconsin Statutes.
- (d) The Commission may project, plan, construct and maintain a system for the supply and disposal of sewerage, including drainage improvements, sanitary sewers, or all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the said Utility District. Without intending to limit the generality of the foregoing, the Commission may:
 - (1) With the approval of the Town Board, sell any of its services to Users inside or outside of the corporate limits of the Town.
 - (2) Fix and collect charges for sewerage service.
 - (3) Employ attorneys, engineers, and other persons to assist it in the performance of its work.
- (e) The Commission shall meet at such times and places as it deems appropriate; and shall adopt such rules and procedures relative to its meetings as it may reasonably require.
- (f) The Town Board, acting for the benefit of and on behalf of the Utility District, may levy special assessments to finance the activities of the District and may acquire property by means of eminent domain for public purposes on behalf of the District.
- (g) The fiscal year of the District shall be the calendar year.

Sec. 9-3-5 Authority of Town.

Nothing contained in this Ordinance shall be construed in any way as limiting the statutory authority of the Town and the Town Board, to act with respect to the subject matter of this Ordinance. The Town, by adoption of this Ordinance, is enacting the Ordinance within the territories comprising the Utility District. In the event of any challenge to the legal authority of the Commission to enact this Ordinance, or any portion, this Ordinance shall nevertheless be

effective and applicable by virtue of its adoption and enactment by the Town and Town Board pursuant to Chapter 60 of the Wisconsin Statutes.

Sec. 9-3-6 Curative Provisions.

All acts or actions performed or done by or on behalf of the Commission or the Utility District prior to the effective date of this Ordinance, are hereby ratified, confirmed and declared to be valid.

Sec. 9-3-7 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) **Approving Authority** of the Utility District shall mean its Commission or its duly authorized committee, agent, or representative.
- (b) **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer.
- (c) **Building Sewer** shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.
- (d) **Carbonaceous Biochemical Oxygen Demand (CBOD)** shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20° C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods.
- (e) **Commission** shall mean the Commission of the Utility District.
- (f) **Compatible Pollutants** shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (g) **Debt Service Charges** shall include all costs associated with repayment of debt(s) incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (h) **Floatable Oil** shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.
- (i) **Garbage** shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (j) **Ground Garbage** shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one

half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

- (k) **Incompatible Pollutants or Wastewater** shall mean wastewater with pollutants of such strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the Sewerage System facility.
- (l) **May** is permissible.
- (m) **Measurement.** The unit of volume measurement for for calculating User Charges of wastewater or other wastes discharged into the Utility District's Sewerage System shall be 1,000 gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.
- (n) **Municipal Wastewater** shall mean the wastewater of a municipality, including that of the Utility District. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the Sewerage System of the municipality.
- (o) **Natural Outlet** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (p) **Normal Domestic Strength Wastewater** shall mean wastewater with concentrations of CBOD, suspended Solids, total Kjeldahl, Nitrogen, and Total Phosphorous no greater than 200, 250, 40 and 10 milligrams per liter (mg/L), respectively.
- (q) **Normal User** shall be a User whose contributions to the Sewerage System consist only of Normal Domestic Strength Wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household.
- (r) **Parts Per Million** shall mean 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.
- (s) **Person** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.
- (t) **pH** shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^7 .
- (u) **Public Sewer** shall mean any sewer owned or provided by or subject to the jurisdiction of the Utility District or any other municipality.
- (v) **Operation and Maintenance Costs** shall include all costs associated with the operation and maintenance of the Sewerage System, including but not limited to administrative costs and expenses.
- (w) **Replacement Costs** shall include all costs necessary to replace equipment as required to maintain capacity and performance during life of the sewerage facilities. When required by the appropriate authority having jurisdiction, a separate, segregated, distinct replacement fund shall be established and used exclusively for replacement of equipment.

TOWN OF WARREN

UTILITY ORDINANCE

- (x) **Sanitary Sewage** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the Sewerage System.
- (y) **Sanitary Sewer** shall mean a sewer that carries liquid and water-carried wastes from residences and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (z) **Sewer Service Charge** is a service charge levied on Users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.
- (aa) **Sewer System** means the public sanitary sewers within a Sewerage System. Any sewerage facilities located on private property, ie: laterals, and septic tanks are specifically excluded ; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Utility District.
- (bb) **Sewerage System** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main
- (cc) **"Shall"** is mandatory.
- (dd) **Slug Load** shall mean any substance release at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (ee) **St. Croix County Sanitary Ordinance** shall mean the Sewer Use Ordinance of the St. Croix County, Wisconsin, Chapter 12 as amended, St. Croix County of Ordinances, Land Use and Development.
- (ff) **Standard Methods** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136 as amended, "Guidelines Establishing Test Procedures for Analysis of Pollutants,".
- (gg) **Stats.** shall mean the current version of the Wisconsin Statutes.
- (hh) **Storm Drain** (sometimes termed "STORM SEWER") shall mean drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.
- (ii) **Storm Water Runoff** shall mean that portion of the rainfall that is collected and drained into the storm sewers.
- (jj) **Suspended Solids** shall mean 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" and is referred to as nonfilterable residue.
- (kk) **Total Phosphorous (TP)** shall mean the quantity of total phosphorous as determined in accordance with the Standard Methods.

TOWN OF WARREN

UTILITY ORDINANCE

- (ll) **Town** shall mean the Town of Warren, a municipal corporation located in St Croix County, Wisconsin.
- (mm) **Town Board** shall mean the Town Board of the Town.
- (nn) **Users** shall mean persons or entities connected to the Public Sewer System of the Town Utility District.
- (oo) **Utility District (or District)** shall mean the Town of Warren Sewer Utility District.
- (pp) **Total Kjeldahl Nitrogen (TKN)** shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.
- (qq) **Wastewater Facilities** shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic waste and dispose of the effluent and sludge.
- (rr) **Wastewater Treatment Works** shall mean an arrangement of devices and structures for treating wastewater, and sludge.
- (ss) **Watercourse** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 9-3-8 Management.

The management, operation, and control of the sewer system for the Utility District shall be vested in the Commission. All records, minutes and all written proceedings shall be kept by the secretary. The treasurer shall keep all the financial records.

Sec. 9-3-9 District's Construction Authority.

The Commission shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the public alleys, streets, and public grounds located within the District; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Utility District shall have power by itself, its officers, agents, and servants, to enter upon any land in the District for the purpose of making examination or supervise in the performance of its duties under this Ordinance, without liability therefore; and the Utility District shall have power to purchase and acquire for the District all real and personal property which may be necessary for construction of the Sewerage System, or for any repair, remodeling, or additions.

Sec. 9-3-10 Owner's Maintenance of Building Sewer.

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Utility District, except when they are damaged as a result of negligence or carelessness on the part of the Utility District. Without intending to limit the

generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all Building Sewers; and the ownership shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a Building Sewer, the same shall be the responsibility of the property owner, except as provided for in Section 9-3-14(f) or as otherwise provided for herein.

Sec. 9-3-11 Title to Real Estate and Personal Property.

All property, real, personal, and mixed, including but not limited to easements acquired for the construction of the Utility District sewer system, and all plans, specifications, diagrams, papers, books and records, and all buildings, machinery, and fixtures shall be the property of and titled in the name of the Town for the benefit of the Utility District. Nothing contained in this Ordinance shall be construed as revoking, changing, abandoning or otherwise altering any conveyance of property previously made to the Utility District prior to the effective date of this Ordinance; and such title shall be deemed to be vested in the Town as provided for herein.

Sec. 9-3-12 Authority of the Commission.

Nothing contained in this Ordinance shall be construed as limiting the power and authority of the Commission or the Utility District as provided for by applicable Wisconsin Statutes; and the Commission and the Utility District shall have all rights and authority as provided for by law.

Sec. 9-3-13 Additions to District.

Territory may be added to the District in the manner provided for by law. In the event of any such addition, the Commission may condition the provision of sewer service to such territory upon the owner making such contributions, dedications and payments as the Commission may reasonably require in order to provide such sewer service.

Sec. 9-3-14 Administrative Rules and Regulations.

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

(a) **General Provisions.**

- (1) **Agreement to Rules and Regulation.** All persons now receiving sewerage service from the Utility District or who may hereafter make application for such

service or who otherwise receive such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Ordinance; and such agreement is a condition of receiving such sewerage service.

- (2) **Application for Service.** Unless waived by the Commission, every person desiring to connect property, buildings or structures to public sewers shall make application in writing to the Utility District on such forms as are prescribed for that purpose, prior to commencing use of such service. The application must describe fully and truthfully all the wastes which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. Persons connected to the Public Sewer System of the Utility District are defined as "Users." By submitting such an application, all Users are deemed to have agreed to be bound by this Ordinance. If it appears that the service applied for will not provide adequate service for the contemplated use, the Commission may reject the application. If the Commission or its authorized agent approves the application, a connection permit as shown on the application shall be issued. No service shall be provided or application approved without prior payment of all applicable fees.
- (3) **Application Fee.** Where the application for service is for a connection to the District's public sewers, the application shall be accompanied by an Application Fee in an amount to be determined by Resolution of the Commission. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between residential Users. The payment of this fee shall be in addition to any Connection Fees that may be charged to new Users by the Commission or by St. Croix County Sanitary Ordinance.
- (4) **Inspections.** Any connection to the Public Sewers within the District shall be subject to the prior inspection and approval of the work by an authorized representative of the Commission. No trench or other excavation shall be filled, or any connection completed, without such prior inspection. The applicant requesting the connection shall reimburse the District for all inspection costs incurred, if not previously paid as part of the Application Fee.
- (5) **Disconnection and Refusal of Service.** Sewer service may be disconnected or refused for any of the following reasons:
 - a. Violation of this Ordinance,;
 - b. Violation of the St. Croix County Sanitary Ordinance,;
 - c. Failure to pay the Application Fee, any connection Fee or delinquent account of the User.
- (6) **Disconnection for Delinquent Accounts.** A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility District may disconnect service for a delinquent bill by giving the User, at least eight calendar days prior to disconnection, a written disconnect notice. For purposes of this rule, the due date shall not be less than twenty days after issuance of the bill. The Utility District may disconnect without notice where a dangerous condition exists. Public

Sewer Service will be restored after the dangerous condition as been remediated. Service may be denied to any User for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the User's property.

- (7) **Subsequent Amendments.** The Commission reserves the right to subsequently amend, and modify, any provisions of this Ordinance, with the approval of the Town Board.
- (b) **Plumbers.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the Sewerage System without first receiving a license from the State of Wisconsin and obtaining permission from the Utility District. All service connections to the sewer main shall comply with the State plumbing code,.
- (c) **Building Sewer Connection Expense.** Persons attaching to a Public Sewer shall have the Building Sewer installed at their own cost and expense.
- (d) **Tap Permits.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Utility District.
- (e) **Obstruction of Building Sewers in Public Right of Ways.** In the event of any blockage, damage or break in any Building Sewer, which occurs within any public right of way, the Utility District shall have the exclusive right and option to repair the Building Sewer within the public right of way. In such event, the owner of the Building Sewer shall reimburse the District for all costs incurred within 30 days of the date of billing. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner.
- (f) **Backflow Preventer.** All floor drains shall have a backflow prevention valve installed at the owner's expense.
- (g) **No Unauthorized Use.** No User shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.
- (h) **Discontinuance of Service.** Whenever any person desires to discontinue sewer service from the system, the Utility District must be notified in writing prior to such disconnection. Disconnection shall only be allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the property owner to discontinue sewer service or to an abatement of sewer service charges. Any disconnection must conform to the Wisconsin State Plumbing Code.
- (i) **User to Permit Inspection.** Every User shall permit the Utility District or its duly authorized agent, at all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the operation of the drains, and sewer connections; and the User must at all times answer all questions put to them relative to its use, all in accordance with this Ordinance and Sec. 196.171 as amended, Stats., to the extent applicable.

- (j) **Utility District Responsibility.** No claim shall be made against the Utility District or its commissioners, agents, employees and representatives by reason of the breaking, clogging, stoppage, or freezing of any pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off sewer service at any time for the purpose of repairs or any other necessary purpose. Whenever it shall become necessary to shut off the sewer within the Utility District, the Utility District shall, if practicable, give notice to each and every User within the affected area of the time when such service will be shut off and an estimated time of restoration of service.

- (k) **Excavations Within Public Right of Way.**
 - (1) In making excavations in public streets or other public highways for laying pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public. Prior to commencing any such excavations, an Excavation Permit shall be obtained from the Town. The person making application for such permit shall comply with all terms and conditions as the Town may impose with respect to such excavation. The person obtaining the permit shall guarantee that all repair of streets and the construction of facilities shall be free from defect in material and installation for a period of one (1) year following completion of construction. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations. In refilling the opening after the pipes are laid, the earth must be laid in such layers and with such composition and compaction as the Commission shall require. All excavations shall comply with other applicable ordinances, rules or regulations of the Town. No opening of streets for tapping the pipes will be permitted when the ground is frozen, except in emergency situations or except as the Commission may otherwise expressly allow in writing.
 - (2) Any excavation performed under this subsection (1) shall be subject to the inspection of the Town and the Utility District, and no work shall be deemed completed unless and until accepted by the Town or the District as the case may be. All work performed under this subsection (1) and the inspection shall be at the cost of the person obtaining the excavation permit described herein.

- (l) **Connections.** Connections to the sewer system other than Building Sewer connections, shall be done only in accordance with the Department of Commerce Plumbing Code.

- (m) **Installment of Building Sewers.** All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 as amended, "Design, Construction, Installation, Supervision, and Inspections of Plumbing.". As required by Section ILHR 82.21 (1) (d), Part 2 as amended, all building sewer systems shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling.

- (n) **New Connections.** New connections to the District's Sewerage System will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the Utility District.

Sec. 9-3-15 Use of the Public Sewer.

- (a) **No Clean Water Discharges.** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof rain, subsurface, drainage or collecting water to any sanitary sewer.
- (b) **Compliance with this Ordinance and St. Croix County Sanitary Ordinance.** No person shall discharge wastes into a public sewer within the Utility District, except in accordance with the provisions of the St. Croix County Sanitary Ordinance.
- (c) **No Discharge to Violate General Permit for Bypassing.** No person shall discharge or cause to be discharged any waters, wastewaters or other substances of any kind or nature that will result in or otherwise cause a violation of any General Permit For Bypassing issued by the Wisconsin Department of Natural Resources and held by the Utility District.

Sec. 9-3-16 Sewer User Charge System.

- (a) **Policy.** It shall be the policy of the Utility District to obtain sufficient revenues to pay the costs of the operation and maintenance of the Sewerage System, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing replacement equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the Sewerage System through a system of sewer service charges as defined in this Chapter. The system shall assure that each User of the Sewerage System pays their fair and proportionate share of the cost of such facilities.
- (b) **Sewer Service Charge Generally.** Sewer Service Charges to each User shall be based on wastewater parameters established by the Commission. The Sewer Service Charges shall consist of the sum of the annual Debt Service Charges, all annual Operation and Maintenance Costs, all Replacement Costs, and all Sewer Service Charges levied or assessed by the Utility District.
- (c) **Annual Review.** The Sewer Service Charges of the District shall be reviewed not less than annually. Sewer Service Charges shall be adjusted, as required, to reflect actual number and size of Users and actual costs. Users will be notified annually of the portion of such Sewer Service Charges attributable to Operation and Maintenance, Debt Service, and Replacement Costs. The Commission may satisfy this notice requirement by including in the budget summary required to be published under Section 65.90 as

TOWN OF WARREN

UTILITY ORDINANCE

amended, Stats., a statement of the components of the Sewer Service Charges, based on the results of operations for the preceding fiscal year.

(d) **Sewer Service Charges.** A Sewer Service Charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer or otherwise discharging sewage into the Public Sewer System. Such Sewer Service Charge shall be payable as hereinafter provided and in amount determined as follows:

(1) **Category A.** Service Charges shall be imposed on each User whose water use is metered and whose sewer discharges are Normal Domestic Strength Wastewater. The Category A Service Charge is of the following form:

- Service Charge = Customer Charge + Volume Charge.
- Customer Charge = A flat rate based on the size of the water meter.
- Volume Charge = The volume of metered water in thousands of gallons multiplied by the volume rate.
- Volume Rate = The volume unit price for sewer service expressed in dollars per 1,000 gallons, as determined by the Commission

(2) **Category B.** Service Charges shall be imposed on each User whose water use is not metered and whose sewage discharges are Normal Domestic Strength Wastewater. The Category B Sewer Service Charge shall be of the form as follows:

- Service Charge = Equivalent Residential Units ("ERUs") multiplied by the Equivalent Residential Unit Rate ("ERU Rate").
- A Single ERU = Shall mean a single family residential dwelling unit that discharges Normal Domestic Strength Wastewater.
- ERU Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, plus a proportionate share of the administrative and billing costs of the District.

No User shall be assigned less than one ERU. The number of Residential Unit Equivalents for non-residential Users shall be as determined by the Commission by resolution.

- (3) **Reassignment of Categories of Sewer Users.** The Utility District may reassign sewer Users into appropriate Sewer Service Charge Categories if wastewater sampling programs and other related information indicate a change of categories is necessary or otherwise required.
- (e) **Rate Determinations.** The Commission shall determine each year, the rates referred to in subsection 9-3-16(f); and the Commission shall have the right to amend, modify, adjust or change the rates at any time.

Sec. 9-3-17 Discharge of Holding Tank Waste and Other Waste.

- (a) **Prohibition of Discharge into District's Public Sewers.** No person, including a Licensed Disposer, shall discharge any Holding Tank Waste, or any other similar waste, into any manhole or other opening in a public sewer owned or maintained by the Utility District.

Sec. 9-3-18 Billing and Payment of Sewer Service Charges.

- (a) **Calculation.** Sewer Service Charges that are to be assessed to Users shall be computed by the Utility District according to the rates and methodology presented in Sec. 9-3-16 of this Ordinance.
- (b) **Billing.** Sewer Service Charges shall be billed to each User on a quarterly basis (or more frequently if so determined by the Commission). Such charges shall be payable to the Utility District not later than twenty (20) days after the date of the bill, unless the Utility District has extended the time for payment.
- (c) **Penalty for Delinquent Payments.** A penalty equal to one and one-half (1.5%) percent per month of the delinquent amount shown on any bill for services, shall be added to all bills not paid by the date fixed for final payment. In the event the amount of the bill is placed on the tax rolls pursuant to Section 9-3-18(d)(2), an additional penalty as determined by the Town Board shall be imposed for each tax statement so issued.
- (d) **Remedies for Failure to Make Payments.**
 - (1) **Suit.** Sewer Service Charges, Connection Fees or other charges due from any person or User shall be deemed to be a debt due to the Utility District from that person or User. If Sewer Service Charges, connection Fees, or other charges are not paid when due, the Commission may, on behalf of the Utility District, commence an action in a court of competent jurisdiction, and recover from such persons or User the amount of charges or fees, and damages, if any, sustained by the Utility District as a result of such failure to pay, together with attorneys fees

incurred in collecting said sums, court costs and such other costs and expenses as may be allowed by law.

- (2) **Lien on Property.** As an alternative to subsection (1), the Commission may direct that unpaid Sewer Service Charges, Connection Fees, or other charges due from any person or User shall be collected and taxed and shall be a lien upon the property served in the manner provided for in Section 66.0703 as amended, Stats.
- (e) **Obligation for Payment.** The obligation for payment of Sewer Service Charges, Connection Fees or other charges due the Utility District shall be a joint and several obligation of the User and property owner, where the User and property owner are not the same person.
- (f) **Remedies Cumulative.** All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or any other Ordinance of the District or afforded by law or equity; and may be exercised by the Commission concurrently, independently, or successively.
- (g) **Disposition of Revenue.** The amounts received from the collection of Sewer Service Charges authorized by this Ordinance shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the Sewerage System. Charges collected for Replacement Expenses shall be credited to a segregated, nonlapsing Replacement Account. These funds are to be used exclusively for replacement.

When appropriated by the Commissioners of the Utility District, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the Sewerage System consistent with 40 CFR 35.929 as amended. Any account surplus outside the purview of 40 CFR 35.929 as amended, shall be available for the payment of principal and interest of present and future obligations issued and outstanding to provide funds for the Sewerage System, or to pay all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness. All present outstanding sewer system obligations, including refunding obligations, shall be paid from this fund as to both principal and interest, unless otherwise required by law.

- (h) **Excess Revenues.** Excess revenues, as determined by the Commission in its sole discretion and as collected from a User class will be applied to operation and maintenance costs attributable to that class for the next year.

Sec. 9-3-19 Audit.

Unless otherwise required by applicable statutes, the Utility District shall conduct an annual compilation, or an independent Annual Audit, the purpose of which shall be to maintain the proportionality between Users and User classes of the User charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement

costs and debt retirement. A summary of the findings and recommendations of this audit shall be available in writing as determined by the Commission.

Sec. 9-3-20 Connection Charges.

- (a) **Utility District Connection Charges.** For each connection of a Building Sewer to a public sewer within the Utility District, there shall be paid to the Utility District a Connection Charge. Such Connection Charge shall be assessed to the person seeking the connection and shall be paid prior to the actual connection. The Connection Charge of the Utility District shall be in such amounts and shall be paid at such time as the Commission may determine by resolution.
- (b) **Remedies for Failure to Pay.** The failure to pay any Connection Charge is a violation of this Ordinance; and the Commission may pursue all rights and remedies provided for herein.

Sec. 9-3-21 Violations, Abatement Procedures and Penalties.

- (a) **Violations Constituting Public Nuisance.** A violation (other than the failure to pay sewer service Charges or other fees or costs due under this Ordinance) of any provision of this Ordinance or any other rule or order of the Commission is hereby declared to be a public nuisance.
- (b) **Damage to District Property.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of equipment which is a part of the District's Sewerage System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (c) **Enforcement.** The Commission shall have the right to enforce the provisions of this Ordinance on behalf of the Utility District and shall make periodic inspections to insure that such provisions are not violated. No action shall be taken under this Chapter to abate a public nuisance unless an inspection has confirmed that a nuisance does in fact exist.
- (d) **Summary Abatement.** If the Commission determines that a public nuisance exists within the District and that there is great and immediate danger to the public health, safety, or welfare, the Commission may cause the same to be abated and charge the cost to the owner, occupant, or person causing, permitting, or maintaining the nuisance.
- (e) **Abatement After Notice.** If the Commission determines that a public nuisance exists on private premises but that the nature of such nuisance does not present great and immediate danger to the public health, safety, or welfare, the Utility District shall serve notice to the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the Commission shall cause the nuisance(s) to be removed as provided in subsection (d).

TOWN OF WARREN

UTILITY ORDINANCE

- (f) **Other Methods Not Excluded.** Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Utility District or the Town or its officials in accordance with the laws of the State of Wisconsin.
- (g) **Court Order.** Except when necessary under subsection (d), the Commission shall request permission to enter upon private property to abate a public nuisance, 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 public nuisance.
- (h) **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for a public nuisance, the cost of abating a public nuisance by the Utility District 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. Costs shall include but not be limited to actual attorneys fees and court costs.
- (i) **Continued Violations.** Any person who shall continue any violation beyond the time limit provided, shall forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the St Croix County Jail for a period of not to exceed thirty (30) days. Upon conviction, each day in which any violation is continued beyond the time limit shall be deemed a separate offense.
- (j) **Liability to District for Losses.** Any person violating any provision of this Ordinance shall become liable to the Utility District for any expense, loss, or damage incurred by the Utility District due to such violation.
- (k) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the Sewerage System which causes damage to the Sewerage System and/or a receiving body of water (e.g., lake, river, stream, etc.) shall, in addition to a fine, be liable for all damages, both of which will be determined by the Utility District or other governmental authority having appropriate jurisdiction.
- (l) **Accidental Discharge Reporting.** Any person responsible for an accidental discharge that may have a detrimental impact on the Sewerage System shall immediately report the nature and amount of the discharge to the Utility District.
- (m) **Liability to Utility District for Losses.** Any person violating any provision of this Ordinance shall be liable to the Utility District for any expense, attorney's fees, costs, engineering fees, loss, or damage incurred by the Utility District due to such violation. The Commission shall have the right of recovery from all such persons any expense incurred by the District for the repair or replacement of any part of the Public Sewer System damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

Sec. 9-3-22 Appeals.

TOWN OF WARREN

UTILITY ORDINANCE

- (a) **Administrative Determinations Subject to Review.** Only administrative determinations described in Section 68.02 as amended, Stats., are subject to review under this section. Notwithstanding anything to the contrary contained herein, any determinations involving Sewer Service Charges, Application Fees, Connection Charges, or any other fees or costs due under this Ordinance are not subject to review. Any determinations involving the levying and assessment of special assessments or any of the determinations described in Section 68.03, Stats., are not subject to such review.
- (b) **Procedure for Review.** Any person having a substantial interest which is adversely affected by an administrative determination of the Commission or any agent shall make a written request to the Commission for a review of the administrative determination. Such request shall be submitted to the commission within fifteen (15) days following the determination in question. The request shall state the name and address of the person seeking the review, describe the circumstances surrounding the determination and state the grounds upon which that the determination should be modified or reversed.
- (c) **Hearing.** Upon receipt of a request for review under subsection (b), the person seeking the review shall have a hearing before the Commission; provided the provisions of subsection (d) are satisfied. The hearing shall be held within sixty (60) days from the date of receipt of the request at a time and place determined by the Commission. The Commission shall notify such person, by mail or personal service, at least ten (10) days before such hearing of the time and place of the hearing. Except as otherwise provided for herein, the hearing shall be conducted in accordance with Section 68.11(2) as amended, Stats.
- (d) **Appeal Fees.** Any appeal to the Commission under subsection (b), shall be accompanied by a non-refundable review fee of Fifty and No/100 Dollars (\$50.00). In the event the person seeking review desires the hearing proceedings to be taken by stenographer or by a recording device, the expense shall be paid by the person seeking the review.
- (e) **Decision and Appeal.** Within thirty (30) days of completion of the hearing under subsection (c) and the filing of briefs, if any, the Commission shall make its written determination on the request for review. Such determination shall be mailed or delivered to such person at the address set forth in the request for review. The decision of the Commission may be subject to judicial review under section 68.13 as amended, Stats., in the manner provided.
- (f) **Application of Chapter 68 of the Wisconsin Statutes.** Except as to those specific statutes expressly incorporated herein, the Commission elects not to be governed by any other provision of Chapter 68 as amended, of the Wisconsin Statutes, as amended.
- (g) **Costs.** In the event the Commission does not modify or reverse the administrative determination in question following the hearing, or in the event the administrative determination is sustained on appeal under Section 68.13 as amended, Stats.,

Sec. 9-3-23 Septic Systems.

- (a) **Septic Tanks Prohibited.** The maintenance and use of a septic tank or other private sewerage disposal system by any owner of land located within the Utility District, where such land is adjacent to a public sewer main, and who has failed to connect to the District's Sewerage System, is hereby declared to be a public nuisance and a health hazard. Such nuisance and hazard shall be abated; and damages and costs recovered in accordance with Chapter 823 as amended, of the Wisconsin Statutes.
- (b) **Septic Systems Allowed.** In certain isolated locations within the boundaries of the Utility District it may be necessary for the owners of certain properties not served by the District's sanitary sewer system to continue the maintenance and use of a septic tank or other private sewerage disposal system. Such maintenance and use shall be considered as a temporary wastewater disposal system and is subject to the review and approval of the Commission of the District. The review and approval will be on a case by case basis, with each case determined upon its particular facts and circumstances.

Sec. 9-3-24 Validity.

- (a) **Repeal of Conflicting Ordinances.** All ordinances, resolutions, orders or parts adopted or enacted, which are in conflict with this Ordinance shall be and the same are hereby repealed.
- (b) **Savings Clause.** If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or other applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (c) **Amendments.** The Town Board and the Commission may amend this Ordinance in part or in whole at any time whenever they may deem it necessary.