

## Title 9 ► Chapter 3

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# Sewer Utility Regulations and Rates

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### **Sec. 9-3-1 Introduction and General Provisions.**

(a) **Introduction.**

- (1) This Chapter regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage system within the Village of Rudolph.
- (2) This Chapter provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village of Rudolph to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. This Chapter's intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village's sewerage system.

(b) **General Provisions.**

- (1) This Chapter provides a means for regulating the use of public sewers and connections to such system, determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users.
- (2) Revenues derived from the application of this Chapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment

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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 the requirements of the Wisconsin Statutes.

- (3) This Chapter shall supersede any previous ordinance, rules or regulations pertaining to sewer use, and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable Wisconsin Statute, the State Statute shall be controlling.
- (c) **State Laws Adopted By Reference.** The following Wisconsin Statutes are adopted and incorporated herein by reference:
  - (1) Sec. 66.0821, Wis. Stats. – Sewer and Stormwater Systems.
  - (2) Sec. 66.0911, Wis. Stats. – Laterals and Service Pipes.
  - (3) Sec. 101.937, Wis. Stats. – Service to Manufactured Home Communities.
  - (4) Sec. 196.193, Wis. Stats. – Water and Sewer Rate Increases.
  - (5) Sec. 281.01, et seq., Wis. Stats. – Water and Sewage.
  - (6) Sec. 283.01, et seq., Wis. Stats. – Sewer Use Regulations.

**Sec. 9-3-2 Definitions.**

- (a) **Definition Established.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows; additional definitions are found in Section 9-3-6(a):
  - (1) **Authority.** The Village of Rudolph, or its duly authorized committee, agent, or representative.
  - (2) **Ammonia Nitrogen (NH<sub>3</sub>-N).** One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in *Standard Methods* or Chapter NR 149, Wis. Adm. Code.
  - (3) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20° Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of *Standard Methods*.
  - (4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
  - (5) **Building Sewer.** The extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.
  - (6) **Chemical Elements and Compounds.** Chemical elements and compounds that are typically found in wastewater and may be regulated by this Chapter. These are as follows:

Aldrin	$C_{12}H_8Cl_6$
Ammonia Nitrogen	$NH_3$
Arsenic	As
Benzene	$C_6H_6$
Benzo (a) Anthracene	$C_{18}H_{12}$
Benzo (a) pyrene	$C_{20}H_{12}$
Beryllium	Be
BIS (2-Ethylhexyl) Phthalate	$(C_3H_7(C_2H_5) CHCH_2OCO)_2C_6H_4$
Cadmium	Cd
Carbon Tetrachloride	$CCl_4$
Chlordane	$C_{10}H_6Cl_8$
Chloroform	$CHCl_3$
Copper	Cu
Chromium	Cr
Cyanide	Cn
DDT	$(C_{10}H_7Cl)_2CHCl$
DDD	$(C_{10}H_7Cl)_2CH_2$
DDE	$(C_{10}H_9Cl)_2$
Dieldrin	$C_{12}H_{10}OC_6Cl_6$
3,3-Dichlorobenzidine	$C_{12}H_8Cl_2N_2$
Dichloromethane	$CH_2Cl_2$
2,4-D	$C_6H_3(OCH_2(OOH)C_2H_5)_2$
Dimethyl Nitrosoamine	$(CH_3)_2NNO$
Endrin	$C_{12}H_{10}OC_6Cl_6$
Heptachlor	$C_{10}H_7Cl_7$
Hexachlorobenzene	$C_6Cl_6$
Hexachlorobutadiene	$C_4Cl_6$

Lead	Pb
Lindane	$C_6H_6Cl_6$
Malathion	$C_{10}H_{19}O_6PS_2$
Mercury	Hg
Molybdenum	Mo
Nickel	Ni
Nitrogen	N
PCB's	$C_{12}H_{10}$ $C_{12}H_9Cl$ $C_{12}H_8Cl_2$ $C_{12}H_7Cl_3$ $C_{12}H_6Cl_4$ $C_{12}H_5Cl_5$ $C_{12}H_4Cl_6$ $C_{12}H_3Cl_7$ $C_{12}H_2Cl_8$ $C_{12}H_1Cl_9$ $C_{12}Cl_{10}$
Pentachlorophenol	$C_6Cl_5OH$
Phenanthrene	$C_{14}H_{10}$
Phenol	$C_6H_5OH$
Phosphorous	P
Phosphate	$PO_4$
Radium	Ra
Selenium	Se
Tetrachloroethylene	$CCl_2CCl_2$
Toxaphene	$C_{10}H_{10}C_{18}$

Trichloroethylene	$\text{CHCl}_2\text{CCl}_2$
2, 4, 6-Trichlorophenol	$\text{C}_6\text{H}_2\text{Cl}_3\text{OH}$
Vinyl Chloride	$\text{CH}_2\text{CHCl}$
Zinc	Zn

- (7) **Chemical Oxygen Demand (COD).** The measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as "OC" and "DOC", oxygen consumed, and dichromate oxygen consumed respectively.
- (8) **Commercial User.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
- (9) **Compatible Pollutants.** Biochemical oxygen demand, suspended solids, phosphorus, ammonia, or pH, plus additional pollutants identified in the WPDES permit for the POTW receiving the pollutant(s) if such works were designed to treat such additional pollutants to a substantial degree.
- (10) **Daily Average Concentration.** The concentration of a parameter or constituent in a wastewater sample collected in proportion to flow over a sampling day.
- (11) **Department of Natural Resources (DNR or WisDNR).** The Wisconsin Department of Natural Resources.
- (12) **Domestic Wastewater; Normal Domestic Strength Wastewater.** Water-carried wastes normally discharging into the sanitary sewers from dwellings (including apartment houses and condominiums) and commercial establishments, free from storm water and industrial waste. Domestic wastewater shall have a strength equal to or less than 300 mg/l BOD<sub>5</sub>, 300 mg/l suspended solids.
- (13) **Easement.** An acquired legal right for the specific use of property owned by another. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.
- (14) **Federal Act.** The Federal Water Pollution Control Act (33 USC 1251 to 1387, as amended from time to time, et seq.) or as implemented by Sec. 283.001, et seq., Wis. Stats., or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Sec. 283.001, et seq., Wis. Stats., as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.
- (15) **Floatable Oil.** 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 or septage shall be considered free of floatable oil if it is properly

- pretreated and the wastewater does not interfere with the collection or treatment system.
- (16) **Garbage.** The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
  - (17) **Ground Garbage.** The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles 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.
  - (18) **Incompatible Pollutants or Wastewater.** Wastewater or septage with pollutants or of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.
  - (19) **Industrial User.** Any commercial or industrial user who makes, causes or permits an industrial discharge into the wastewater facilities.
  - (20) **Industrial Waste; Industrial Wastewater.** The wastewater from industrial process, trade, or business, as distinct from domestic wastewater, including cooling water and the discharge from sewage pretreatment facilities.
  - (21) **Licensed Disposer.** A person or business holding a valid license to do septage servicing under NR 113, Wis. Adm. Code.
  - (22) **May.** Is permissible.
  - (23) **Municipal Wastewater.** The wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may have entered inadvertently the sewerage system. Also termed "sewage."
  - (24) **Natural Outlet.** Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
  - (25) **Parts Per Million.** 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.
  - (26) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, limited liability corporation, partnership, association, society, institution, enterprise, government agency, or other entity.
  - (27) **pH.** 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.
  - (28) **Public Sewer.** Any sewer provided by or subject to the jurisdiction of the Village of Rudolph. It shall also include sewers within or outside the corporate boundaries of the Village that serve one (1) or more personnel and ultimately discharge into the Village's sanitary sewer system, even though those sewers may not have been constructed with Village funds.

- (29) **Phosphorus.** The total phosphorus in wastewater, which may be present in any of three (3) forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in *Standard Methods*.
- (30) **Publicly-Owned Treatment Works (POTW).** This term is used interchangeably with "Wastewater Treatment Facility" (WWTF). The City of Wisconsin Rapids WWTF shall be the POTW for the Village of Rudolph.
- (31) **Private Sewage System.** A system comprised of a septic tank and effluent absorption area designed for the purpose of processing sewage, or other privately owned sewage disposal system constructed and maintained in compliance with COMM 83, Wis. Adm. Code.
- (32) **Replacement Costs.** All costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate segregated distinct replacement fund shall be established and used only for replacement of equipment.
- (33) **Residential User.** Any user whose premises are used primarily as a domicile for one (1) or more persons and discharges only domestic wastes, but not including dwellings classified as a "Commercial User".
- (34) **Residential Equivalent Unit.** The system whereby sewer user charges can be distributed amongst the different types of users on an equitable basis. The unit is use-based, and is established using a neutral parameter such as gallons of water used or volume of wastewater expected from a user.
- (35) **Sanitary Sewage.** 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.
- (36) **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (37) **Septage.** The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms.
- (38) **Sewage.** The spent water of a community. The preferred term is "municipal wastewater".
- (39) **Sewer Service Areas.** The areas presently served and anticipated to be served by a municipal wastewater collection system. State-regulations (NR 121, Wis. Adm. Code) require that water quality management plans delineate sewer service areas of urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer areas for communities under 10,000 population.
- (40) **Sewer Service Charge.** 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 of said facilities.

- (41) **Sewer Service.** The common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; 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 Authority.
- (42) **Sewerage System.** All structures, conduits, pipes, pumps and pressured sewer systems, 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.
- (43) **Shall** is mandatory.
- (44) **Slug.** Any discharge of sewage or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds normal or average discharge in a manner that inhibits or adversely affects the ability of the sewage collection system or treatment facilities to function properly. (This can be assessed in combination with other waste contributors or alone).
- (45) **Slug Load.** Any substance released at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (46) **Standard Methods.** 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.
- (47) **Storm Drain.** The drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source. Sometimes termed "storm sewer".
- (48) **Stormwater Runoff.** That portion of the rainfall that is collected and drained into the storm sewers.
- (49) **Superintendent.** The official of the Authority or his/her authorized deputy, agent, or representative responsible for the operation and maintenance of the sewer system.
- (50) **Suspended Solids.** Solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and are removable by laboratory filtering as prescribed in *Standard Methods*.
- (51) **Total Daily Flow.** The volumes of wastewater discharged to a sanitary sewer over a "sampling day".
- (52) **Unpolluted Water.** Water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would



not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

- (53) **User.** Any person who discharges, or causes to be discharged, domestic wastewater, industrial discharges or any other wastewater into the public sewer system.
- (54) **Village.** The Village of Rudolph, Wisconsin.
- (55) **Wastewater Treatment Works.** An arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes used synonymously with "Waste Treatment Facility", "Wastewater Treatment Facility(ies)" (WWTF), or "Publicly-Owned Treatment Works" (POTW).
- (56) **Watercourse.** A natural or artificial channel for the passage of water, either continuously or intermittently.
- (57) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** Pursuant to Sec. 283.001, Wis. Stats., the document issued by the State of Wisconsin Department of Natural Resources (DNR) which establishes effluent limitations and monitoring requirements for a municipal wastewater treatment facility.

### **Sec. 9-3-3 Management, Operation and Control.**

- (a) **Management; Public Records Custodians.** The management, operation, and control of the sewer system for the Village of Rudolph is vested in the Authority. All records, minutes and written proceedings thereof shall be kept by the Village Clerk; the Secretary-Treasurer of the Authority shall keep all the financial records. The Village Clerk and the Secretary-Treasurer of the Authority are designated as the legal custodians of all records of the Authority are designated as the legal custodians of all records of the Authority for purposes of compliance with the Wisconsin Open Records Law.
- (b) **Construction.**
  - (1) The Authority shall have the power to construct transport facilities and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village of Rudolph, and generally, to do all such work as may be found necessary or convenient in the management of the sewer system.
  - (2) The Authority shall have authority by itself and/or its officers, agents and employees to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Chapter, without liability therefore.
  - (3) The Authority shall have the power to purchase and acquire for the Village of Rudolph all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- (c) **Maintenance of Services.** The property owner shall maintain sewer service from the street main to the house, including all controls between the same, without expense to the Village of Rudolph, except when they are damaged as a result of negligence or carelessness

on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. The owner has the sole responsibility for the repair and maintenance of all building sewers. The owner has the sole responsibility for the repair and maintenance of all building sewers. When any sewer service is to be reconstructed and there are two (2) 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. Each new service shall conform to the requirements set forth in Sec. 9-3-4. 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 in Sec. 9-3-4(d)(14) or as otherwise provided for herein.

- (d) **Condemnation of Real Estate.** Whenever any real estate or any easement therein, or use thereof, shall in the judgement of the Village be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village shall proceed with all necessary steps to obtain such real estate, easement, or use condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Estate Acquisition Policy Act of 1970, if Federal Funds are used.
- (e) **Title to Real Estate and Personalty.** All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Authority.

## **Sec. 9-3-4 User Rules and Regulations.**

- (a) **User Rules in General.**
  - (1) **User Rules Incorporated Into Service Contracts.** The rules, regulations, and sewer rates of the Village of Rudolph hereinafter set forth shall be considered a part of the contract with every person, user, company or corporation who is connected to or uses the Village's sewer system and every such person, company or corporation by connecting with the sewer system shall be considered as expressing their assent to be bound thereby.
  - (2) **Violation of Rules; Reestablishment of Service.** Whenever any of said rules and regulations herein, or such other rules as the Village may hereafter adopt, are violated, the use or service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Authority and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Authority may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Authority, furthermore, may declare any payment made for the service by the party

or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited.

- (3) **Authority's Right to Change Rules and Rates.** The right is reserved to the Authority to change these said rules, regulations, and sewer rates from time to time as it may deem advisable; and make special rates and contracts in all proper cases.
- (b) **Rules and Regulations for Licensed Plumbers and Sewer Users.** The following rules and regulations prescribed in Subsections (c) and (d) below for the government of licensed plumbers, sewer users and others, are hereby adopted and established.
- (c) **Plumbers.** No plumber, pipefitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining authorization from the Village of Rudolph. All service connections to the sewer main shall comply with the State Plumbing Code.
- (d) **Users.**
  - (1) **Mandatory Connections; Installment Payments.**
    - a. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended shall connect to such system within three hundred and sixty-five (365) days of notice in writing from the Authority. Upon failure to do so the Authority may cause such connection to be made and bill the property owner for such costs, including, but not limited to, construction, engineering, inspection, legal and Village administrative costs. If such costs are not paid within thirty (30) days of such notice, the project costs shall be assessed as a special tax lien against the property, however, that the owner may within thirty (30) days after the completion of the work file a written notification with the Authority stating that he or she cannot pay such amount in one (1) sum and ask that there be levied an installment payment plan not to exceed ten (10) equal installments and that the amount shall be so collected with interest at the rate of five percent (5%) per annum from the completion of the work, the unpaid balance being a special tax lien, pursuant to Section 66.0715, Wis. Stats.
    - b. This Chapter ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village of Rudolph.
  - (2) **Application For Sewer Service; New Service Connection Charge; Lateral Expenses.**
    - a. Every person desiring to connect to the sewer system shall file an application in writing to the Authority on such forms as is prescribed for that purpose. Application forms will be provided at the Office of the Village Clerk. By submitting such an application, all users are deemed to have agreed to be bound by the provisions of this Chapter, as amended from time to time.
    - b. The application must state fully and truthfully all the wastes which will be discharged. The application shall include at least the following information:

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1. The name of the property owner;
  2. A correct legal description of the property to be served; and
  3. The number and type of plumbing fixtures to be connected.
- c. All property owners shall make an initial contribution in the form of a connection charge to the Village of Rudolph for new connections.
  - d. Such connection charge shall be made in conformity with the "Users Election" on the application for sewer service. Connection charges shall be paid by the property owner and/or developer at the time sewer service is made available, whether an actual lateral connection is made at that time or not.
  - e. The form of application for sewer service and the schedule of initial connection charge requirements shall be adopted by resolution of the Authority.
  - f. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.
  - g. Persons connected to the sewer system of the Village of Rudolph are referred to herein as "Users".
  - h. If it appears that the service applied for will not provide adequate service for the contemplated use, the Authority may reject the application. If the Authority approves the application, it shall issue a permit for service as shown on the application.
  - i. Persons connecting to a sewer main shall have the lateral from the sewer main installed at their own expense.
  - j. The Building Inspector, or other Village-designated inspector, shall provide a certification inspection of the sewer lateral and connection, which shall be made a part of the application and permit. All costs for the certification inspection shall be paid for by the property owner.
  - k. Any Village user which meets the definition of an "Industrial User" or a "Significant Industrial User" under Chapter 8 of the *City of Wisconsin Rapids Municipal Code* must enter into an Industrial Services Agreement with the City of Wisconsin Rapids for the treatment of its wastewater.
- (3) **Septage Disposal.** The Village shall not accept septage or holding tank waste into the sewer system.
  - (4) **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 Village of Rudolph.
  - (5) **User to Keep Service Pipes in Repair.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
  - (6) **User Use Only; Improper Connections.** No user shall allow other persons or other services to connect to the sewer system through their lateral.

- (7) ***Vacating of Premises and Discontinuance of Service; Responsibility for Costs.*** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the Authority must be notified in writing. The property owner of the premises will be responsible for blocking the service lateral to discontinue flows into the sewer system. All costs to plug said lateral and subsequent inspection by the Authority shall be borne by the property owner. The property owner shall be liable for any damages to the property of the sewer system other than through the fault of the Authority.
- (8) ***User to Permit Inspection.***
- a. Every user shall permit the Authority or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Chapter and Section 196.171, Wis. Stats.
  - b. While performing the necessary work on private properties referred to above, the Authority or duly authorized employees shall observe all safety rules applicable to the premises established by the company/industry and the company/industry shall be held harmless against injury or death to Authority employees and the Authority shall indemnify the company/industry against loss or damage to its property by Authority employees and against liability claims and demands for personal injury or property, except as such may be caused by negligence or failure of the company/industry to maintain safe conditions.
- (9) ***Excavations.***
- a. In making excavations in streets or highways for laying service 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. Street excavations in public right-of-ways shall be in compliance with Secs. 6-2-3 and 6-2-4, whichever is the most restrictive.
  - b. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, proper warning lights shall be maintained at such excavations.
  - c. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. The work, together with the replacing of sidewalks, ballast and paving, must be done so as to return the street to as good a condition, at a minimum, as before it was disturbed, and satisfactory to the Village of Rudolph. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
- (10) ***Tapping the Mains.***
- a. No persons, except those having special permission from the Village or persons in their service and approved by the Village, will be permitted, under any

circumstances to tap a sanitary sewer. The kind and size of the connection with the pipe shall be that specified in the permit from the Village of Rudolph to ensure that new sewers and connections to the sanitary sewer are properly designed and constructed.

- b. Pipes should always be tapped on top, and not within six (6) inches (15 cm) of the joint, or within twenty-four (24) inches (60 cm) of another lateral connection. All service connections to sanitary sewers must comply with the requirements of the Wisconsin Plumbing Code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adapters or couplings.

(11) **Installation of Laterals.**

- a. All building sewers (laterals) on private property will be installed in accordance with COMM 82, Wis. Adm. Code, "Design, Construction, Installation, Supervision, and Inspections of Plumbing", especially COMM 82.30, Wis. Adm. Code, "Sanitary Drain Systems".
- b. As required by COMM 82.34(5), Wis. Adm. Code, all laterals shall be inspected: "The building sewer and/or private interceptor sewer shall be inspected upon completion of placement of the pipe and before backfilling, and tested before or after backfilling".

(12) **Sanitary Sewer Extensions.** The Authority shall permit sanitary sewer extensions as follows:

- a. When an extension of a sanitary sewer is required or desired by the prospective user, the prospective user shall make an application in writing, on such form as is prescribed by the Authority for that purpose. During review of such application, the Authority shall determine the logical location of manholes as well as the length and location of the sanitary sewer extension, taking into consideration the demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sanitary sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations. When a land division occurs, the Village of Rudolph land division ordinance requirements (Title 14 of the *Village of Rudolph Code of Ordinances*) shall be complied with regarding public sewers instead of the provisions of this Chapter.
- b. The person who requests the extension shall pay the entire construction cost of said extension including engineering, inspection, and permit review costs. If more than one (1) user is involved, the entire cost shall be divided among these users.

(13) **Private Sewerage Systems Prohibited.**

- a. The maintenance and use of private sewage disposal systems within the service area of the sewerage system are hereby declared to be a public nuisance and a health hazard. Except as provided in Subsection (d)(13) below, the use of any

- private sewage disposal system within the boundaries of the Village serviced by the sewerage system shall be prohibited.
- b. Where a sanitary sewer is not available or cannot be readily extended to serve a parcel as determined by the Authority, the building sewer shall be connected to a private sewage system complying with the following provisions:
1. Before commencement of construction of a private sewage system, the property owner shall first obtain a written permit signed by the Village of Rudolph, along with all necessary permits required by the County and State of Wisconsin.
  2. A permit for a private sewage system shall not become effective until the installation is completed and approved by the Village. The Village shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Village when the work is ready for final inspection before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Village of Rudolph, which may be a verbal notification.
  3. The type, capacity, location, and layout of a private sewage disposal system shall comply with COMM 83, Wis. Adm. Code.
  4. At such time as a sanitary sewer becomes available to a property served by a private sewage system, a direct connection shall be made to the sanitary sewer in compliance with this Chapter and any septic tanks, cesspools and similar private sewage facilities shall be abandoned in accordance with COMM 83, Wis. Adm. Code.
  5. The property owner shall operate and maintain the private sewage system in accordance with COMM 83, Wis. Adm. Code.
  6. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by COMM 83, Wis. Adm. Code.
- (14) **Obstruction of Building Sewers in Public Rights-of-Way.** In the event of any blockage, damage or break in any building sewer which occurs within a public street, alley, highway, or other public right-of-way, the Authority shall have the exclusive right and option to repair the building sewer within said street, alley, highway, or other public right-of-way. In such event, the owner of the building sewer shall promptly reimburse the Authority for all costs so incurred. If not so reimbursed, the same shall be placed against the property as a lien on the taxroll.
- (15) **Additional Authority; Unpaid Expenses.**
- a. The Authority may at any time establish specific connection and lateral charges for any main not covered by other provisions in this Chapter or when the Authority has made an extension and the user has failed to provide lateral or connection charges.

- b. It is further provided that the Authority may amend or alter any connection or lateral charge after its establishment under the terms of this Chapter or previous ordinance or resolution.
  - c. It is further provided that the Authority may require a user to provide special waste treatment, pre-treatment, pumping, grinding, or other practices, to be maintained at the user's expense, if the Village or its duly authorized representative determines the wastewater from that user merits such measures prior to discharge to the sewerage system and POTW.
  - d. Whenever the Authority incurs enforcement costs or expenses to correct damages that are the responsibility under this Section of the owner and/or occupant of the premises, such party shall be billed for the costs thereof; failure of the party to pay for such services within the required timeframe will result in the unpaid amounts being placed as a lien against the property on the taxroll.
- (16) **Vacating of Premises and Discontinuance of Service.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Authority shall be notified in writing.
- (17) **Authority/Village Liability.** No claim shall be made against the Authority/Village or representative(s) thereof by reason of the breaking, clogging, stoppage, or freezing of any service 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 stop service at any time for the purpose of repairs or any other necessary purpose, the issuance of any permit or regulations to the contrary notwithstanding. Whenever it shall become necessary to stop service within any area of the Village, the Authority shall, if practicable, give notice to each user affected by the shut off.

### **Sec. 9-3-5 Regulations; Prohibited Discharges.**

- (a) **General Discharge Prohibitions.** No user shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system or otherwise to the sewerage system of the Authority:
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the sewerage system, lift stations and/or the POTW. This includes, but is not limited to, gasoline, naphtha, fuel oil, lubricating oil, and benzene.
  - (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the sewerage system. This includes, but is not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, etc.



- (3) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage, or hazard to structures, equipment, or personnel of the system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation(s) set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the "Toxic Pollutant List" set forth in NR 215, Wis. Adm. Code.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which may cause the POTW effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (7) Any substance which will cause the POTW to violate its WPDES and/or other Disposal System Permits.
- (8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40° C (104° F).
- (10) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
- (11) Any unpolluted water including, but not limited to, non-contact cooling water.
- (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the Authority in compliance with applicable State or Federal regulations.
- (13) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (14) Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the governing body with jurisdiction over the point of discharge.
- (15) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, 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.
- (16) Any septage into a sewer manhole or any storage area located in the collection system, which would cause the septage to be delivered to the wastewater treatment facility.

- (17) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
  - (18) Any wastewater that has a detrimental environmental impact, or creates a nuisance or any condition unacceptable to any public agency having regulatory jurisdiction over the District.
  - (19) Any wastewater, which in the opinion of the Authority, would create excessive collection and treatment costs, or use a disproportionate share of the Authority's facilities and/or resources.
  - (20) Wastewater the acceptance of which would cause the Authority to violate its WPDES permit.
- (b) **Procedures When Regulated Materials Are Proposed To Be Discharged.**
- (1) The Authority reserves the right to refuse or accept any or all industrial wastewaters from any industry or combination of industries as may be necessary to ensure adequate treatment and proper operation of the public sewer collection system.
  - (2) Any Village of Rudolph user which meets the definition of an "Industrial User" or a "Significant Industrial User" under Chapter 8 of the *City of Wisconsin Rapids Municipal Code* shall enter into an Industrial Services Agreement with the City of Wisconsin Rapids for the treatment of its wastewater.
  - (3) If any sewage is discharged, or proposed to be discharged, to the public sewer collection system which contains the substances or possess the characteristics enumerated above, and, which in the judgment of the Village of Rudolph, may have a deleterious effect upon the sewage treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village of Rudolph shall, in writing:
    - a. Reject the wastes
    - b. Require pretreatment to an acceptable condition prior to discharge to the sanitary sewers;
    - c. Require flow equalization of the rate of discharge; and/or
    - d. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of Sec. 9-3-6.
  - (4) If the Authority permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the WisDNR for review and approval. Such plans and specifications shall also be subject to the approval of the Authority.
  - (5) If the Authority requires flow equalization or pretreatment of wastewater, the Authority shall so notify the person responsible for the discharge of those wastewaters, in writing, indicating all sections of this Chapter which are applicable and the bases for requiring flow equalization or pretreatment. The person so notified shall respond to the Authority, in writing, within sixty (60) days, indicating the course of action to be pursued, in order to comply with the requirements of the Authority. If such response is not received by the Authority within sixty (60) days, the Authority shall notify, in writing, the person responsible for the wastewater discharge, that

service will be terminated in thirty (30) days unless that person provides the above described written response. If the Authority has not received such action or response, as necessary, the Authority shall take such steps to terminate wastewater collection and treatment services to the person so notified.

- (6) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.

(c) **Grease and Sand Separators/Traps/Interceptors; Pretreatment Facilities Maintenance.**

- (1) Grease, oil, and sand interceptors/traps/separators shall be provided and installed in all commercial, industrial or institutional uses that provide and/or serve food when required by the Authority; these are necessary for the proper handling of liquid wastes containing floatable grease or other substances specified in the General Discharge Prohibitions, or any flammable wastes, sand, or other harmful ingredients.
- (2) Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity appropriate for minimum flows processed and shall be located as to be readily and easily accessible for cleaning and inspection.
- (3) In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by licensed waste disposal firms.

(d) **Control Manholes.**

- (1) The owner of any industry/business discharging industrial wastewaters constituting less than five percent (5%) of any one (1) of the sewage treatment plant design parameters of volume, BOD, and suspended solids shall install a suitable control manhole in accordance with COMM 82, Wis. Adm. Code. The manhole shall be installed at the user's expense, and shall be maintained by the user so as to be safe and accessible at all times.
- (2) The owner of any industry discharging industrial wastewater in excess of five percent (5%) of the design capacity of the sewage treatment plant during any twenty-four (24) hour period for either volume, BOD, or suspended solids, or whole flow in equal to or greater than fifty thousand (50,000) gallons per average work day shall install a special control manhole. The special control manhole shall be approved by the WisDNR and the Authority prior to installation. The special control manhole shall consist of a manhole on the discharge line with a volume measuring device and a separate structure for housing volume recording instruments and an automatic proportional sampler. The sampler shall automatically (in proportion to volume) collect samples of the waste. The Authority shall record volume and operate the

automatic sampler on such occasions as deemed necessary to develop a basis for service charges. The owner shall design, construct, operate, and maintain the special control manhole at the owner's expense. The Authority shall record, sample, test, and analyze at the owner's expense. The location and access to the special control manhole shall be as provided for in COMM 82, Wis. Adm. Code.

- (3) Special control manholes may be required by the Authority should the industrial wastewater contain a fluid or solid not reflected by pH, volume, BOD, or suspended solids.
  - (4) If the Authority determines that an industry must install a special control manhole for monitoring its wastewater or connect currently unmonitored discharges to existing control manholes, the Authority shall so notify the owner of that industry, in writing, indicating all sections of this Chapter which are applicable and the basis for requiring such monitoring. The owner of the industry shall respond to the Authority, in writing, within sixty (60) days, indicating the course of action to be pursued in order to comply with the requirements of the Authority. If such response is not received by the Authority within sixty (60) days, the Authority shall notify, in writing, the owner of the industry that service will be terminated in thirty (30) days unless the owner provides the above described written response. If the Authority has not received such response within thirty (30) days, the Authority may take such action as necessary to terminate wastewater collection and treatment services to the industry so notified.
- (e) **Measurements and Tests.**
- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes as deemed necessary by the Authority (generally quarterly at a minimum).
  - (2) All measurements, tests, and analysis of the characteristics of fluids and solids to which reference is made in this Chapter 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, et. al. The control manhole shall be considered to be placed at the most representative location in the sewage flow system of the premises.
  - (3) Tests and testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Authority or its representative at all times. 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.
  - (4) The Authority or its representative may also make its own analyses of the wastes, which may be used in determining charges. If the person discharging the waste contests the determination, the Authority may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149, Wis. Adm. Code, and be acceptable to both the Authority and the party discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

- (f) **Special Agreements.** No statement in this Section shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority, for treatment, subject to payment therefore, by the industrial concern, provided the arrangement is not in conflict with the intent or rates established by this Chapter.
- (g) **Limitations on Wastewater Strength.**
- (1) **National Categorical Pretreatment Standards.** National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.
  - (2) **State Requirements.** State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Chapter or any other applicable ordinance.
  - (3) **Right of Revision to More Stringent Requirements.** The Authority reserves the right to amend this Chapter to provide for more stringent limitations or requirements regarding discharges to the POTW where deemed necessary to comply with the objectives set forth in this Chapter.
  - (4) **Prohibition on Dilution.**
    - a. No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter.
    - b. The Authority may impose mass limitations on users which are using dilution to meet the pretreatment standards or requirements of this Chapter, or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.
  - (5) **Accidental Discharges.**
    - a. Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures by the Authority shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.
    - b. Users shall notify the Authority immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage

- to the wastewater facilities or wastewater treatment works, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law. Such notification or reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Chapter.
- c. Signs shall be permanently posted in conspicuous places on the user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

### **Sec. 9-3-6 Sewer User Charge System.**

- (a) **Definitions.** The following terms shall have the following meaning under this Section of this Chapter:
  - (1) **Debt Service Charges.** Charges that include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
  - (2) **Normal Domestic Strength Wastewater.** Wastewater with concentrations no greater than 300 milligrams per liter (mg/l) BOD<sub>5</sub> and 300 milligrams per liter (mg/l) suspended solids.
  - (3) **Normal User.** A user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household, business, or commercial enterprise.
  - (4) **Operation and Maintenance Costs.** Include all costs associated with the operation and maintenance of the wastewater collection system. The cost for clear water flows (l/l) may be distributed:
    - a. In the same manner as operations and maintenance (O & M);
    - b. Land area of users; or
    - c. Number of connections/hookups.
  - (5) **Replacement Costs.** All costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used for only replacement of equipment.
  - (6) **Sewer Service Charge.** A service charge levied to users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
- (b) **Policy Regarding the Sewer User Charge System.** It shall be the policy of the Authority to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage facilities, including a replacement fund (i.e. a cash account to be used for

future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the cost of such facilities.

(c) **Basis for Service Charge.**

- (1) The minimum quarterly billing shall be sufficient to pay the Village's billing and customer-related administration expenses, debt service charges, operations and maintenance charges including any replacement fund, of the Village sewerage system. Billings shall also be sufficient to pay for treatment charges, operations and maintenance costs and capitalization charge percentages pursuant the Intergovernmental Agreement between the Village of Rudolph and the City of Wisconsin Rapids. The method for determining the user charges is provided in "Appendix A – User Charge System Methodology" and includes the initial estimates of number of users, costs, etc., to calculate the first year's user charges.
- (2) The rates in this Chapter shall be reviewed not less than biennially and adopted by resolution of the Village Board. Such review shall be performed by the Village and the rates 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 service charges attributable to operations and maintenance.

(d) **Billing for Utility Service.**

- (1) Bills for such established rates and charges shall be sent quarterly following the billing period and shall be paid at the office of the Authority's Secretary-Treasurer or other designated collection station. If any charge for the services of the system shall not be paid by the fifteenth (15th) day of the month in which it shall become due and payable, a delayed payment charge of eighteen percent (18%) of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after thirty (30) days following the rendition of the bill therefore, the sewer service for the lot, parcel of land, or premises affected shall be considered delinquent and the Village shall reserve the right to seal off the service connection and service shall not be restored again except on payment in full of the delinquent charges therefore, in addition to payment of a charge determined by the Authority and related expenses of restoring service.
- (2) It is hereby made the duty of the Authority to render bills for sewer service and all other charges in connection with the same. It is also the duty of the Authority's Secretary-Treasurer to collect all monies due for sewer services and charges.

(e) **Sewer Service Charges.** A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system.

Such sewer service charge shall be payable as provided in the User Charge System costs as adopted by resolution of the Village Board.

### **Sec. 9-3-7 Payment of Charges.**

- (a) **Charges a Lien.** All sewage charges shall be a lien upon the property serviced pursuant to Section 66.0821(4)(d), Wis. Stats., and shall be collected in the manner therein provided.
- (b) **Disposition of Revenue.** The amounts received from the collection of charges authorized by this Chapter shall be credited to a 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 Village, 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 NR 162.11, Wis. Adm. Code. Any surplus outside the purview of NR 162.11, Wis. Adm. Code, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
- (c) **Excess Revenues.** Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

### **Sec. 9-3-8 Annual Audits.**

The Village of Rudolph shall have conducted an independent annual audit, the purpose of which shall be to maintain the proportionately 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. The findings and recommendations of this audit shall be available for review by the public at the Rudolph Village Hall.

### **Sec. 9-3-9 Violations and Penalties.**

- (a) **Damages.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence of equipment



which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(b) **Written Notice of Violation.**

(1) Except as provided in Subsection (a) above, any person found to be violating any provision of this Chapter shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations or respond to the Authority within thirty (30) days of such notice indicating:

- a. Why compliance cannot be achieved within the period of time set forth in the notice;
- b. The plan of action to be taken to bring the offending facility into compliance; and
- c. The time schedule proposed to achieve compliance with this Chapter.

(2) Authority shall review such response and the reasonableness of the proposed plan of action and timetable for compliance. Upon completion of such review, the Authority shall provide the offender with written notice stating the acceptability of the time limit for completion of corrective action.

(c) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which cause damage to the sewerage system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the Village of Rudolph.

(d) **Accidental Discharge Reporting.** Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village of Rudolph.

(e) **Continued Violations.** Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid Written Notice of Violation shall upon conviction be punished by a forfeiture as prescribed in Section 1-1-6 of the *Village of Rudolph Code of Ordinances* for each violation, together with the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(f) **Liability to Village for Losses.** Any person violating any provision of this Chapter shall become liable to the Village of Rudolph for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

(g) **Damage Recovery.** The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

(h) **Appeal Procedures.** Any user affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Chapter may file with the Authority a written request for reconsideration within ten

(10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Authority upon receiving the request for reconsideration shall publish the request in the Village's official newspaper. The Authority shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Authority.

### **Sec. 9-3-10 Validity.**

- (a) **Repeal of Conflicting Ordinances.** All ordinances, resolutions, orders or parts thereof heretofore adopted enacted or entered in conflict with this Chapter shall be and the same are hereby repealed.
- (b) **Savings Clause; Severability.** If any provision of this Chapter is found invalid or unconstitutional or if the application of this Chapter to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Chapter which can be given effect without the invalid or unconstitutional provision of application.
- (c) **Amendments.** The Village of Rudolph, through its duly qualified governing body, may amend this Chapter in part or in whole whenever it may deem necessary.

- (e) Users will be notified annually of the portion of the user charges attributable to wastewater treatment services.

### **Sec. 9-3-10 Damage to Sewer System.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage collection system or sewage treatment plant. Any person violating this provision shall be subject to being charged under this Section or under the charge of disorderly conduct.

### **Sec. 9-3-11 Powers and Authority of Inspectors.**

- (a) The Village President or Wastewater Treatment Operator and other duly authorized employees of the Utility bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village President or Wastewater Treatment Operator or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or sewage treatment facilities.
- (b) While performing the necessary work on private properties referred to in Subsection (a) above, the Village President or Wastewater Treatment Operator or duly authorized employees of the Utility shall observe all safety rules applicable to the premises established by the company/industry and the company/industry shall be held harmless for injury or death to Utility employees and the Utility shall indemnify the company/industry against loss or damage to its property by Utility employees and against liability claims and demands for personal injury or property damage asserted against the company/industry and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company/utility to maintain safe conditions as required in Section 9-3-5(f) and (g).
- (c) The Village President or Wastewater Treatment Operator and duly authorized employees of the Utility bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage collection system. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Chapter.

### **Sec. 9-3-12 Definition of Unit of Service.**

A customer or unit of service shall consist of any aggregation of space or area occupied for a distinct purpose, such as a residence, flat, apartment, store, office, tavern, or factory which is equipped with one (1) or more fixtures for rendering sewer service, separate and distinct from other users.

### **Sec. 9-3-13 Billing for Utility Service.**

- (a) Bills for such established rates and charges shall be sent quarterly following the billing period and shall be paid at the office of the Sewer System Secretary-Treasurer or other designated collection station. If any charge for the services of the system shall not be paid by the 15th day of the month in which it shall become due and payable, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after thirty (30) days following the rendition of the bill therefor, the sewer service for the lot, parcel of land, or premises affected shall be considered delinquent and the Village shall reserve the right to seal off the service connection and service shall not be restored again except on payment in full of the delinquent charges therefor, in addition to payment of a charge determined by the Utility and related expenses of restoring service.
- (b) It is hereby made the duty of the Sewer System Secretary-Treasurer to render bills for sewer service and all other charges in connection with the same. It is also the duty of the Sewer System Secretary-Treasurer to collect all monied due for sewer services and charges.

### **Sec. 9-3-14 Connection Application and Charge.**

- (a) Applications for sewer service shall be filed with the Village Clerk or Sewer System Clerk-Treasurer upon a form to be supplied by the Village of Rudolph. All property owners shall make an initial contribution as follows:
  - (1) Residential Dwelling: Eight Hundred Dollars (\$800.00).
  - (2) Commercial or Small Business: Eight Hundred Dollars (\$800.00).
  - (3) Public School: One Thousand Five Hundred Dollars (\$1,500.00).
  - (4) Parochial School: Nine Hundred Dollars (\$900.00).
- (b) Such contribution shall be made in conformity with the Users Election on said application form. Connection charges shall be paid by the property owner and/or developer at the time sewer service is made available, whether an actual lateral connection is made at that time or not.

**Sec. 9-3-15 Deposits.**

The owner of the premises served and the occupant thereof and the user of the sewer service shall be jointly and severally liable for the sewer service provided said premises. All sewer charge statements shall be sent to the landlord; such landlord shall be responsible for forwarding the statement to the tenant and ensuring proper and timely payment. A deposit as determined by the Utility shall be required from all tenants. Such deposit shall be applied to any bill for sewer service delinquent more than fifteen (15) days. Upon the physical disconnection of sewer service, any balance of such deposit shall be returned without interest.

**Sec. 9-3-16 Sewerage System Fund Account.**

- (a) All revenues and monies derived from the operation of the sewer system shall be paid to and held by the Sewer System Secretary-Treasurer separate and apart from all other funds of the Village and all of said sums and all other funds and monies incident to the operation of said system, as may be delivered to the Sewer System Secretary-Treasurer shall be deposited in a separate fund designated the "Sewerage System Fund Account" and the Sewer System Secretary-Treasurer shall administer said fund in every respect in a manner provided by law.
- (b) The Sewer System Secretary-Treasurer of the Village of Rudolph shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system, and at regular annual intervals the Village shall cause to be made an audit, by an independent audit concern, of the financial records to show the receipts and disbursements of the sewer system.

**Sec. 9-3-17 Penalties.**

- (a) Any person found to be violating any provision of this Chapter except Section 9-3-8 shall be served by the Utility with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations or respond to the Utility within thirty (30) days of such notice indicating:
  - (1) Why compliance cannot be achieved within the period of time set forth in the notice;
  - (2) The plan of action to be taken to bring the offending facility into compliance; and
  - (3) The time schedule proposed to achieve compliance with this Chapter.
- (b) The Utility shall review such response and the reasonableness of the proposed plan of action and timetable for compliance. Upon completion of such review, the Utility shall provide the offender with written notice stating the acceptability of the time limit for completion of corrective action.

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- (c) Any person who shall continue any violations beyond the time limits provided for in Subsections (a) and (b) above upon conviction shall be punished by a forfeiture as prescribed in Section 1-1-6 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (d) In addition to the penalty provided for in Subsection (c) above, any person violating any provision of this Chapter shall become liable to the Utility for any expense, loss, damage, fines, or forfeitures occasioned the Utility by reason of such violation. The Utility shall be held harmless from any expense, loss, or damage incurred by any downstream watercourse user or by any other person as a result of a user violation to this Chapter.

**Sec. 9-3-18    Validity.**

- (a) Other ordinances or parts of ordinances in conflict with this Chapter are repealed.
- (b) The invalidity of any section, clause, sentence, or provision of this Chapter shall not effect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.
- (c) This Chapter shall not invalidate any more restrictive state or federal regulations.

**Appendix A - Estimation Of Plant Loadings**

(a) DESIGN LOADING

	Flow	BOD	S.S.
	GPD	%	#/Day
Residential, Schools and Commercial	70,000	64	119
Industrial	40,000	36	400
Total	110,000		519

(b) First year loading (based on information supplied by the Mid-states Dairy Cheese Company and their consultants — these figures now appear to be much greater than the actual discharges experienced by the dairy).

Residential, Schools and Commercial	50,000	67	85
Industrial	25,000	33	250
Total	75,000		335

(c) Unit charges for flow, BOD, and suspended solids for operation, maintenance and replacement costs will be based on estimated costs and estimated initial loadings. These items will be updated after the first year of operation and at least once every two (2) years thereafter.





## Appendix B - Capital Costs

## (a) ITEMIZED CAPITAL COSTS.

<u>Item</u>	<u>Total Cost</u>	<u>Flow</u>		<u>BOD</u>		<u>S.S.</u>	
		<u>Cost</u>	<u>%</u>	<u>Cost</u>	<u>%</u>	<u>Cost</u>	<u>%</u>
Flow Meter	\$ 9,950	\$ 9,950	100				
Samplers	7,950			3,975	50	3,975	50
Baffle	6,717	1,343	20	4,031	60	1,343	20
Aeration System	45,479			45,479	100		
Microscreen	92,500					92,500	100
Backwash Pumps	3,300	1,320	40			1,980	60
Lab Equipment	1,100			660	60	440	40
Chlorination Tank	26,050	26,050	100				
Well	5,672	1,700	30	1,986	35	1,986	35
Building	32,267	6,453	20	12,907	40	12,907	40
Piping	26,174	13,087	50			13,087	50
Electrical Work	9,395	1,879	20	3,758	40	3,758	40
Road Work	4,400	880	20	1,760	40	1,760	40
Site Work	13,815	2,763	20	5,526	40	4,426	40
Contingencies	(distributed to proper items)						
Engineering	55,000	11,000	20	22,000	40	22,000	40
Total	339,769	76,427	22.5	102,081	30	161,263	47.5
DNR Funding	194,641	44,767		56,446		93,428	
Local Cost	145,128	32,633		43,689		68,806	
Domestic Share	49,783	20,766		10,017		19,000	
Industrial Share	95,345	11,867		33,672		49,806	

## Sewer Use

Interest during construction — \$11,982 to be distributed as capital costs in same ratio as domestic and industrial shares.

Total Domestic Share =  $\$49,783 + (\$11,982 * 49,783/145,128) = \$53,893$

Total Industrial Share =  $\$95,345 + (\$11,982 * 95,345/145,128) = \$103,217$

1984 Capital Payment — 20 year note — first year interest = 9.5%

Domestic Payment =  $\$6,116/\text{year} = \$1,529/\text{quarter}$

Industrial Payment =  $\$11,713/\text{year} = \$2,928/\text{quarter}$

Future capital cost payments will vary depending on principal remaining and current interest rates.

**Appendix C – Operation, Maintenance And Replacement Costs**

<u>Item</u>	<u>Total Cost</u>	<u>Flow</u>		<u>BOD</u>		<u>S.S.</u>	
		<u>Cost</u>	<u>%</u>	<u>Cost</u>	<u>%</u>	<u>Cost</u>	<u>%</u>
Power	\$ 6,500	\$ 1,300	20	\$ 3,250	50	\$ 1,950	30
Chlorine	600	600	100				
Replace/Repair	1,000	80	8	120	12	800	80
Maintenance	1,000	200	20	400	40	400	40
Labor	7,000	1,400	20	2,800	40	2,800	40
Laboratory Fees	2,000	400	20	800	40	800	40
Administration	1,500	300	20	600	40	600	40
Subtotal	19,600	4,208		7,970		7,350	
Contingencies (10%)	1,960	428		797		735	
Total	\$ 21,560	\$ 4,780		\$ 8,767		\$ 8,085	



**Appendix D - Allocation Of Unit Costs Of Operation And Maintenance To Sewage Constituents**

(a) TOTAL ANNUAL COSTS.

<u>Item</u>	<u>Total Cost</u>	<u>Flow Cost</u>	<u>%</u>	<u>BOD Cost</u>	<u>%</u>	<u>S.S. Cost</u>	<u>%</u>
Operation and Maintenance	\$ 21,560	\$ 4,708	22	\$ 8,767	41	\$ 8,085	37

(b) UNIT CHARGES FOR OPERATION AND MAINTENANCE OF VILLAGE FACILITIES.

Volume  $\$4,708/75 * 365 = \$0.172/1,000$  gallons

BOD  $\$8,767/335 * 365 = \$0.0717/\#$  BOD

S. S.  $\$8,085/329 * 365 = \$0.0673/\#$  S. S.



**Appendix E - User Charges - 1984**

**(a) INDUSTRIAL USER FEES.**

(1) Industrial charge (capital costs -- fixed) -- \$11,713

(2) Operation and maintenance of Village facilities

Volume \$ 0.172 \* 25 \* 365 = \$ 1,569

BOD \$ 0.0707 \* 250 \* 365 = \$ 6,451

S. S. \$ 0.0673 \* 229 \* 365 = \$ 5,625

Total \$13,645

Initial indications are that the estimated first year loadings are much greater than actual loadings and that all operation and maintenance costs for the dairy will be offset by the credits for power costs at the dairy's pretreatment facilities.

- (3) a. Credit for power costs -- not to exceed power costs for Village facilities, nor shall the credit exceed the actual operation and maintenance costs attributable to the industry for use of the Village treatment facilities. In no case shall the credit be used to offset the capital cost charges attributable to the industry.
- b. Credit for pretreatment of domestic wastes, if less than cost for Village power consumption, and less than the industrial share for operation and maintenance of the Village facilities shall be based on the following:
1. Credit shall be given only for the costs of power to operate the industry owned pretreatment facilities.
  2. The costs of the power shall be distributed between the Village and the industry on the basis of thirty-five (35%) percent to flow and sixty-five (65%) percent to BOD loadings.

\*\*\*\*\*

NOTE: Using an estimated annual power cost of \$12,000 and the estimated first year loads, the credit would be calculated as follows:

$$\text{CREDIT} = \$12,000 * 0.35 * 50,000/75,000 + \$12,000 * 0.65 * 85/335 = \$4,780/\text{yr.} = \$1,195/\text{GTR}$$

\*\*\*\*\*

- (4) Miscellaneous industrial user charges. In addition to the above payments and credits for the industry, the industry would also be responsible for all costs incurred by the Village that are directly attributable to the industry or solely for the benefit of the industry. These would include but not be limited to costs of testing and monitoring the industrial wastes as required by the ordinance, any operation or maintenance of the industrial pretreatment facilities performed by Village personnel, etc.
- (5) Charges for previously existing facilities. In addition to the above costs, the industry will continue to be responsible for the One Hundred Fifty (\$150.00) Dollars quarterly charge for retirement of the debt on the initial facilities of the Village.
- (6) Total industrial user charge. Based on the above, the minimum charge to the industry shall be the capital cost charge for the new facilities plus the One Hundred Fifty (\$150.00) Dollars quarterly fee for previously existing facilities or a minimum of \$12,313/year or \$3,078/quarter.

(b) **DOMESTIC, COMMERCIAL, AND PUBLIC INSTITUTIONAL CHARGES.**

(1) Cost to all non-industrial users based on projected first year loads (anticipated revenue from dairy for operation and maintenance = \$0) = capital cost + \$ payment for existing debt + operation and maintenance costs = \$6,116 + \$11,400 + \$21,560 = \$39,076.

(2) Non-industrial user charges with no industrial payment for O & M.

User Type	Residential Equivalents	Number of Connections	Rate \$/Qtr.	Total \$/Qtr.
Residential Users	1.0	110	59.00	6,490.00
Commercial Users	1.25	29	73.75	2,138.75
Parochial School	8.0	1	472.00	472.00
Public School	12.0	1	708.00	708.00
Total Non-industrial User Charges Per Year			\$ 39,235	

(c) **MAXIMUM CHARGES.** The Village reserves the right to charge fees less than those stated in this Section.