

# LISBON SANITARY DISTRICT NO. 1

## SEWER SERVICE CODE

### 1.01 MANAGEMENT

- (1) The management, operation, and control of the sewage system for Lisbon Sanitary District No.1 (hereinafter referred to as “Sanitary District”) is vested in the Commissioners of said Sanitary District; all records, minutes, and all written proceedings thereof shall be kept by the Clerk of the Sanitary District; the Business Manager of the Sanitary District shall keep all of the financial records.
- (2) The Sanitary District shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of said Sanitary District, and, generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Sanitary District shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this ordinance, without liability therefore; and the Sanitary District shall have the power to purchase and acquire for the Sanitary District all real and personal property which may be necessary for construction of the sewage system, or for any repair, remodeling, or additions thereto.
- (3) Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall, in the judgment of the Sanitary District, be necessary to the sewage system; and, whenever, for any cause, and agreement for the purchase

thereof cannot be made with the owner thereof, the Sanitary District shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

- (4) Title to Real Estate and Personality. All property, real, personal, and mixed, acquired for the construction of the sewage system, and all plans, specifications, diagrams, papers, books, and records connected therewith, said sewage system, and all buildings, machinery, and fixture pertaining thereto, shall be the property of said Sanitary District.
- (5) User Rules and Regulations: The Rules, regulations, and sewer rates of the Sanitary District hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the sewage system of the Sanitary District and every such person, company, or corporation, by connecting with the sewage system, shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said Sanitary District may hereafter adopt, are violated, the 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 Sanitary District, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Sanitary District may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, said Sanitary District may furthermore declare any

payment made for the service by the party, or parties, committing such violation to be forfeited, and the shame shall thereupon be forfeited. The right is reserved to the Sanitary District to change said rules, regulations, and sewer rates from time to time as they may deem advisable, and to make special rates and contracts in all proper cases.

## **1.02 DEFINITION OF TERMS**

The meaning of terms used in this Ordinance shall be as follows:

- (1) “Approving Authority” shall mean the Village Board of the Village of Sussex, or its duly-authorized deputy, agent, or representative.
- (2) “BOD” shall mean the quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods.”
- (3) “Building Sewer”, “Lateral”, or “Service Pipe” shall mean a sewer which carries only Sewage or Industrial Wastes from the building plumbing to the Public Sanitary Sewer.
- (4) “Collection System” shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of domestic wastewater and industrial waste.
- (5) “Commission” shall mean Lisbon Sanitary District No.1.
- (6) “Commissioners” shall mean the Commissioners of Lisbon Sanitary District No.1.

- (7) “Commercial User (Class III)” shall mean any property occupied by a non residential establishment not within the definition of an “Industrial User (Class IV),” and which is connected to the wastewater facilities.
- (8) “Connection” shall mean each physical connection to the collection system, or private sewer system, which connects to the municipal collection system.
- (9) “Cost of Treatment” shall mean the cost charged to the Sanitary District by the Village of Sussex for the treatment of sewage collected by the Sanitary District’s collector and interceptor system, and then discharged into the Village of Sussex’s wastewater treatment facility.
- (10) “Debt Retirement” shall mean all annual principal and interest requirements and obligations of the Approving Authority for the Wastewater Treatment Facilities.
- (11) “Discharging Monitoring Station” shall mean a sampling and metering station requirement to be installed through a Discharge Monitoring Agreement signed by an Industrial User with the Village of Sussex in order to obtain information on a user’s discharge to the system and to establish sewer user and debt charges.
- (12) “Domestic Wastewater” shall mean water-borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotel, office buildings, factories, and institutions free of industrial wastes and in which the average concentrations do not exceed:
- a. A five-day 20 degree C., BOD of not more than 200 parts per million;
  - b. A Total Suspended Solids Concentration of not more than 250 parts per million;
  - c. A Nitrogen concentration of not more than 45 parts per million;

- d. A Phosphorous concentration of not more than 5 parts per million
- (13) “Flow Proportional Composite Sample” shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.
- (14) “Indirect Discharge” or “Discharge” shall mean the introduction of pollutants into the Wastewater Treatment Facility from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.
- (15) “Industrial User” shall mean any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classification Manual. Class III also shall include any user that discharges wastewater containing toxic or poisonous substances as defined in Section 307 or Section 502 of the Clean Water Act, or any substance(s) causing interference in the wastewater facilities. Class III shall include any non residential user who:
- a. Is subject to national categorical pretreatment standards;
  - b. Has a non-domestic flow of 25,000 gallons or more per average work day;
  - c. Contributes more than 5% of the average dry weather capacity of the wastewater facility; or
  - d. Is determined by the Approving Authority or Superintendent to have the potential to adversely affect the wastewater facility.
- (16) “Industrial Waste” shall mean any water-borne solids, liquids, or gaseous wastes, other than domestic wastewater, resulting from discharging from, flowing from, or escaping from, any industrial, manufacturing, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic wastewater.

- (17) “Intercepting Sewer” shall mean a sewer constructed to receive the dry weather flow of untreated, or inadequately treated, sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges, or formerly discharged, flow directly into any waters of the State, and conveys the flow to a Wastewater Treatment Facility, or is to serve in lieu of an existing or proposed Wastewater Treatment Facility.
- (18) “Interference” shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation which substantially contributes to a violation or applicable discharge permits.
- (19) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (20) “Nitrogen” shall mean Total Kjeldahl Nitrogen, as determined by procedures set forth in “Standard Methods.”
- (21) “Normal Sewage” shall mean sanitary sewerage in which BOD, Total Suspended Solids, Nitrogen, and Phosphorous concentrations do not exceed normal concentrations of:
- a. A five day 20-degree C., BOD of not more than 200 parts per million;
  - b. A Total Suspended Solids concentration of not more than 250 parts per million;
  - c. A Nitrogen concentration of not more than 45 parts per million;
  - d. A Phosphorous concentration of not more than 5 parts per million.

- (22) “Operation and Maintenance Cost” shall mean the actual sums spent by the Lisbon Sanitary District #1 in the operation and maintenance of its Sewage System consisting of, but not limited to, each and all of the following purposes:
- a. Wages and salaries, and employee-related expenses of operation, maintenance, clerical, laboratory, and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin Workmen’s Compensation coverage.
  - b. Electrical power and other utility services.
  - c. Chemicals, fuel, and other operating supplies.
  - d. Repairs to, and maintenance of, associated equipment
  - e. Premiums for hazard insurance.
  - f. Premiums for insurance providing coverage against liability for the injury to persons and/or property.
  - g. Rents and leasing costs.
  - h. Operation, licensing, and maintenance costs for trucks and heavy equipment.
  - i. Consultant and legal fees.
  - j. Training and Educational Expenses.
  - k. Funding an equipment repair service.
  - l. Sewer treatment costs paid to the Village of Sussex and intercept fees from the town or Lannon..

- (23) “Persons” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency, or other entity and agents, servants, or employees.

- (24) “PF” shall mean the logarithm (base 10) of the reciprocal of the hydrogen concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the “Standard Methods.”
- (25) “Phosphorous” shall mean the Total Phosphorous, as determined by procedures set forth in “Standard Methods.”
- (26) “Plumbing Inspector” shall mean the Town of Lisbon Plumbing Inspector.
- (27) “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge to the Village of Sussex wastewater facilities.
- (28) “Private Sewer” shall mean a privately-owned sewer serving two (2) or more buildings and not directly controlled by a public authority.
- (29) “Public Sewer” shall mean a sewer or lateral in a public right-of-way or easement abutting properties and is controlled or owned by the public authority.
- (30) “Replacement Fund” shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (31) “Reserve Capacity Assessment” (RCA) shall mean the charge levied on all new users of the system. Upon creation of the Sanitary District, the Commissioners purchased from the Village of Sussex the right to connect all residential units to the sanitary sewer system. Pursuant to the purchase agreement, the Commissioners agreed to pay to the Village of Sussex a reserved capacity assessment (sometimes referred to as a hookup fee) at the time each new user of



the system connects to the system. The amount of the reserved capacity assessment shall be established annually by the Village of Sussex in accordance with the contractual commitment between the Commission and the Village of Sussex, and in accordance with the Village of Sussex's ordinance.

- (32) Residential Equivalency Charge (REC) shall mean a charge levied on non-metered users of the sewage system. Each non-metered residential connection shall constitute one Residential Equivalency Connection; provided, however, that where more than one residential unit is provided sanitary sewer service by a single lateral, the number of residential equivalency connections shall be equal to the number of residential units that are connected to the lateral.
- (33) "Residential Equivalency Connection" (REU) shall mean the charge levied on metered users of the sewage system. The amount of the charge shall be determined by the Commissioners, from time-to-time, and shall be the wastewater flow and loadings to the sewage system equivalent to that contributed by an average residential family equivalent. In determining the average residential family equivalent, the Commissioners shall utilize the formula and methodology incorporated in the Village of Sussex wastewater treatment ordinance, which ordinance the Commissioners are required to enforce pursuant to contractual commitments between the Sanitary District and the Village of Sussex.
- (34) "Residential User (Class I)" shall mean all non-metered premises used for human residency and that are connected to the sewage system.
- (35) "Residential User (Class II)" shall mean all metered premises used for human residency and/or all premises used only for human residency where sewage is

collected at a metered pit or station before being discharged into the sewage system.

- (36) “Sanitary Sewer” shall mean a sewer that conveys domestic wastewater or industrial waste, or a combination of both, and into which storm, surface and ground waters, or unpolluted industrial wastewater are not intentionally contributed.
- (37) “Septage” shall mean scum, liquid, sludge, or other waste from a septic tank, soil absorption field, holding tank, vault toilet, or privy. This does not include the waste from a grease trap.
- (38) “Sewage System” shall mean all facilities for collecting, transporting, pumping, treating, and disposing of domestic wastewater, industrial wastes, and septage. It may also be referred to as a sewer system.
- (39) “Sewer Service Area” shall mean the boundaries of the Sanitary District.
- (40) “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes at more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the Wastewater Treatment Facility.
- (41) “Standard Methods” shall mean the examination and analytical procedures set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater” as prepared, approved, and published jointly by the American Public Health Association and the Water Pollution Control Federation.

- (42) “Storm Drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (43) “Storm Sewer” shall mean a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (44) “Surcharge User” shall mean a user of the Sewage System who discharges wastes which have higher concentrations than Domestic Wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than Domestic Wastewater.
- (45) “Sussex” or the “Village” shall mean the Village of Sussex.
- (46) “Total Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in, water sewage, or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in “Standard Methods.” Also referred to as Suspended Solids.
- (47) “Town” shall mean the Town of Lisbon.
- (48) “Unpolluted Water” is water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharging to the sanitary sewers and wastewater treatment facilities provided.
- (49) “Use Factors” shall mean Flow, BOD, Total Suspended Solids, Nitrogen, Phosphorus and Infiltration/Inflow, or the quantity of these factors as determined

by the Village of Sussex by sampling and monitoring the Wastewater Treatment Facility influent and surcharge users, and from the Water Utility Records.

- (50) “User” shall mean any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other waste hauled or trucked to the sewage system.
- (51) “User Charge” or “Sewer Service Charge” shall mean the charge assessed by the Commissioners to defer debt service and cost of operation, maintenance, and replacement costs. The sewer service charge shall be established by the Commissioners from time-to-time by resolution duly adopted by the Commission.
- (52) “Waste” shall mean any solid, liquid, or gaseous material or combination thereof discharged from any residences, business buildings, institutions, industrial establishments, and septage haulers into the collection system, sanitary sewer, or septage receiving station.
- (53) “Wastewater” shall mean a combination of the water-carried waste discharged into the collection system from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be present.
- (54) “Wastewater Pumping Station” shall mean a pumping facility utilized to pump wastewater within the collection system.
- (55) “Wastewater Treatment Facilities” shall mean any Village of Sussex owned facility, devices and structures used for receiving and treating wastewater from the Village of Sussex collection system or other municipal sewage systems.
- (56) “Water Utility” shall mean the Sussex Water Utility.

- (57) “WPDES Permit” shall mean a permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. ch. 147.

### **1.03 RULES AND REGULATIONS**

- (1) Declaration of Policy. The Commissioners of the Sanitary District find and declare that the public health, comfort, and safety is preserved and enhanced by the provision of the Sewage System in the promotion of a clean and healthful environment, and that the failure to connect to the Sewage System is contrary to minimum health standards.
- (2) Connection:
- a. To assure preservation of public health, comfort, and safety, the owner of any house, building or property used for human occupancy, employment, recreation, or other habitation, situated within the Sanitary District and adjacent to a Public Sewer, or in a block through which a Public Sewer extends, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this Ordinance, within twelve (12) months after the public sewer first becomes operational, or if an immediate health hazard exists within thirty (30) days upon receipt of notice from the County Health Officer or the Town of Lisbon Plumbing Inspector.
  - b. In the event that the Owner shall not cause the aforesaid connections to be made within the required time, the Sanitary District shall send, by Certified Mail, a notice instructing the Owner to connect. IF the aforesaid connections are not made within ten (10) days after receipt of the notice, the Sanitary District may:

- (1) Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such costs shall be assessed as a special tax lien against the property, unless the owner, within thirty (30) days after the completion of the work, files a sworn affidavit with the Sanitary District stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five (5) equal, annual installments, and the amount shall be so collected, with interest, at a rate which is sufficient to recover the Sanitary District's costs of borrowed funds, or interest lost, plus one (1) percentage point per annum from the completion of the work, the unpaid balance to be a special tax lien; and/or
- (2) Impose a standby charge, for the period of time in excess of twelve (10) months that such failure continues after the date the Public Sewer first becomes operational, after ten (10) days written notice to any owner failing to make a connection to the Sewage System, for an amount equal to one hundred fifty percent (150%) of the Service Charge, payable monthly for the period in which the failure to connect continues. Upon failure to make such payment, said charge shall be levied as a tax against the lot or parcel to which sewer service was furnished; and/or
- (3) Collect from the Owner a forfeiture of not more than One Hundred Dollars (\$100.00) for each day thereafter the aforesaid connections are not made.
- (3) Alternative Disposal Prohibited:

- a. No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater, if a Public Sewer is available.
  - b. No person shall discharge to any Natural Outlet within the Sanitary District in any area under the jurisdiction of the Sanitary District, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (4) Plumbers.
- a. No plumber or other person will be permitted to engage in, or work at, any plumbing in connection with the Sewage System without first receiving a license from the State of Wisconsin Bureau of Plumbing.
  - b. Plumbers shall be prequalified with the Sanitary District before being allowed to make any connections to the Sewage System. To be prequalified, Plumber shall submit a Statement of Qualifications and Certificate of Insurance to the Sanitary District for approval. The Statement of Qualifications shall include the following items at a minimum:
    - (1) Applicants name, address, and phone number
    - (2) Number of years the applicant has been in business under the present name
    - (3) Number of years of experience as a principal contractor
    - (4) List of all projects undertaken during the past 5 years including project name, description, contract amount, location, and contact information for project
    - (5) Major pieces of equipment owned

(6) Whether the applicant has failed to satisfactorily complete any contract work  
in the past 5 years

(7) Whether the contractor has been or is currently disbarred

(5) Maintenance of Services:

- a. All sewer services within the limits of the Sanitary District, at the point of connection to the street main and all street mains, shall be maintained and repaired by the Sanitary District without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner.
- b. All Building Sewers and laterals located in the public right-of-way or easement from the point of connection to the sewer main, and all facilities throughout the premises served, must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served.
- c. The property owner shall be responsible to investigate the cause of the sewer lateral failure. If the failure is determined to be located between the sewer main and the property line, the Sanitary district shall be responsible for repair of the service, if:
  - (1) The failure is caused by external forces generated by street traffic; or
  - (2) The installation, maintenance, or repair of other utilities contributed to the sewer service failure.



- d. All blockage, collapse due to age, or failure due to causes not set forth above shall be the responsibility of the property owner regardless of whether the blockage or failure occurs in the right-of-way or on private property.
- e. Costs for Maintenance of Sewer Service Lateral or user damage to Lisbon Sanitary District #1 Assets: Cost of maintenance that is the responsibility of the property owner shall be billed to, and paid for by, the property owner. If such costs are not paid within 30 days, the contractor may invoice the Sanitary District and the Sanitary District will pay such costs. Such paid costs may be assessed as a special tax lien against the property, unless the owner, within 30 days after the completion of the work, files a sworn affidavit with the Sanitary District stating that he cannot pay such amount in one sum and asks that it be levied in not to exceed five equal, annual installments, and the amount shall be so collected, with interest, at a rate equal to the published prime interest rate as adjusted periodically calculated monthly and added to the property owner monthly from the date of the completion of the work until the balance is paid in full or transferred to the property tax bill.

(6) Users:

- a. Application for Service. Every person requesting connection to the Sewage System shall file an application in writing to the Sanitary District, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Building Inspector. The application must state fully and truly all of the uses which will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and

permission from the Sanitary District. If the applicant is not the owner of the premises, the written consent of the owner must accompany the applications.

The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Sanitary District may reject the application. If the Sanitary District approves the application, the Sanitary District shall authorize the Building Inspector to issue a permit for services as shown on the application.

All expenses relating to the connection to the Sewage System shall be paid by the Applicant or owner at the time of permit issuance.

- b. Tap Permits. After sewer connections have been installed 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 shall obtain and exhibit the proper permit for the same from the Sanitary District.
- c. User to Keep 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 Sewage System. The user is responsible for their service pipe from the street main through their facility served.
- d. User Use Only. No user shall allow other persons to connect to, or permit other uses to be made of, the Sewage System through his lateral.
- e. User to Permit Inspection. Every user shall permit the Sanitary District, 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. Should the owner or occupant of the premises refuse voluntary access to the premise, the Town of Lisbon Plumbing Inspector is authorized to seek a special inspection warrant under Wis. Stat. §66.122.

- f. Responsibility. No claim shall be made against the Sanitary District or its agents or employees by reason of the breaking, clogging, stoppage, or freezing of any service pipe, nor from any damage arising from repairing mains, making connections or extensions, or any other work that may be deemed necessary by the Sanitary District absent gross negligence of the Sanitary District, its agents, or employees. The Sanitary District may cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within an area of the Sanitary District, the Sanitary District shall, if practicable, give notice to each affected user.

(7) Excavations:

- a. Excavation requirements in any easement or public right-of-way shall be as specified and required by the authority having jurisdiction over said easement or right-of-way. In all cases, a permit is required and construction methods and protection of the public shall conform to the Town of Lisbon Municipal Code.
- b. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Sanitary District. Pipe laying and

backfill shall be a performed in accordance with the Town of Lisbon Municipal Code, except that no backfill shall be replaced until the work has been inspected, and any backfill placed before inspection, shall be removed for inspection.

(8) Laterals:

- a All laterals on private property shall be installed and maintained in accordance with State of Wisconsin Administrative Code as from time to time amended.
- b The Building Sewer shall be inspected by the Town of Lisbon Plumbing Inspector, or his designee, upon completion of placement of the lateral, and before backfilling, and tested before and after backfilling. The Town of Lisbon Plumbing Inspector, or his designee, may order any building sewer exposed and removed if said building sewer is covered before inspection.
- c The property owner may engage a plumber of their choice to install and maintain the service lateral. Any work that extends to the Sanitary District assets, (mains or lift stations) must be approved by the Sanitary District and the plumber doing such work must be engaged by the Sanitary District.
- d All sanitary sewer laterals shall be water or air tested before the floor drains are connected and before the permanent floor is constructed in the basement.

(8) Tapping the Mains:

- a. No persons, except those having special permission from the Sanitary District or persons in their service and approved by them, will be permitted, under any circumstances, to tap the Public Sanitary Sewers. The kind and size of the connection to the Public Sanitary Sewers shall be that specified in the permit or order from the Sanitary District. A minimum of forty-eight (48) hours notice shall be given to the Sanitary District prior to tapping any main.
  - b. Pipes should always be tapped at the top and not within six (6) inches of the joint or within twenty-four (24) inches of another lateral connection.
  - c. When any Building Sewer service is to be relayed and there are two (2) or more buildings on such service, each building shall be disconnected from such service and a new Building Sewer shall be installed for each building.
- (9) Septic Tank and Holding Tank Disposal. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area, or sewer manhole, located within the Sanitary District boundaries, except as provided by the Sanitary District at the Wastewater Treatment Facility.
- (10) Water Softener Systems. When installing new water softener systems, the “soft water” line of the water distribution piping shall not be connected to any hose bib or lawn sprinkler irrigation systems. When at the time of a replacement of a water softener, any soft water distribution piping is connected to a hose bib or lawn sprinkler irrigation system, it is encouraged to be removed from the softened piping but is not required.

#### 1.04 SEWER SERVICE CHARGES

- (1) Policy. It shall be the policy of the Sanitary District to obtain sufficient revenues to pay the cost of:
  - a. The annual debt retirement payment on any bonded indebtedness;
  - b. Any required cash reserve account payment; and
  - c. Operation and maintenance of the sewage works, 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 sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this Section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works. The Sanitary District shall use special assessments, user charge revenue, and general taxation (mill levy) to generate the revenue necessary to pay back any and all capital indebted loans.
  
- (2) Sewer User Charge. A charge to each user receiving service shall be computed as follows:
  - a. Residential User (Class I). A class I Residential User shall be assessed one (1) REC for each residential unit. By way of illustration, a single-family residence shall be assigned one (1) REC, and a two-family residential unit shall be assigned two (2) RECs.

The cost of treatment for each REC shall be determined by the Sanitary District Commissioners, at least annually, by dividing an amount estimated to be

the cost of treatment charged to the Sanitary District by the Village of Sussex during the preceding twelve (12) months by the number of non-metered RECs.

In addition to the cost of treatment, each non-metered REC shall also be charged a proportionate share of the costs of operation, maintenance, and repair to the sewage system, the costs of maintaining the Department of Natural Resources and Sanitary District replacement funds, and a proportionate share of the costs associated with the payment of the Sanitary District's debt service. The quarterly charge for these components of the sewer charge shall be computed by the Sanitary district Commissioners, at least annually, by dividing the estimated cost to be incurred by the Sanitary District for these expenses and charges by the total number of RECs (both metered and non-metered).

All charges for Class I Residential Users shall be made quarterly and shall be payable on the first day of January, April, July, and October in each year. A three percent (3%) penalty will be added to those bills not paid on or before the 20<sup>th</sup> day after the due date of the bill with a thirty cent (30¢) minimum penalty charge. A failure to receive a bill shall not excuse nonpayment. Sewage service charges shall be a lien on the property serviced in accordance with Wis. Stat. §66.0821(4)(d).

- b. Residential Users (Class II), Commercial Users (Class III), and Industrial Users (Class IV). All Class II Residential Users, and all business and commercial users shall be invoiced for the cost of treatment charged to the Sanitary District by the Village of Sussex for each user. The cost of treatment shall be determined by the

actual charges made to the Sanitary District in accordance with the metered flow generated by the respective user.

In addition to the cost of treatment, each metered Class II residential user, commercial user, and industrial user shall also be charged a proportionate share of the costs of operation, maintenance, and repair to the sewage system, the costs of maintaining the Department of Natural Resources and Sanitary District replacement funds, and a proportionate share of the costs associated with the payment of the Sanitary District's debt service. The monthly charges for these components of the sewer charge shall be computed by the Sanitary District Commissioners by multiplying the number of REUs assigned to that customer by the monthly user fee established for these components of the sewer charge.

All charges for Class II Residential Users, Commercial Users, and Industrial Users shall be payable monthly, with the payment being due on the first day of the month next following the date of the invoice, or ten (10) days after the date of the invoice, whichever date is later. A three percent (3%) penalty will be added to those bills where payments are delinquent. A failure to receive a bill shall not excuse nonpayment. Sewage service charges shall be a lien on the property serviced in accordance with Wis. Stat. §66.0821(4)(d).

- (3) Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Lisbon Town Clerk to be placed on the tax role for collection, as provided by Wisconsin Statutes.



- (4) Delinquent Accounts. Pursuant to the authority granted under Wis. Stat. §§ 66.0627 and 66.0809, the following procedure shall apply to the collection of delinquent accounts for sewer service.
- a. Notice of Payment Due. On October 15 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate within the Sanitary District, to which sewer service has been furnished prior to October 1 by the Sewage System Utility, and payment for which is owing, and in arrears, at the time of giving such notice. The Sanitary District shall furnish a list of all such lots or parcels of real estate, and a notice shall be given by the Clerk. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sewage System Utility; that unless the same is paid by November 1 thereafter, a penalty of ten percent (10%) of the amount of such arrears will be added thereto, unless such arrears, with any such added penalty, shall be paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which water, sewer, or electric service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office addresses of such lot of parcel of real estate.
  - b. Failure to Pay. On November 16, the Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears and payment were given, as above specified, and which arrears still remain unpaid, and stating the amount of such arrears, together with the added penalty thereon as herein provided. Each

delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the water, sewer, or electric service was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

- c. Request for Hearing. The owner or occupant may, within ten (10) days of the date such notice is sent, request a hearing on any charge disputed. Such a request for hearing shall be in writing and shall be filed with the Sanitary District. No such charge shall be placed upon the tax roll if a properly-filed request for hearing is pending. All hearings shall be held by the Sanitary District within thirty (30) days.

#### **1.05 READY-TO-SERVE CHARGE**

The owner of each premises to which sanitary sewer service has been made available by the Sanitary District, but which has been connected to the sanitary sewer system, shall be charged for the sanitary sewer service in the amount, or amounts, which would have been charged had the premises been connected to the system . In addition, a surcharge in an amount equal to fifty percent (50%) of the amount of the invoice shall be assessed against the premises, such surcharge continuing until the premises have been connected to the sanitary sewer system. This charge, and the surcharge, shall be referred to as a “ready-to-service charge.”

#### **1.06 MANDATORY HOOKUP**

- (1) This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Sanitary District and fails to assure preservation of public health, comfort, and safety of said the Sanitary District.
- (2) 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 365 days of notice in writing from the Sanitary District. Upon failure to so do, the Sanitary District may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (3) days, the costs shall be assessed against the property as a special charge in accordance with the provisions of Wis. Stat. §66.0627.
- (3) In lieu of the above, the Sanitary District may, at its option, assess a ready service charge, as provided in Section 1.05 of this ordinance. The Commissioners find and conclude that the failure to connect to the sanitary sewer system, where sewer service has been made available to any premises or property, is contrary to the minimum health standards of the Sanitary District and the Town of Lisbon.

#### **1.07 MAINTENANCE OF SERVICES**

- (1) The Sanitary District shall maintain sanitary sewer service within the limits of the Sanitary District. The Sanitary District shall be responsible for maintaining the interceptors, sanitary sewer mains, lift stations, and other appurtenances which have been dedicated to the Sanitary District. The Sanitary District shall also maintain grinder pump stations and grinder pumps provided, however, that where damage is caused to a grinder pump, or grinder pump station, by the negligence or carelessness of the property owner, or any tenant or other occupant of the property, the cost of

repair and/or replacement shall be assessed against the property. Charges shall be imposed in accordance with Paragraph 1.03(5)(e) of this Code.

- (2) The property owner shall be responsible for the cost of installing the initial grinder pump, as well as for the cost of electrical hookups so as to make the grinder pumps serviceable. The property owner shall also be responsible for installing and maintaining the sanitary sewer service lateral.

#### **1.08 PENALTY FOR IMPROPER USE**

- (1) It shall be unlawful for any person, company, or corporation to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully, and without authority of the Sanitary District, bore, or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe, or other thing used in the system for holding, conveying, or collecting sewage.
- (2) It shall be unlawful for any person to introduce sewage into the system which shows an excess of BOD or Suspended Solids concentration in excess of normal domestic strength wastewater (see definition Section), a surcharge shall be based on the excess of BOD or Suspended Solids at a rate to be determined from time to time based on actual treatment costs. The Sanitary District reserves the right to test the sewage at any point within the connection system of the user or consumer. Users discharging toxic pollutants shall pay for any increased O& M or replacement costs caused by the toxic pollutants.
- (3) No user shall discharge, or cause to be discharged, any of the following-described liquids or solid wastes to any sanitary sewer:

- a. Any storm water, surface water, groundwater, roof runoff, surface drainage, or foundation footing drains or tiles, or clear water sump pump discharge, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Village Engineer.

Storm water other than that exempted above and not all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village Engineer. Unpolluted industrial cooling water or process water may be discharged upon approval of the Village Engineer to a storm sewer or natural outlet.

- b. Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- c. Any solids or viscous substances such as, but not limited to, ashes, cinders, sand, mud, manure, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper dishes, cups, milk containers, either whole or ground by garbage grinders, whole blood, hair and fleshings, entrails or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage system.
- d. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.

- e. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant. This includes “SLUG” as defined under SHOCK.
- f. Any noxious or malodorous gas or substance capable of creating a public nuisance. which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
- g. Any garbage that has not been properly shredded. Or properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers. (100% passing ½” screen, 90% passing ¼” screen).
- h. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 Celsius).
- i. Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease. This includes floatable oils, fat, or grease.
- j. Any water or wastes having PH lower than 5.5 or higher than 8.5 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- k. Any waters or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree than any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Wastewater Treatment Facility for such materials.
- l. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Wastewater Treatment Facility in compliance with applicable State or Federal regulations.

- m. Water or wastes containing substances which are not amenable to treatment, or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - n. Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
  - o. Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 mg/L by weight as cyanide in the waste/
- (4) No person shall be allowed to discharge slugs of water or wastes to the collection system which may be harmful to the operation of the Sewerage System. Where, in the opinion of the Sanitary District, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his own expense, a storage reservoir of sufficient capacity with flow control equipment to ensure an equalized discharge over a 24 hour period.
- (5) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of the WPDES discharge permit.
- (6) No person shall connect to and discharge to the collection system unless there is adequate capacity available in all downstream sewer components as determined by the Sanitary District.

- (7) Any person who accidentally discharges wastes prohibited under this section shall immediately report such discharge to the Sanitary District.

#### **1.09 DAMAGE RECOVERY**

The Sanitary District shall have the right of recovery from all persons, any expense incurred by said Sanitary District for the repair or replacement of any sewer pipe or appurtenance damaged in any manner by any person, company, or corporation by the performance of any work under their control, or by any negligent act.

#### **1.10 PENALTIES**

- (1) Any person, company, or corporation who:
- a. Shall violate any of the provisions of this ordinance; or
  - b. Shall violate any rules or regulations of the Sanitary District, duly adopted and approved by the Commissioners; or
  - c. Shall connect a service pipe or lateral without first having obtained all applicable permits and approvals from the Sanitary District and the Town of Lisbon; or
  - d. Shall violate an provision of the Wisconsin Statutes or Administrative Codes which are incorporated herein by reference,
- (2) shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) together with the cost of prosecution. Where any violation continues, the amount of the forfeiture imposed shall be assessed for each day the violation occurs. In addition to the Court proceedings and penalties imposed by this section, the Sanitary District may seek injunctive relief to prevent or abate a nuisance, or to prevent or abate any continued violation of this ordinance.



### **1.11 SEPTIC TANKS PROHIBITED**

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Sanitary District, where sanitary sewer service has been made available by the Sanitary District, shall not be allowed without permission of the Sanitary District. The continued use and maintenance of septic systems, or other private sewage disposal systems, under those circumstances shall be deemed a public nuisance and a health hazard.

### **1.12 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE**

Whenever premises served by the Sanitary District are to be vacated, or whenever any person, company, or corporation desires to discontinue service from the Sanitary District, the Sanitary District must be notified in writing. The owner of the premises shall be liable for any damages to the property, or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

### **1.13 ADOPTION OF OTHER RULES**

There is hereby adopted all of the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations; the Department of Commerce; and, the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Sanitary District and Town of Lisbon. All extensions of the system will comply with administrative rules of the Department of Natural Resources.

### **1.14 GRINDER PUMPS**

(1) Grinder Pumps:

- a All buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by a Grinder Pump or other artificial means approved by the Sanitary District, and discharged to the lateral

providing sanitary sewer service to that building. As used herein, the term "Grinder Pump" shall include the pump and all other appurtenances necessary to provide a

connection to the sanitary sewer lateral that provides sanitary sewer service to that building.

- b. Any Grinder Pump required to discharge sanitary sewage from the building to the sanitary sewer lateral shall be owned by the property owner.
- c. The Sanitary District shall install all Grinder Pumps for customers of the Sanitary District. The Sanitary District shall maintain, repair and, if necessary, replace the Grinder Pump subject to the following conditions:
  1. The property owner consents to the entry upon the property serviced by a Grinder Pump, of employees, and contractors employed by the Sanitary District for the purpose of maintaining, repairing and/or replacing the Grinder Pump; and,
  - 2 The property owner annually consents to the inspection of the Grinder Pump; and,
  3. The property owner complies with all rules, regulations and policies adopted by the Sanitary District for the operation and use of the Grinder Pump.
  4. The property owner, by accepting the installation of a Grinder Pump at the expense of the Sanitary District, and the continued use of the Grinder Pump, shall be deemed to have consented to the entry upon the property and the annual inspection of the Grinder Pump as provided in this section, provided however that any property owner may revoke such consent by written notice to the Sanitary District. Upon receipt of written notice withdrawing the consent, the Sanitary District shall no longer have any obligation to maintain, repair and/or replace the Grinder Pump on the subject property.

d Notwithstanding the anything contained herein to the contrary, in the event the Sanitary District determines that costs or expenses incurred for maintaining, repairing and/or replacing the Grinder Pump were caused by the negligence of the property owner, or, by misuse of the Grinder Pump by the property owner, such costs and expenses shall be reimbursed the Sanitary District by the property owner.

In the event the Sanitary District determines that the property owner is required to reimburse the Sanitary District for any costs associated with the maintaining, repairing and/or replacing the Grinder Pump, the property owners shall be notified of that determination as well as the amount of the cost and expense for which reimbursement is required. The property owner may thereafter appeal that determination by the property owner, and upon receipt of such request, the Sanitary District shall provide notice to the property owner of the time and date that the property owner's appeal shall be reviewed. Upon completing review of the appeal, the Sanitary District shall issue a written decision, within a reasonable time, but in no event exceeding thirty

(30) days following the completion of the appeal hearing. The decision may affirm, affirm in part or reverse the initial determination, and that decision shall be final and binding.

In the event any cost or expense for which the property owner is responsible under the terms of this provision is not paid within thirty (30) days after invoicing or after completion of any appeal hearing requested by the property owner, the cost or expense shall be placed on the tax rolls as a special charge in accordance with the provisions of

Sec. 66.0627, Wis. Stats.

- (1) **ADMISSION TO PROPERTY**The Sanitary District, its agents, and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this ordinance pursuant to Wis. Stat. §66.122 through §66.125. The Sanitary District, its agents, and employees shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewage system.
- (2) While performing the necessary work on private property referred to above, the Sanitary District, its agents, and employees shall observe all safety rules applicable to the premises established by the company, and the Sanitary District shall indemnify the company against loss or damage for personal injury or property damage caused by the Sanitary District, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (3) The Sanitary District, its agents and employees shall be permitted to enter all private properties through which the Sanitary District holds a duly-negotiated easement for the purpose of, but not limited to, observation, inspection, measurement, sampling, repair, and maintenance of any portion of the sewage system lying within said easement, all subject to the terms, if any, of the easement agreement.

### **1.15 SERVERABILITY**

If any section, subsection, sentence, clause, or phrase or the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Sanitary District hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more

section, subsection, sentences, clauses, and phrases be declared unconstitutional.

#### **1.16 COMMERCIAL AND INDUSTRIAL DISCHARGES**

- (1) Every person discharging commercial or industrial waste to a public sewer shall prepare and file with the Sanitary District a report including pertinent data relating to the quantity and characteristics of the waste discharged, or proposed to be discharged, to the sewage system.
- (2) Each person desiring to make a new connection to a public sewer for the purpose of discharging commercial or industrial waste shall prepare and file with the Sanitary District a report including actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (3) The Sanitary District, as a condition of approving the proposed discharge of commercial or industrial waste, or as a condition of allowing the continued discharge of commercial or industrial waste, may impose a surcharge to cover the added cost of handling and treating the commercial or industrial waste not covered by existing sewer charges, and may require pretreatment, or other control, deemed necessary by the Sanitary District.

Sussex code 13.14 Industrial Waste Analysis Measurement and Sampling is missing from this code and could be incorporated here

Sussex code 13.15 Wastewater Discharge Permit System does not have a corresponding section and could be incorporated here

#### **1.17 CONTROL MANHOLES**

The discharge of any waste including storm sewer, into any manhole or other appurtenance of the Sanitary District, except by connection authorized and approved by the Sanitary District, is prohibited.

## **1.18 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

The Sanitary district hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional.