

DELAVAN LAKE SANITARY DISTRICT

SEWER ORDINANCE

Sewer Uses and Charges



ADOPTED: MAY 17TH, 2016
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SUBCHAPTER I. – GENERAL

SECTION 10.10 -- SCOPE

The purposes of these Policies are to establish a rate structure for non-metered users, water metered users and sewer metered users both public and private connected to the sanitary sewer system of the Delavan Lake Sanitary District. Connections that discharge waters and wastes into the public sewer system compatible with regulations of the State of Wisconsin Department of Natural Resources are subject to a levying and/or a sewer service charge. The purpose of the system of charges to customers is to compensate the District for operating costs and maintain a reserve capacity designed and built into the sewer system to properly operate in a manner that protects the public health, safety and welfare.

SECTION 10.11 -- TITLE

The policy shall be known and cited as “Delavan Lake Sanitary Sewer Rate Policy” and shall be construed to secure the expressed intent and to ensure proper operations of the district to properly protect the public safety, health and welfare.

SECTION 10.12 – ADOPTION OF ADMINISTRATIVE CODES

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are hereby made a part of this document by reference and adopted for enforcement by the District:

Chapters SPS 381-387 Plumbing Code
Chapters NR 100-199 Environmental Protection General
Chapters NR 200-299 Wisconsin Pollutant Discharge Elimination System

SUBCHAPTER II. – DEFINITIONS

SECTION 10.20 -- DEFINITIONS

As used in this article the following terms shall have the meanings indicated:

- (1) BASE METER FEE SEWER - This is a non-variable amount collected to offset the fixed costs of running the wastewater collection system. Fixed costs include routine maintenance and replacement of the sewer meter.
- (2) BOD (denoting Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as milligrams per liter (mg/L). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".
- (3) BUILDING DRAIN - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (4) BUILDING SEWER - shall mean that part of the plumbing system beginning at the immediate outside foundation or proposed foundation wall to its connection with the main sewer of a public sewer or other point of disposal.
- (5) CATEGORY A – Not metered sanitary sewer users who discharge NORMAL DOMESTIC STRENGTH WASTEWATER.
- (6) CATEGORY B – Metered sanitary sewer users metered with water meters that discharge NORMAL DOMESTIC STRENGTH WASTEWATER.

- (7) CATEGORY C – Metered sanitary sewer users with sanitary sewer meters that discharge NORMAL DOMESTIC STRENGTH WASTEWATER.
- (8) COMBINED SEWER - shall mean a sewer intended to receive both wastewater and storm or surface water. THIS TYPE OF SEWER IS PROHIBITED.
- (9) COMMERCIAL OR INDUSTRIAL WASTE - shall mean the wastewater from the industrial process, trade, or business as distinct from sanitary sewage.
- (10) COMMISSION - shall mean the elected Commissioners of the Delavan Lake Sanitary District.
- (11) COMPATIBLE POLLUTANTS - shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, do remove such pollutants to a substantial degree.
- (12) DEBT SERVICE COSTS – shall include principle and interest payments for DLSD's indebtedness or obligation issued or incurred or to be issued or to be incurred by DLSD. Such costs include without limitation, depreciation payments that may be required pursuant to the terms of any such indebtedness or obligation.
- (13) DELAVAN LAKE SANITARY DISTRICT (or DLSD Commission) - is the sovereign governing body of the Delavan Lake Sanitary District.
- (14) DISTRICT or DLSD (District Approving Authority) - shall mean the Delavan Lake Sanitary District Commission or its authorized representatives.
- (15) DISTRICT CONNECTION FEE – Shall mean a fee computed in accordance with the provisions of Section 11.33.
- (16) EASEMENTS - shall mean an acquired legal right for the specified use of land owned by others.
- (17) EQUIVALENCY RESIDENTIAL UNIT (ERU) – shall be the design criteria for the volume of water used (metered) or wastewater discharged by a single-family living unit. One ERU is assumed to be equal to a sanitary sewer water discharge rate of 170 gallons per day (gpd) of NORMAL DOMESTIC STRENGTH WASTEWATER. This is equivalent to the supplied (metered) water volume of 70 gallons per capita per day, as found in NR 110.09, and multiplied by 2.44 persons per home, as established in the 2010 Census. The District reserves the right to change this definition at any time by resolution.
- (18) FLOATABLE OIL - is fat, oil, or grease (FOG) in a physical state such that it will separate by gravity from wastewater before treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not separate in the collection system.
- (19) GARBAGE – shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (20) HOLDING TANK WASTE - shall mean any untreated wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum pump tank trucks.
- (21) INCOMPATIBLE POLLUTANTS - shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment or the receiving waters of the treatment facility, if discharged to a wastewater treatment facility.
- (22) LATERAL - shall mean the extension from the building drain to the public sewer or other place of disposal.
- (23) LATERAL AS-BUILT FEE – This fee is an operational fee for the district to inspect and document the proper connections with the main and locate the lateral run from the main to the structure.
- (24) MAY – is permissible

- (25) NATURAL OUTLET – shall mean any outlet, including storm sewers and combined overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (26) NERU - Number of Equivalent Residential Units
- (27) NITROGEN - shall mean KJELDAHL nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
- (28) NORMAL DOMESTIC STRENGTH WASTEWATER - shall mean wastewater free of incompatible pollutants with concentrations of BOD no greater than 200 mg/L, suspended solids no greater than 250 mg/L, nitrogen no greater than 37 mg/L, and phosphorus no greater than 6 mg/L. Those parameters are typically the highest concentrations allowed by the TREATMENT AUTHORITY and are the basis for operational costs in the Sewer Service Rate Charge.
- (29) OPERATION AND MAINTENANCE COSTS - shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.
- (30) PARTS PER MILLION - shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (31) PERSON - shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (32) PH - shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- (33) PUBLIC SEWER - shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.
- (34) REPLACEMENT COSTS - shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs shall also include replacement costs.
- (35) SANITARY SEWAGE - shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.
- (36) SANITARY SEWER – shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial buildings, and institutions.
- (37) SEWAGE - is the spent water of a community. The preferred term is "wastewater".
- (38) SEWERAGE SYSTEM - shall mean the facilities used for the collection, treatment, transportation, and disposal of wastewater.
- (39) SEWER SERVICE RATE CHARGE - is a charge levied on users of the wastewater collection and treatment service to recover annual expenses for debt service, replacement costs, upgrades, operation and maintenance expenses of said facilities.
- (40) "SHALL" is mandatory.
- (41) 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 of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment system.
- (42) STANDARD METHODS - shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

- (43) **STORM DRAIN** - (sometimes termed Storm Sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (44) **STORM WATER RUNOFF** - shall mean that portion of the rainfall that is drained into the sewers.
- (45) **SUSPENDED SOLIDS** - shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods", and referred to as non-filterable residue.
- (46) **TREATMENT AUTHORITY** - shall mean WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT (WalCoMet).
- (47) **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 discharge to the sanitary sewers and wastewater treatment facilities provided.
- (48) **USER** – shall mean any person who discharges or causes to be discharged, wastewater into the District's wastewater collection system.
- (49) **USER CHARGE** - is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of said facilities, including the replacement of such facilities. The user charge is a component of the Sewer Service Rate Charge.
- (50) **USER CLASSIFICATIONS** – shall mean the following classifications of users in the District's Wastewater Collection Facilities:
 - a. **Commercial Users** – all public or private establishments such as restaurants, hotels, retail and wholesale stores, filling stations with a daily wastewater flow equal or less than 25,000 gallons per day of NORMAL DOMESTIC STRENGTH WASTEWATER.
 - b. **Multi-family Users** - Dwelling units 3 or more in size
 - c. **Industrial Users** - Any non-governmental, non-residential user of a publicly-owned treatment works which discharges more 25,000 gallons per day (gpd) of sanitary waste or waste not meeting NORMAL DOMESTIC STRENGTH WASTEWATER.
 - d. **Institutional Users** – all private, public or nonprofit entities such as churches, schools, hospitals and charitable organizations with a daily wastewater flow equal or less than 25,000 gallons per day of NORMAL DOMESTIC STRENGTH WASTEWATER.
 - e. **Residential Users** – Single Family and Two-Family Dwelling units.
- (51) **WalCoMet (Walworth County Metropolitan Sewerage District)** - is a multi-governmental regional District supervised and regulated by the Walworth County Metropolitan Sewerage District Commission.
- (52) **WalCoMet CONNECTION FEE** – shall mean a fee computed in accordance with the provision of WalCoMet Sewer Use Ordinance of Article V, Section 507.
- (53) **WASTEWATER** - shall mean the spent water of a user. 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.
- (54) **WASTEWATER COLLECTION FACILITIES (or wastewater collection system)** - shall mean the District's sewerage system, structures, equipment and processes required to collect and carry away wastewater.
- (55) **WASTEWATER TREATMENT FACILITY** - shall mean the arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.
- (56) **WATERCOURSE** – shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (57) **WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT** - is a document issued by the Wisconsin State Department of Natural Resources

which establishes effluent limitation and monitoring requirements for the regional wastewater treatment facility WalCoMet.

SUBCHAPTER III. – DISTRICT ADMINISTRATION

SECTION 10.30 -- PERSONNEL

The department of sewer service operations shall include such employees as the Commission may provide to supervise the construction of sanitary sewer systems and maintain all buildings and permanent equipment and infrastructure of the sanitary sewer system. Delavan Lake Sanitary District is not a party to any written or oral contract and is an “at will” employer. The Commission may, in its discretion, terminate employment of the personnel for any lawful reason at any time.

SECTION 10.31 – ADMINISTRATOR

- (1) **DUTIES** - The Administrator shall have, except where otherwise provided, the general management and control of all matters pertaining to the sanitary system and shall enforce all state laws, ordinances and lawful orders relating to the construction, alteration, repair, removal, discharge and safety of sewer system infrastructure, buildings and structures associated with the system.
- (2) **ASSISTANTS** - In case of the absence, workloads or the inability of the administrator to act, the Commission may appoint one or more assistants who shall assist in the daily functions of the District as necessary for the efficient enforcement of this chapter.
- (3) **RIGHT OF ACCESS** - The Administrator or authorized agent(s) may at all reasonable hours, for any proper purpose, enter upon any public or private premises and make inspection, and may require the repair of the private system, removal of any illegal discharges into the system, the production of the permit for any plumbing lateral work being done, or the required license to conduct such work. No person shall interfere with or refuse to permit access to any such premises to the representatives of the District while in the performance of their duties.

SECTION 10.32 – PERMITS

- (1) **PERMITS REQUIRED** - No connection, disconnection or reconnection shall be made to any of the sewers of the District from any building, premises, excavation place or property of any kind whatsoever by any building drain, tap or building sewer intended or designed to, or capable of, discharging any matter whether fluid or solid, into the sewers of the District unless a permit has first been issued.
- (2) **APPLICATION FOR PERMITS** - Application for a permit shall be made in writing upon a form to be furnished by the District and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the contractor, the location of the building, the house number thereof and such other information as the Administrator may require. With such application there shall be submitted to the District a complete set of plans or a copy of a survey or site plan detailing the proposed location of the sanitary sewer.
- (3) **WAIVER OF REQUIREMENTS** - At the option of the Administrator, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any sewer lateral, private sewer main or private equipment, provided the proposed construction is sufficiently described in the application for permit.
- (4) **REVOKING PERMITS**

a. The Administrator may revoke any permit issued under the regulations of this code and may stop construction for any of the following reasons:

1. Whenever there is a violation of any regulation of this code or of any other ordinance, law, and orders, Wisconsin Statute or Wisconsin Administrative Code relating to the same subject matter;
2. Whenever the continuance of any construction becomes dangerous to life or property;
3. Whenever there is any violation of any condition or provision of the application for permit or of the permit;
4. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or plot plan on which the issuance of the permit or approval was based;
5. Whenever there is a violation of any of the conditions of an approval for the use of any new materials, equipment, methods of construction devices or appliances.

b. The notice to revoke a permit, certificate of compliance or approval shall be in writing and shall be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person in charge of construction. A “stop work order” shall be posted on the construction site.

c. After the notice is served upon the persons and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void and before any construction or operation is again resumed, a new permit, as required by this code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this code.

(5) FEES – All applications for a permit must be accompanied by the proper fee. Permit fees shall be set from time to time by resolution of the Commission.

(6) EXPIRATION OF PERMIT

a. The permit shall become void unless construction is commenced within six (6) months from the date the permit is issued or if the work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) days. The permit shall expire twelve (12) months from the date the permit is issued. Time periods referenced herein may be extended by the Administrator if the delay was due to conditions beyond the control of the applicant. No additional permits for the same work will be issued unless a timetable of completion is agreed upon by the Administrator.

b. Before commencing or recommencing work after the expiration of a permit, a new application and appropriate fee shall be submitted and issued.

SECTION 10.33 – RIGHT OF ENTRY

- (1) The District and Municipal Approving Authorities or other duly authorized employees of the District and Municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Ordinance and Section 200.11(3), Wisconsin Statutes. The District and Municipality shall have no authority to inquire into any process beyond that point of having a direct bearing on the kind and source of discharge to the sewers or waterways or wastewater treatment facilities.
- (2) While performing the necessary work on private premises referred to in Section 701, the duly authorized District and Municipal employees shall observe all safety rules applicable to the premises by the person.
- (3) Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement or is otherwise lawfully permitted to enter for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, upgrades and maintenance of any portion of the sewage system laying within said easement

SECTION 10.34 – RECORDS

The District shall keep a record of all applications for connections, disconnection or reconnection permits, and each permit shall be regularly numbered in the order of its issue. Also a record showing the number, description, and size of all laterals installed indicating the kind of materials used and the location of such lateral shall be kept. There shall be kept in the District a record of all inspections made, the removal of buildings or their laterals, and a record of all fees collected showing the date of their receipt.

SUBCHAPTER IV. – PUBLIC SEWERS AND FACILITIES

SECTION 10.40 – ESTABLISHMENT OF SERVICES AND MANDATORY CONNECTIONS

- (1) **AGREEMENT TO RULE:** All persons now receiving sewerage service from the District, or who may hereafter make application therefore, shall be considered as having agreed to be bound by rules, regulations, ordinances, and orders from time to time promulgated by the District and WalCoMet.
- (2) **ESTABLISHMENT OF SERVICE:** Sewer service will be furnished only if:
 - a. The premises have a frontage on a public way in which a sewer main has been laid.
 - b. The applicant has installed or agrees to install a building sewer from the point of connection to the point of use laid according to the District's Building Sewer Specifications, and
 - c. The premises have adequate piping beyond the point of connection.The property owners shall arrange to have the building sewer extended from the curb line or point of connection into the building.
- (3) **MANDATORY CONNECTION:** The owner of each parcel of land adjacent to a sewer main on which there exists a building used or useable for human habitation or occupancy shall connect to such a system within 30 days of notice in writing from the District, or such other time as the District may determine. Upon failure of the owner to effectuate such connection, such failure is hereby declared to be a public nuisance and a public health hazard. Such nuisance and hazard shall be abated and damages and costs recovered therefore in accordance with the Wisconsin

Statutes.

- (4) Alternatively, if the owner fails to complete connection to the sewer within the time provided for in the said notice, the District may impose a penalty in such amount as it deems appropriate or may cause the connection to be made and the expense thereof to be assessed as to be billed as a special charge and if not paid, a lien against the property pursuant to §66.0617 Wis. Stats., as amended from time to time.
- (5) **NEW CONNECTIONS** - New connections to the District's sanitary sewer system will not be allowed if there is insufficient capacity in any of the downstream wastewater collection facilities or in the treatment capacity of the WalCoMet treatment plant.

SECTION 10.41 – USE OF PUBLIC SEWERS

- (1) **SANITARY SEWERS** - No person(s) shall discharge or cause to be discharged, from sump pumps, down spouts, drain-tile, storm sewers, or any other appurtenance, any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer of the District. Unpolluted industrial cooling waters or process waters may be discharged to the sanitary sewers by permission of the District.
- (2) **STORM SEWERS** - Storm water and 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 District and other regulatory agencies. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 30 days of the date of an official written notice from the District.
- (3) **PROHIBITIONS AND LIMITATION** - Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer of the District:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
 - c. Any waters or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
 - d. Any waters or wastes having a pH in excess of 9.0.
 - e. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, fats, oils, grease, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, fabrics, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, paper or cloth diapers, cups, milk containers, etc., either whole or ground by garbage grinders.

- f. The following described substances, materials, waters or waste shall be limited in discharge to sanitary sewer systems to concentrations or quantities which will not harm the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a nuisance. WalCoMet may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. WalCoMet will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility *capacity of the waste in the wastewater treatment facility*, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:
1. Wastewater having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (sixty-five degrees (65°) Celsius);
 2. Wastewater containing more than twenty-five mg/l of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin;
 3. Wastewater from industrial plants containing floatable oils, fat, or grease;
 4. Any ungrounded garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
 5. Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities;
 6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District or limits established by any Federal or State Statute, Rule or Regulation;
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal Regulations;
 8. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the Wastewater Treatment Facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water;
 9. Any water or wastes, which by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;
 10. Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Facility;
 - b. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein;
 - c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller’s earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate);

- d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 11. Incompatible pollutants in excess of the allowed limits as determined by Local, State and Federal Laws and Regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 10 CFR 403, as amended from time to time.
 - g. No discharges shall be allowed into the sanitary sewers that are in violation of the requirements of WalCoMet's WPDES permit or WalCoMet's rules and regulations. All waters and wastes entering the District's system shall be subject to WalCoMet's regulations and its WPDES permit.
 - h. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of the District, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with an order of the said District and the Plumbing and Drainage Code in force in the District.
 - i. It shall be unlawful for any person to place, deposit, or permit to be deposited, upon public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement (other than commercial fertilizer), garbage or other objectionable waste.
- (4) SPECIAL ARRANGEMENTS - No statement contained in this subsection shall be construed as prohibiting any special agreement between the District and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense by the person, and further provided that all rates and provisions set forth in this Ordinance are recognized and adhered to, and being further subject to conditions and rates as prescribed by WalCoMet.
- (5) 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 District boundaries without a permit.
- (6) USE OF THE PUBLIC SEWER REQUIRED - The owner of any house, building or property used for human habitation, occupancy or employment or for carrying on any trade or business on a continuing basis situated within the District and abutting on any street, alley or right-of-way in which a public sewer is located, or in which the extension of the public sewer may be deemed feasible by the Commission, is hereby required at his expense to install suitable waste-water facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so. Absent any extraordinary conditions, any building which may be connected to the sewer line with a lateral up to 300 feet long shall be declared a feasible connection.
- (7) REPAIRS TO MAINS - The District reserves the right to shut off the sewer service in the mains temporarily, to make repairs, alterations or additions to the plant system. When the circumstances permit, the District will give notification by newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of service.

- (8) **NO CLAIM FOR DAMAGES** - No person shall enter a claim for damages against the District or WalCoMet or any officer thereof, for damage to any pipe, fixture, or appurtenances by reason of interrupted sewer service supply, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the sewer service or the extension, alteration or repair of any main or for the discontinuance of sewer service for the violation of any rules or regulations of the District or WalCoMet. No claims will be allowed against the District or WalCoMet on account of the interruption of sewer service caused by the breakage of pipes or machinery, or by stoppage for repairs, or account of fire or other emergency.
- (9) **PRIVATE WASTE COLLECTION SYSTEMS** - The maintenance and use of outhouses, vault privies, septic systems, holding tanks and other private waste water collection systems are hereby declared to be a public nuisance and a health hazard. Any such systems not in conformity with the requirements of this ordinance, shall be abandoned, caved in and filled, within thirty (30) days of connection to public sanitary sewers.

SECTION 10.42 – CONTROL OF INDUSTRIAL/COMMERCIAL WASTES

- (1) **SUBMISSION OF DATA** - Each person who discharges or wishes to discharge industrial or commercial wastes to a public sewer shall prepare and file with the District and WalCoMet a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. The District and WalCoMet may require this data to be provided monthly, quarterly or annually at a time specified. The following forms or the information needed to complete them will be accepted:
 - a. DNR acceptable “Effluent Reporting Form”
 - b. DNR acceptable “Industrial Waste Contribution to Municipal System Form”
- (2) **EXTENSION OF TIME** – When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Section 10.32, a request for extension of time may be presented to the District and WalCoMet for consideration.
- (3) **INDUSTRIAL DISCHARGES** – If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in these ordinances, and which in the judgment of the District and WalCoMet have a deleterious effect upon the sewage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the District and WalCoMet may:
 - a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge, and/or,
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under these provisions.
- (4) **CONTROL MANHOLES** – Each person discharging industrial/commercial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
 - a. Control manholes or access facilities shall be located and built in a manner acceptable to the District and the WalCoMet. If measuring devices are to be permanently installed, they shall be of a type acceptable to the District and WalCoMet.

- b. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times.
 - c. Plans for installation of control manholes or access facilities and related equipment shall be approved by the District and the WalCoMet prior to the beginning of construction.
- (5) **METERING OF WASTE** - Devices for measuring the volume of waste discharged may be required by the District and WalCoMet if this volume cannot otherwise be determined from other water usage records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the District. Such meters may not be removed
- (6) **WASTE SAMPLING** - Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the District and WalCoMet.

Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the District and WalCoMet.

Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the District and WalCoMet. Access to sampling locations shall be granted to the District and WalCoMet or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

- (7) **GREASE AND/OR SAND INTERCEPTORS** - Grease, oil, and sand interceptors shall be provided when, in the opinion of the District and WalCoMet, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining 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 District and WalCoMet. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with applicable Department of Natural Resources (DNR) rules and regulations.
- (8) **ANALYSES**
- a. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time. Sampling methods, location, time durations and frequencies are to be determined on an individual basis subject to approval by the District and WalCoMet.
 - b. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the District and WalCoMet. The District and WalCoMet may also make its own analyses on the

wastes, and these determinations shall be binding as a basis for sewer service charges.

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

(9) MEASUREMENT OF FLOW - For Category B sewer users, the volume of flow used for computing waste collection and treatment charges shall be the metered or measured wastewater flow of the person.

SECTION 10.43 – BUILDING SEWER LATERALS & CONNECTIONS

- (1) WORK AUTHORIZED - No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the District.
- (2) COST OF SEWER CONNECTION - All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner or sewer user. The building sewer shall be owned by the property owner or sewer user and he or she shall bear all costs and expenses of repair, replacement, and maintenance thereof.
- (3) USE OF OLD BUILDING SEWERS - Old building sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements for this ordinance and approved for use by the District.
- (4) MATERIALS AND METHODS OF CONSTRUCTION - The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building sewer specification plumbing code or other applicable rules and regulations of the District, WalCoMet and/or State of Wisconsin. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. Any deviation from the prescribed procedures and materials must be approved by the District prior to installation.
- (5) BUILDING SEWER GRADE - Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (6) STORM AND GROUNDWATER DRAINS - No person shall make connection of roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.
- (7) INSPECTION OF CONNECTION - The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the inspection of the District; and the District may impose a fee to cover the cost of such inspection, which fee shall be determined from time to time by the

Commission.

- (8) **BARRICADES: RESTORATION** - All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and any other agency having jurisdiction thereof.
- (9) **PLUMBERS** - No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the District's sewer system without first receiving a license from the State of Wisconsin, except as otherwise provided by law.
- (10) **USER TO KEEP IN REPAIR** - All users shall keep their own building sewers and building drains, and other service pipes in good repair and protected from frost, infiltration inflow (I/I) at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
- (11) **USER USE ONLY** - No user shall allow others or other services to connect to the sewer system through their building sewer.

SECTION 10.44 –SEPTIC SYSTEMS

- (1) **SEPTIC TANKS PROHIBITED.** The maintenance and use of a septic tank or other private sewage disposal system by any owner of land who has received the notice referred to in this Ordinance hereof, and who has failed to connect to the District's system, is hereby declared to be a public nuisance and a health hazard. Such nuisance and hazard shall be abated, and damages and costs recovered therefore in accordance with the Wisconsin Statutes.
- (2) **SEPTIC SYSTEMS ALLOWED.** In certain isolated locations within the boundary of the Sanitary District it may be necessary for the owners of certain properties not served by the District's sanitary sewer system to continue the maintenance and use of a septic tank or other private sewage disposal system. Such maintenance and use shall be considered as a temporary wastewater disposal system and is subject to the review and approval of the District. The review and approval will be on a case-by-case basis, with each case determined upon its particular facts and circumstances.
- (3) **DISPOSAL OF SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE.** No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the District. Written application for this permit shall be made to the District and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The time and place of disposal will be designated by the District. The District may impose such conditions as it deems necessary on any permit granted.
 - a. Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount from time to time determined by the District to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person(s) shall furnish a certificate to the District certifying such insurance to be in

full force and effect.

- b. All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the District and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, gravel or other solid material to pass into any part of the wastewater collection and treatment facilities.
- c. The person(s) disposing waste agrees to indemnify and hold harmless the District and WalCoMet from any and all liability and claims for damages arising out of or resulting from work and labor performed.

SECTION 10.45 – SEWER MAIN EXTENSIONS

(1) SEWER MAIN EXTENSIONS. The extension of sewer mains to serve new customers is subject to the review and approval of WalCoMet, Delavan Lake Sanitary District, Area-Wide Water Quality Planning Agency, State of Wisconsin Department of Natural Resources and any other governmental agency having appropriate jurisdiction thereof. Approved sewer mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the District against the abutting property, the procedure set forth under the Wisconsin State Statutes will apply, and no additional customer contribution to the District will be required.
- B. Where the District is unwilling or unable to make a special assessment, then the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under A.
 - 2. Part of the contribution required in 1. will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under A for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under A. No interest will be paid on any amounts refunded.

SECTION 10.46 – SEWER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS

(1) Sewer mains or extensions for platted subdivisions may be constructed by the District or the developer, with the cost paid by the developer including inspections, required drawings and easement acquisition among other things. An application must be filed with and approved by the District. The developer must enter into an agreement with the District to ensure payment for

construction and that District standards are met.

(2) Application for installation of sewer mains in a platted subdivision shall be filed with the District and shall set forth the following information:

1. Name of subdivision.
2. Legal description.
3. Map shall show streets, lots, location, depth and sizes of proposed mains and proposed building sewer connections.
4. Date of approval of subdivision plat by State Department of Local Affairs and Development.
5. Name of consulting engineer preparing the proposed sewer plans.
6. Number of housing units and/or other units to be constructed.
7. Date of approval by other governmental agency having appropriate jurisdiction thereof.
8. Zoning of the platted lands.

(3) District constructed. Upon receipt of application, the District will prepare detailed estimates of the cost of extending sewer mains of the size deemed necessary in the subdivision. The applicant shall deposit with the District, prior to the beginning of construction, the total estimated costs. Developer will be billed for any balance over the estimate, which will be due within 30 days of invoice. The failure to pay any invoice shall result in the District proceeding under §66.0617, Stats. If final costs are less than the estimate, a refund of overpayment will be made by the District without interest. No construction will begin until the District has received the cost deposit and the Agreement between the District and developer is completed.

(4) Developer constructed. Construction cannot begin until the District has approved the sewer plans, the developer has provided sufficient security to ensure that the sewer installation will be completed and the developer and District have entered into the required Agreement.

SECTION 10.46 – SEWER SYSTEM FACILITIES

- (1) **DAMAGE OR TAMPERING WITH SEWERAGE FACILITIES** – No person shall maliciously, willfully, or intentionally break, damage, destroy, uncover, deface, open or tamper with any structure, accessory, appurtenance, or equipment which is a part of the sewerage system, whether owned or leased.
- (2) **LIABILITY FOR LOSSES** – Any person who intentionally, negligently or accidentally violates any provisions of this article shall become liable to the District or any downstream user whom may suffer as a result thereof. This shall be applicable whether or not a written notice of the violation was given.

SUBCHAPTER V. – SEWER SERVICE CHARGES

SECTION 10.50 – COST ALLOCATIONS

- (1) **REQUIRED COSTS.** Costs included in the District's sewer service rate charges shall include the following:
 - a. District's annual operation and maintenance expenses
 - b. District's annual debt service costs when applicable
 - c. Such other District costs or charges that are required by the WDNR, District's and WalCoMet's Sewer Use Ordinances as amended from time to time, to be included in the District's sewer service rate policy.
- (2) **OPTIONAL COSTS.** Costs included in the District's sewer service rate charges may include the following:
 - a. District's capital outlays
 - b. District's debt service costs when applicable, and for any other debt or obligations issued by the District
 - c. District's share of the District's debt service costs for the number of customer units in the District.
 - d. Other expenses or obligations of the District.
- (3) **DETERMINATION OF COSTS.** The Delavan Lake Sanitary District Commission shall determine, from time to time, the costs to be included in the sewer service charges according to generally accepted engineering and accounting principles, unless applicable law or regulation or bond indentures require otherwise.

SECTION 10.51 – BASIS FOR SEWER RATE CHARGES

- (1) **CATEGORY A USERS** – Category A users are not metered. Category A users shall be assessed a monthly sewer service charge based on the user's ERU rating. A user's ERU rating shall be established by the Delavan Lake Sanitary District Commission according to the procedure outlined within this policy.
- (2) **CATEGORY B USERS** – Category B users are metered by District owned water meters using their water supply for the structure. Category B users shall be assessed a sewer service rate charge based on the user's actual measured volume. Category B users may also be assessed surcharges for discharging wastewater with pollutant concentrations in excess those listed for NORMAL DOMESTIC STRENGTH WASTEWATER. The surcharges shall be WalCoMet's unit costs for each of the pollutant parameters plus any administrative costs by DLSD. The number of ERU's is assigned by the Commission prior to application and can only be changed one time per year, just prior to the budget approval.
- (3) **CATEGORY C USERS** – Category C users are metered by sanitary sewer flow meters using wastewater discharge. Category C users shall be assessed a sewer service rate charge based on the user's actual measured flows. Category C users may also be assessed surcharges for discharging wastewater with pollutant concentrations in excess those listed for NORMAL DOMESTIC STRENGTH WASTEWATER. The surcharges shall be WalCoMet's unit costs for each of the pollutant parameters plus any administrative costs by DLSD. The number of ERU's is assigned by the Commission prior to application and can only be changed one time per year, just prior to the budget approval.

- ## SECTION 10.52 - SEWER RATE CHARGES

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residential units:

- i. $\text{Monthly Charge} = \text{NERU} + \text{S}$
- ii. $\text{NERU} = \text{EW/GPD}$ assigned in ERU determination
- iii. Where:
 1. ERU - Equivalent Residential Unit Minimum 1 per Dwelling Unit
 2. NERU - Number of Equivalent Residential Units
 3. EW – Estimated Wastewater Flow GPD from (SPS Table 383.43)
 4. S - Surcharges for not meeting NORMAL DOMESTIC STRENGTH WASTEWATER parameters.
- d. Surcharges as determined by WalCoMet when applicable plus DLSD administrative fees.
- e. For places of assembly, under SPS Chapter 383, the first 100 seats will be utilized at 100% of the tables rating, all seating above 100 will be at 20% of the seats above 100 to be utilized in calculating EW (Estimated Wastewater Flow).

(2) CATEGORY B SEWER SERVICE CHARGE WATER SUPPLY METERED - Each Category B user is hereby assessed sewer service charge based on the water meter readings taken of their water supply for the period between readings. The sewer service charge shall be the sum of the following:

- a. Equivalent Residential Unit is calculated as follows:
 - i. $\text{Monthly Charge} = \text{B} + \text{NERU's} + \text{S}$
 - ii. NERU is calculated for Category B as follows: $(\text{WM/BD})/\text{GPD}$ assigned in the ERU definition
 - iii. Where:
 1. WM – Water meter readings (gallons)
 2. B - Base Meter Fee (see definitions)
 3. BD – Number of Billing Days (Between Meter Readings)
 4. NERU - Number of Equivalent Residential Units
 5. S - Surcharges for not meeting NORMAL DOMESTIC STRENGTH WASTEWATER parameters.
- b. Surcharges as determined by WalCoMet when applicable plus DLSD administrative fees.

(3) CATEGORY C SEWER SERVICE CHARGE WASTE WATER METERED - Each Category C user is hereby assessed sewer service charge for each calendar month based on the sewer meter readings taken. The sewer service charge shall be the sum of the following:

- a. Equivalent Residential Unit is calculated as follows for sewer metered commercial and non-residential units:
 - i. $\text{Monthly Charge} = \text{B} + \text{NERU} + \text{S}$
 - ii. NERU is calculated for Category C as follows: $(\text{SM/BD})/\text{GPD}$ assigned in the ERU definition
 - iii. Where:
 1. B - Base Meter Fee (see definitions)
 2. SM - Sewer Metered Volume (gallons)
 3. BD – Number of Billing Days (Between Meter Readings)
 4. NERU - Number of Equivalent Residential Units = $(\text{SM/BD})/\text{EGPD}$
 5. S - Surcharges for not meeting NORMAL DOMESTIC STRENGTH WASTEWATER parameters.
- b. Surcharges as determined by WalCoMet when applicable plus DLSD administrative fees.

- c. Sewer meter reading may also be weighed against total metered flows of the district as a percentage of flow and budget.
- (4) **SERVICE CHARGE ADJUSTMENTS** - The Commission may adjust sewer service charges at any time by resolution.
- (5) **CHARGE FOR TOXIC POLLUTANTS** - Any discharge of pollutants not meeting the definition of **NORMAL DOMESTIC STRENGTH WASTEWATER** which cause an increase in the costs of operating or maintaining the District's wastewater collection system shall pay for such increased costs, as may be determined by the Commission.
- (6) **REPLACEMENT FUND ACCOUNT** - The annual replacement fund revenues shall be maintained in a separate account by the District to be used solely for the purpose of replacement of equipment, accessories and appurtenances as defined in this ordinance. Funds may be withdrawn from this account only with approval of the Commission.
- (7) **PAYMENTS UNCONDITIONAL** - Each user connected to the District's collection facilities shall be charged the sewer service charges provided for in this Ordinance, without regard to any offset or other claim of the user.
- (8) **SPECIAL ASSESSMENTS** - Nothing contained in this Ordinance shall prohibit or preclude the Commission from levying from time to time, special assessments in the manner provided by law.
- (9) The Commission reserves the right to adjust said monthly charge at any time by resolution, to reflect changes in Required Costs and/or Optional Costs.

SECTION 10.53 – CONNECTION CHARGES

- (1) **CONNECTIONS TO WASTEWATER COLLECTION FACILITIES** - For each public sewer connection or building sewer connection or re-connection, made to the District's wastewater collection facilities, there shall be paid to the District a connection charge. Such connection charge shall be assessed to and paid by the person requesting such connection or re-connection, as a condition precedent to making the actual connection. The connection charge shall be in such amount as the Commission may from time to time determine; and shall be payable at such time or times as the Commission may require. The failure to pay such a charge shall result in such penalties of fines as the Commission may determine.
 - a. The Sewer Connection Fee shall be established from time to time by separate resolution of the Commission.
 - b. WalCoMet Connection Fee – Per Their Ordinance & Fee Schedule as adopted from time to time.
 - c. Lateral As-built Fee (Connect, Disconnect, and Reconnect) shall be established from time to time by separate resolution of the Commission.
- (2) **TRANSITION** - Section 10.53 (1) of this Article shall not apply to any connection of a building sewer made to the District's wastewater collection facilities prior to September 1, 1982, if all of the following conditions are satisfied:
 - a. The connection is made in accordance with the Delavan Lake Sanitary District Sewer Ordinance adopted on April 28, 1981.
 - b. The premise upon which the connection is to be made abuts or is adjacent to a sewer

- main owned and operated by the District.
- c. The premise upon which the connection is to be made has been previously specially assessed by the District as a Developed Unit.

SECTION 10.54 – COLLECTION OF CHARGES AND FEES

(1) BILLING AND PAYMENT - Sewer service charges shall be billed as follows:

- a. Category A - On a quarterly basis unless circumstances require a delayed billing. Such charges shall be payable by the user on or before the 25th day of the same month billed with a ten day grace period, unless the District has extended the time for payment.
- b. Category B – On a Monthly basis, on or before the 5th day of each month, unless circumstances require a delayed billing. Such charges shall be payable by the user on or before the 25th day of the same month billed with a ten day grace period, unless the District has extended the time for payment.
- c. Category C – On a Monthly basis, on or before the 5th day of each month, unless circumstances require a delayed billing. Such charges shall be payable by the user on or before the 25th day of the same month billed with a ten day grace period, unless the District has extended the time for payment.

(2) DELINQUENT PAYMENTS - A penalty of 1.5 percent per month shall be added to all bills not paid by the date fixed for final payment.

(3) REMEDIES FOR FAILURE TO MAKE PAYMENTS.

- a. **SUIT** - Sewer service charges, connection fees or other charges due from any person shall be deemed to be a debt due to the District from that person or user. If sewer service charges, connection fees or other charges are not paid when due, the Commission may, on behalf of the District, commence an action in a court of competent jurisdiction, and recover from such person or user the amount of charges or fees, and damages, if any, sustained by the District as a result of such failure to pay, together with such costs and expenses as may be allowed by law.
- b. **LIEN ON PROPERTY** - The Commission may direct that unpaid sewer service charges, connection fees or other charges due from any person or user, be collected and taxed and shall be a lien upon the property served in the manner provided for in Section 66.076, Stats. as amended from time to time.

(4) OBLIGATION FOR PAYMENT - If the property owner(s) and user(s) are not the same person(s), they shall be jointly and severally liable for payment of all sewer service charges, connection fees or other charges due the District.

(5) REMEDIES CUMULATIVE - All remedies provided for in this Ordinance and in the Delavan Lake Sanitary District Sewer Use Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or any other Delavan Lake Sanitary District Ordinance or afforded by law or equity; and may be exercised by the Commission concurrently, independently, or successively.

SUBCHAPTER VI. – AUDIT AND MISCELLANEOUS

SECTION 10.60 – AUDIT AND NOTIFICATION

- (1) **AUDIT** - The District shall review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection facilities, and the sewer service charge system. Based on this review, the District shall revise the sewer service charge system, if necessary, to accomplish the following:
 - a. Maintain a proportionate distribution of administrative, debt, operation and maintenance expenses among sewer users based on the estimated or measured wastewater volume and pollutant loadings discharged by the users;
 - b. Generate sufficient revenues to pay the administration, debt, operation and maintenance expenses of the wastewater collection facilities; and
 - c. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users of the next year and adjust the sewer service charge rates accordingly.
- (2) **ANNUAL NOTIFICATION** - The District shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the total rate is attributable to the District's operation and maintenance expenses, the District's debt service costs. This notification may occur in conjunction with the regular bill.

SECTION 10.62 – MISCELLANEOUS

- (1) **SUPERSEDING PREVIOUS SEWER SERVICE CHARGE ORDINANCES** - This Ordinance establishing sewer service charges and user regulations shall supersede and replace all previous sewer service ordinances of the District.
- (2) **CONFLICT WITH DISTRICT'S RULES AND REGULATIONS** - All persons and users within the Delavan Lake Sanitary District shall comply with the provisions of the Walworth County Metropolitan Sewerage District Ordinances as amended from time to time, which ordinance is incorporated herein by reference. In the event any such person or user shall fail to so comply, the District may seek enforcement of the same in the manner provided for therein; and in such event, the District shall have all of the powers and authority of WalCoMet. In the event that any provisions of WalCoMet's Ordinance, rules, regulations or orders are in conflict with any provision of this Ordinance, WalCoMet's Ordinance, rules, regulations and orders shall control.
- (3) **ORDINANCE SUPERSEDING PRIOR AGREEMENTS AND ORDINANCES** - This Sewer Service Charge ordinance supersedes and replaces any and all agreements or contracts relating to sewer service charges presently existing between the District and any user, which agreements or contracts are inconsistent with the provisions of this Ordinance, with the provisions of Section 204(b)(1)(A) of the Federal Clean Water Act or any applicable federal or state rule or regulation relating to sewer service charge systems. This Ordinance supersedes and restates Sewer Service Charge Ordinances No. 05-82-02 and 06-82-03.

SUBCHAPTER VII. – VIOLATIONS AND PENALTIES

SECTION 10.70 – VIOLATIONS AND PENALTIES

- (1) **WRITTEN NOTICE OF VIOLATION** – Any person found to be violating any provision of this ordinance shall be served by the District a written notice stating the nature of the violation. Said violation notice shall stipulate a reasonable time to satisfactorily correct said violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) **ACCIDENTAL DISCHARGE** - Any person found to accidentally allow a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to any forfeiture, pay an amount to cover the damage, both values to be established by the Commission.
- (3) **PENALTY FOR VIOLATIONS** - Any person, partnership, or corporation, or any officer, agent or employee thereof, who shall violate any of the provisions of this ordinance shall upon conviction thereof, forfeit not less than \$100.00 or more than \$2,000.00 per day per offense together with the costs of prosecution.