

CHAPTER 2

Sewer Use Ordinance

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ARTICLE A

Chapter Purpose and Definitions

SEC. 5-2-1 PURPOSE.

The purpose of this Chapter is to provide for the use of the publicly owned sewerage facilities located within the area served by the Village of Prairie du Sac, Sauk County, Wisconsin, in such a way as to prevent damage to the physical facilities and to avoid impairment of the normal function of collecting and transporting wastewaters from the area served by the Village to the Sauk-Prairie wastewater treatment facilities. The Chapter also provides for the proper development and use of the user charge system for the Village and treatment facilities.

SEC. 5-2-2 DEFINITIONS.

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

- (a) APPROVING AUTHORITY shall mean the Village Board or their authorized deputy, agent, representative or consulting engineer.
- (b) BOD (BIOCHEMICAL OXYGEN DEMAND) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at twenty (20°) degrees centigrade and expressed in milligrams per liter.
- (c) VILLAGE SEWERAGE SYSTEM shall mean the wastewater collection system of the Village of Prairie du Sac, including lift stations and force mains.
- (d) COMBINED SEWER means a sewer intended to receive both wastewater and storm or surface water.
- (e) COMMERCIAL AND INSTITUTIONAL USER means those users of the public owned treatment works which are not residential and are not classified as an industrial user.
- (f) COMPATIBLE POLLUTANTS mean those pollutants generally characterized as BOD, suspended solids, pH and fecal coliforms, together with any additional pollutants defined in the WPDES permit issued for the joint treatment facilities, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established under Sections 5-2-30 and 5-2-31.
- (g) DEBT SERVICE CHARGE means that charge to the users in the Village's service area which shall defray the costs of retiring the debts incurred by the Village in construction of the joint sewage treatment facilities plus any existing debts on the Village sewerage facilities.
- (h) DOMESTIC WASTEWATER means water-borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 290 mg/l and the BOD is established at or below 250 mg/l.
- (i) INCOMPATIBLE POLLUTANTS are all pollutants which are not compatible, as defined in this Section.
- (j) INDUSTRIAL USER AS DEFINED FOR INDUSTRIAL USER CLASS, means any user of the publicly owned treatment works that engages in the processing, blending, assembling or in some way transforming of materials or substances into

new products. This type of user would normally occupy an establishment described as a plant, factory, or mill.

- (k) INDUSTRIAL WASTE means the wastewater from an industrial user as distinct from domestic wastewater.
- (l) MINIMUM CHARGE means the amount charged to each user in the Village, regardless of use. This charge does not provide the user a minimum amount of use.
- (m) OPERATION AND MAINTENANCE COSTS shall mean the Village share of the joint treatment plant operation and maintenance costs plus the operation and maintenance cost of the Village sewerage system. These costs shall include labor, energy, chemicals, and equipment replacement cost but shall not include debt retirement.
- (n) PERSON means any individual, firm, company, association, society, corporation or group.
- (o) pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.
- (p) REPLACEMENT COST means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works and Village sewerage system. The term "operation and maintenance" includes replacement.. The yearly replacement cost shall be calculated as follows:
$$a = \frac{\text{Present Installed Cost}}{\text{Projected Service Life}}$$
 (Capital Recovery Factor)
- (q) RESIDENTIAL USER means a user of the Village owned sewerage system that would occupy an establishment considered a house or apartment and other facilities in which people live.
- (r) SANITARY SEWER means a sewer that conveys domestic wastewater of industrial waste or a combination of both, and into which storm, surface and ground waters of unpolluted industrial wastewater are not intentionally passed.
- (s) SAUK PRAIRIE SEWERAGE COMMISSION (also referred to as the "Commission") means the commission appointed by the Village Boards of Sauk City and Prairie du Sac to supervise the operation of the joint treatment facility. The five (5) member Commission shall be comprised of two (2) members each from Sauk City and Prairie du Sac, with a fifth at-large member to be chosen from either of the two communities by the other four commissioners. Commission duties shall include supervision and control of plant operation and maintenance, determination of plant expenses and revenue requirements, and assessment of the proportionate share of expenses to the communities.
- (t) SEWER SERVICE CHARGE is the sum of the minimum charge, monthly service charge, usage charge and any applicable surcharge.
- (u) SLUG means any discharge of water or wastewater which, in concentrations 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 which adversely affects the collection system and/or performance of the wastewater treatment plant.
- (v) STANDARD METHODS means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Federation of Sewage and Industrial Wastes Association.
- (w) STORM SEWER means a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

- (x) SURCHARGE means an additional charge related to industrial wastes being discharged by any user, having unusual characteristics such as excessive BOD, excessive suspended solids or other pollutants.
- (y) SUSPENDED SOLIDS (SS) means a total suspended matter that either floats on the surface of or is in suspension in water, sewage, or other liquids and which is removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods."
- (z) 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.
- (aa) USER means any person discharging domestic wastewater or industrial wastes into the collection system.
- (bb) USAGE CHARGE means that charge to users of the wastewater treatment plant which adequately provides for proportionate recovery of the operation, maintenance, replacement, administrative, and billing costs associated with the activities of the Sauk-Prairie Sewerage Commission.
- (cc) USER CLASS means a group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.
- (dd) WASTEWATER means a combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.
- (ee) WASTEWATER TREATMENT FACILITIES shall mean the complete facilities for treating and disposing of the domestic wastewater and industrial wastes from the communities of Sauk City and Prairie du Sac.
- (ff) WPDES PERMIT means the Wisconsin Pollutants Discharge Elimination System Permit issued for the Sauk-Prairie wastewater treatment facilities. The permit allows for land disposal of the treatment plant effluent, provided it meets the conditions stipulated in the permit.

History: Code of Ordinances, 1986. Sec 5-2-2 (a) (g) repealed and recreated. Ordinance No. 8, Series of 1995.
 History: Code of Ordinances, 1986. Sec 5-2-2 (t) repealed and recreated. Ordinance No. 7, Series of 1998.

SEC. 5-2-3 THROUGH SEC. 5-2-9

RESERVED FOR FUTURE USE.

ARTICLE B

General Requirements

SEC. 5-2-10 DISCHARGE OF WASTEWATER PROHIBITED.

It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

SEC. 5-2-11 PRIVIES, SEPTIC TANKS AND CESSPOOLS--COMPLIANCE WITH PROVISIONS REQUIRED.

Except as provided in this Chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

SEC 5-2-12 CONNECTION WITH PUBLIC SEWER REQUIRED.

- (a) The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is not located or may in the future be located a public sanitary sewer of the Village, is hereby required, at the owner's 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. Where a public sanitary sewer is not available under the provisions of this Section, the building sewer shall be connected to a Private wastewater disposal system complying with the provisions of this Chapter.
- (b) At such time as a public sewer becomes available to property serviced by a private wastewater disposal system, as provided in Sec. 5-2-15 above, a direct connection shall be made to the public sewer within ninety (90) days, in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

History: Code of Ordinances, 1986. Sec. 5-2-12 amended, Ordinance No. 8, Series of 2005.

SEC. 5-2-13 COMPLIANCE WITH COUNTY REGULATIONS REQUIRED.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Sauk County Zoning Administrator and comply with the then-applicable Sauk County sanitary laws. The Village expressly consents to the enforcement of such laws by the Sauk County Zoning Administrator, and other Sauk County officials, within the Village. Violations of this Chapter may also be prosecuted by the Village.

SEC. 5-2-14 INSPECTION OF INSTALLATION.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the approving authority.

SEC. 5-2-15 COMPLIANCE WITH CERTAIN STATE PROVISIONS REQUIRED--
DISCHARGE TO NATURAL OUTLET PROHIBITED

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health and Social Services of the State. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

History: Code of Ordinances, 1986. Sec. 5-2-16 eliminated and remaining sections renumbered, Ordinance No. 8, Series of 2005.

SEC. 5-2-16 SANITARY OPERATION REQUIRED

The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Village.

SEC. 5-2-17 CONFLICT OF PROVISIONS.

No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

SEC. 5-2-18 WASTEWATER DISCHARGE PERMIT.

A wastewater discharge permit may be required of any person desiring to discharge wastewater to the Village sewerage system and shall be of two (2) classes:

- (a) A domestic wastewater discharge permit may be required of any person desiring to discharge domestic waste and shall be considered as part of the building permit if required and issued by the Village.
- (b) An industrial wastewater discharge permit may be required of any person desiring to discharge an industrial waste and shall be completely separate from any other permits issued by the Village. Further requirements for this class of permit can be found in Section 5-2-34 of this Chapter.

SEC. 5-2-19 OWNER RESPONSIBILITY AND COMPLIANCE WITH VILLAGE
REGULATIONS.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The size, slope, alignment and 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 and plumbing code, or other applicable rules and regulations of the Village.

SEC. 5-2-20 INSPECTION.

The Village shall be permitted to have an authorized representative inspect any installations for compliance with the regulations of this Chapter. If, in the sole discretion of the Village or its authorized agent, any grease, oil or sand interceptor or trap required under applicable Village ordinances ("Trap") is not being maintained or cleaned in compliance with

applicable ordinances and regulations, the Trap may be cleaned by the Village or authorized agent at the expense of the user or property owner. All employees of the Sauk Prairie Sewerage Commission shall be considered authorized representatives for purposes of this paragraph.

History: Code of Ordinances, 1986, 2003. Sec. 5-2-21 repealed and recreated. Ordinance No. 2, Series of 2003

SEC. 5-2-21 NEW CONNECTIONS.

New sewers and connections to the sewer system shall not be allowed unless all downstream components have a reserve capable of accepting them and unless the new sewers and connections to the sewer system are properly designed and constructed in accordance with accepted practices and codes.

SEC. 5-2-22 MANHOLE.

The Village reserves the right to require any user of the system to install and maintain, at the user's expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the Village free and unobstructed access to the installed manhole.

SEC. 5-2-23 THROUGH SEC. 5-2-29 RESERVED FOR FUTURE USE.

ARTICLE C

Discharges, Pretreatment, Special Agreements and Industrial Wastes

SEC. 5-2-30 PROHIBITED DISCHARGES.

- (a) No person shall discharge or cause to be discharged, any unpolluted waters, such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except that storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the approving authority.
- (b) Storm water, other than that exempted under Subsection (a) above, 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 approving authority. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority to a storm sewer or natural outlet.
- (c) Except as provided in this Chapter, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
 - (1) Gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Water 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 process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant. The toxics prohibited are those consistent with Section 307(a) of the Clean Water Act of 1977.
 - (3) Water or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive capable of causing damage or hazard to structures, equipment and personnel of the Village sewerage system.
 - (4) Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Village sewerage system such as, but not limited to ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SEC. 5-2-31 LIMITED AND RESTRICTED DISCHARGES.

The following described substances, materials, waters or wastes shall be limited, in discharges to the Village sewer system, to concentrations or quantities which will not harm the sewers, lift stations or the wastewater treatment facility; will not have an adverse effect on the receiving stream; or will not otherwise endanger life, limb or public property, or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the approving authority, are as follows:

- (a) Wastewater having a temperature higher than one hundred fifty (150°) degrees Fahrenheit (sixty-five [65°] degrees Celsius);
- (b) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;
- (c) Wastewater from industrial plants containing floatable oils, or products of mineral oil origin;
- (d) Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or when served by caterers;
- (e) Water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the joint commission in compliance with state regulations;
- (f) Water or wastes containing odor-producing substances exceeding limits which may be established by the approving authority in compliance with state regulations;
- (g) Radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the approving authority, in compliance with state or federal regulations;
- (h) Quantities of flow, concentrations, or both, which constitute a "slug," as defined in Section 5-2-2 .
- (i) 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 the WPDES permit;
- (j) Water or wastes which, by interaction with other water or wastes in the Village sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- (k) Materials which exert or cause:
 - (1) Unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the wastewater treatment plant;
 - (2) Unusual volume of flow or concentration of wastes constituting "slugs";
 - (3) Unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues, or of dissolved solids, such as sodium sulfate;
 - (4) Excessive discoloration, such as dye wastes and vegetable tanning solutions.

SEC. 5-2-32 PRETREATMENT.

- (a) **PRETREATMENT REQUIRED WHEN -- COST.** When in the opinion of the approving authority, and in accordance with Title 40, Part 128 of the Code of Federal Regulations, and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person creating the waste shall provide, at his expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the Village sewerage system.
- (b) **INTERCEPTOR REQUIREMENTS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the

proper handling of such wastes, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by state plumbing code, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material, and shall maintain records of the dates and means of disposal, which are subject to review by the approving authority. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

SEC. 5-2-33 SPECIAL AGREEMENTS.

No statement contained in this Chapter shall be construed as prohibiting any special agreement between the Village and any person or between the Commission and any person whereby an industrial waste of unusual strength or character may be admitted to the Village sewerage system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the Village or by the Commission without recompense by the person. All special agreements between the Village and any person which affect the wastewater treatment plant shall be reviewed by the Commission; similarly all special agreements between the Commission and any person shall be subject to Village review. The user charge system established through this Chapter takes precedence over any pre-existing agreements between the Village, Commission and any person which may be inconsistent with the governing regulations of this program.

SEC. 5-2-34 INDUSTRIAL WASTES.

- (a) An industrial wastewater discharge permit is required under Section 5-2-19 of this Chapter. For any discharge by an industrial user, as defined in Section 5-2-2(k) or (h) of this Chapter, this permit must be obtained one hundred eighty (180) days prior to the beginning of discharge.
- (b) In support of his application, the user shall submit the following information:
 - (1) Name, address and standard industrial classification number of applicant.
 - (2) Average volume of wastewater to be discharged.
 - (3) Wastewater constituents and characteristics as determined by examination according to "Standard Methods."
 - (4) Time and duration of discharge.
 - (5) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
 - (7) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
 - (8) Each product produced by type, amount and rate of production.
 - (9) Number and type of employees and hours of work.
 - (10) Any other information as may be deemed by the approving authority to be necessary to evaluate the permit application.
- (c) The approving authority, with the concurrence of the Sauk-Prairie Sewerage Commission, will use a consulting engineer to evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the approving authority may issue a wastewater discharge permit subject to appropriate terms and conditions.

SEC. 5-2-35 THROUGH SEC. 5-2-39 RESERVED FOR FUTURE USE.

ARTICLE D

Sewer Service Charges

SEC. 5-2-40 SEWER SERVICE CHARGE; AUTHORITY.

The Village Board shall have the authority to establish and collect a sewer service charge for the use of the Village sewer system and for the wastewater treatment plant owned and operated by the Sauk-Prairie Sewerage Commission. The Sauk-Prairie Sewerage Commission shall have the authority to review the sewer service charges established by the Village prior to their enactment.

SEC. 5-2-41 CLASSES OF USERS.

- (a) The following user classes are established:
 - (1) Metered Residential
 - (2) Metered Commercial
 - (3) Specified Industrial
- (b) All metered residential and commercial users shall pay at the residential rate plus the appropriate surcharges for their user class.
- (c) The specified industrial users shall pay rates as determined by the Sauk-Prairie Sewerage Commission and the Village on the basis of their actual waste load contributions, as well as on their agreed-upon debt service charge should it be applicable.

SEC. 5-2-42 METHOD OF COMPUTING.

- (a) The Sauk-Prairie Sewerage Commission shall determine the yearly cost of operation and maintenance of the treatment facility, and, by taking the total flow-BOD suspended solids load treated by the facility, determine the resulting flow, BOD, and suspended solids unit rates.
- (b) Quarterly, the Commission shall bill the Villages of Sauk City and Prairie du Sac, on actual usage and waste strength. In addition, the Commission shall bill any specified industrial user an actual usage and waste strength at the same unit rates as determined above, in accordance with any special agreements between the Commission and that specified industrial user. The service charge shall be based on water or wastewater meter readings. If service is to be interrupted for any full quarter, the charge is to be based on the actual use for the period of service.

SEC. 5-2-43 MONTHLY SERVICE CHARGE.

All customers of the sanitary sewer utility shall pay a fixed monthly service charge which shall also be the minimum monthly charge, regardless of usage. The monthly service charge shall be sufficient or proportionately sufficient, in conjunction with the usage charge, to cover the cost of capital improvements, equipment reserve, debt service charge, collection, billing and administration of the sanitary sewer system. The amount of this charge will be reviewed annually and changes will be adopted by resolution of the Village Board.

SEC. 5-2-44 SERVICE CONNECTION CHARGE.

The Service Connection Charge shall be a fixed charge sufficient to cover the cost associated with the labor, equipment and materials necessary for the installation of a

sanitary sewer service lateral. The amount of this charge will be reviewed annually and changes will be made by resolution of the Village Board.

History: Code of Ordinances, 1986. Sec. 5-2-43 and Sec. 5-2-44 Repealed and Revised. Ordinance No. 7, Series of 1998.

SEC. 5-2-45 USAGE CHARGE.

The usage charge shall be based on the volume used by each user of the wastewater treatment plant and shall adequately provide for proportionate recovery of operation, maintenance, replacement, administrative and billing costs associated with the activities of the Sauk-Prairie Sewerage Commission. This charge shall be reviewed annually and adopted by resolution of the Village Board and shall be sufficient to generate enough revenue to pay all such charges associated with the activities of the Sauk-Prairie Sewerage Commission. The Village will maintain a proportionate distribution of operation, maintenance, replacement, administrative and billing costs among user classes and will apply any excess revenues collected from a user class to OM&R costs attributable to that class for the next year. The Village will annually notify users of the portion of their bill attributable to wastewater treatment services.

SEC 5-2-46 SURCHARGES.

- (a) The metered commercial class of users shall be charged at the residential user rate and such additional surcharges as may be found equitable by the approving authority.
- (b) The specified industrial class of users shall be charged at the user rates established by the Commission on the basis of actual production of flow, BOD, and suspended solids, at such time as the industrial user applies to discharge to the sewerage system.

History: Code of Ordinances, 1986. Sec. 5-2-43, 44, 45, 46 amended and recreated. Ordinance No. 8, Series of 1995.

SEC. 5-2-47 REVIEW OF WASTEWATER CONTRIBUTIONS.

The Village will review the wastewater contributions of its users no less than biennially and shall align its revenue system to recover actual costs.

SEC. 5-2-48 INDUSTRIAL COST RECOVERY.

- (a) The Village will include a charge for industrial cost recovery to the Sauk-Prairie Sewerage Commission, for reimbursement of capital costs of construction in accordance with any special agreements made between the Commission and the specified industrial discharger, whereby the specified industrial user uses Village funds for financing any such capital costs of construction.
- (b) Such special agreements shall require that capital costs to be paid by the specified industrial user be a proration of the local capital costs for the construction, including any associated costs, based on the design flow-BOD-suspended solids treatment needs of the specified industrial user to those of the total system.

SEC. 5-2-49 TOTAL SEWER SERVICE CHARGE.

The total sewer service charge shall be the sum of the minimum charge, the debt service charge, user charge, any applicable surcharges and industrial cost recovery charges.

SEC. 5-2-50 BILLING PERIODS.

The bill will be payable in accordance with the schedule established by the Village. These bills are normally payable in twelve (12) monthly payments each year.

SEC. 5-2-51 DUE DATE.

All portions of the service charges shall be payable at the time the bill for the same is issued.

SEC. 5-2-52 LATE PENALTIES AND DELINQUENCIES.

Charges levied in accordance with Sections 5-2-40 through 5-2-51 shall be debt due to the Village and shall be a lien upon the property. If this debt may be recovered by civil action in the name of the Village against the property owner, the person or both.

- (a) If this debt is not paid within twenty (20) days after it is due and payable, it shall be deemed delinquent, and a one and one-half percent (1%) per month charge shall be added.
- (b) On October 15 in each year the Administrator shall give notice to the owner or occupant of all lots or parcels to which sewer services have been provided prior to that date and which are owing and in arrears at that time. The notice shall include the following information:
 - (1) the amount of arrears, including any penalties assessed;
 - (2) that, if not paid by November 1, a penalty of ten (10%) percent of the amount of arrears shall be added to that amount;
 - (3) that, unless paid by November 15, the arrears with added penalty will be levied against that property and placed on the tax roll;
- (c) If payment is not received prior to November 15, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.

SEC. 5-2-53 FAILURE TO PAY--REMOVAL OR CLOSURE OF CONNECTION;
RESTORATION OF SERVICE WHEN.

- (a) In addition to other remedies available to the Village in the event of failure to pay the sewer charges after they have become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.
- (b) The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a lien upon the property, and may be recovered by civil action in the name of the Village against the property owner, the person, or both.
- (c) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.
- (d) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

History: Code of Ordinances, 1986. Sec. 5-2-52 and 5-2-53 (a) amended and recreated. Ordinance No. 8, Series of 1995.

SEC. 5-2-54 AUDIT OF GENERAL ACCOUNT.

The Village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality and adequacy of the sewer service charge relative to changing system operation, maintenance and debt service costs.

SEC. 5-2-55 SEWER USE RATES.

History: Code of Ordinances, 1986. Sec. 5-2-55 repealed. Ordinance No. 8, Series of 1995.

SEC. 5-2-56 INTERCEPTOR AREA BENEFIT CONNECTION CHARGE.

- (a) **INTRODUCTION.** It is the general public policy of the Village that new users within the Village shall reasonably participate in the cost of existing interceptor facilities at the time their lands actually receive sanitary sewer service. Interceptor facilities are generally defined as all interceptors and related facilities such as manholes and appurtenances, pumping stations and force mains. In determining what constitutes reasonable participation toward such cost, the Village shall be guided by the principle that the area to be served shall bear its proportionate share of such costs. The cost of interceptor facilities in which new users are required to participate are (i) cost reasonably and necessary incurred to construct the sewage facilities to serve the new areas; and (ii) the cost of providing excess capacity in the intercepting sewers until such time as the future users in the new areas connect to the sanitary sewer system. Intercepting sewers have an anticipated physical life of in excess of 50 years. This requires that they be constructed of sufficient capacity to serve present users and future users. The capacity required to serve future users is referred to as excess capacity. It is more economical to construct interceptors with excess capacity as opposed to the construction of parallel sewers, particularly because such interceptors are initially constructed in largely undeveloped lands. It is reasonable that future users, as well as present users, pay the total cost of the interceptor systems that serve them. It would be unfair and unreasonable for a future user to pay only the cost incurred at the time of the initial construction and not pay costs associated with providing the excess capacity. The investment in excess capacity is made for the future user's benefit; and is not available for other uses by the Village. Since future users make no payment until they connect to the sanitary sewer system, only a part of the total cost of the interceptors can be collected when first placed in service. The cost to be recovered at the time of initial construction should be recovered through an "Interceptor Area Benefit Connection Charge" against the new areas served.
- (b) **COMPUTATION OF INTERCEPTOR AREA BENEFIT CONNECTION CHARGE.** The cost of constructing sanitary interceptors varies with location because of varying labor and material costs and general economic conditions. Because each intercepting sewer has its unique service area, the cost to serve any particular property varies according to the property's location relative to the interceptor and the area that can be served by the interceptor. To reflect these factors, the "Interceptor Area Benefit Connection Charge" (the "Charge") shall be computed in the following manner:
- (1) The potential ultimate service area of the new interceptor shall be determined primarily through the use of land use projections, with strong reliance on adopted land use plans of any governmental authority have appropriate jurisdiction thereof, and consistent with the regulations for staging of interceptors as provided for in NR 110, Wis. Admin. Code. The potential ultimate service area shall exclude wetlands or lands excluded by duly adopted regional plans or land use plans.
 - (2) The capital cost of constructing the interceptor shall be determined. When a new interceptor connects to an existing interceptor, a proportionate share of the current replacement cost of the existing interceptor facility, based upon stated use, shall be included as a capital cost of the new interceptor.

- (3) The total capital costs of constructing the new interceptor shall be divided by the potential ultimate service area of the interceptor to arrive at a cost per thousand square feet of area served. This rate shall be the initial charge.
 - (4) The initial rate comprising the Charge shall be adjusted annually to recover costs associated with providing excess capacity and to reflect the benefit conferred upon and received by the new user. The amount of the annual adjustment is such that the new user will pay an amount that would build an equivalent sewer at the time the new user connects to the system; and the Village will recover cost equivalent to its initial investment.
- (c) **ANNUAL ADJUSTMENT TO INTERCEPTOR AREA BENEFIT CONNECTION CHARGE.** The Charge shall be annually adjusted, based upon the “Engineering News Record Construction Cost Index” (the “Index”), which Index most closely reflects construction costs. The factors used in determining construction costs include labor costs involved in constructing interceptors, such as common labor, cement finisher, carpenter and medium equipment operator, plus fringe benefits. They also include construction materials such as 3,000 psi ready mixed concrete, 24-inch reinforced concrete pipe, 2 x 10 S4S (lowest grade) lumber and paving asphalt. The base index is 100 for the year 1913. Each interceptor shall be assigned a base index equal to the Index at the time of construction of the interceptor. That base index is used in conjunction with the most current index to adjust the initial Charge. The following example is provided by way of explanation:

A Final Plat is approved by the Village Board, which Plat contains a total area of 100 gross acres. The Plat contains 150 lots averaging 0.5 acres in size; streets and outlots constitute 15 acres; an environmental corridor and wetlands constitute 3 acres; and a neighborhood park constitutes 5 acres. The Charge will be assessed on 97 acres of the Final Plat (excludes the environmental corridor/wetlands area). The Charge will be collected upon approval of the Final Plat. Assume the Charge was \$13.98 per 1,000 square feet upon adoption of this Ordinance (as listed under Sect 5-2-56(d)). The Index at the time of adoption of this Ordinance was 6916. If the current Index is 7220, then the current Charge is \$14.59 per 1000/square feet. Therefore, the total Charge for this 100-acre development is \$61,647.42.

- (d) **ESTABLISHMENT OF INTERCEPTOR AREA BENEFIT CONNECTION CHARGES.** The following Charges are established for the year 2004 in the following amounts and for the following described interceptors; and such charges shall be adjusted each calendar year thereafter, as provided for herein, by means of a resolution duly adopted by the Village Board prior to December 31 of the year preceding the calendar year for which the adjustment is made.

<u>Interceptor</u>	<u>IABC Charges</u>
(1) West Side Interceptor	\$13.98/1000 sq. feet (as of 3/2004)
(2) 13 th Street Interceptor	\$13.98/1000 sq. feet (as of 3/2004)
(3) Water Street Interceptor	\$13.98/1000 sq. feet (as of 3/2004)

- (e) **APPLICATION OF INTERCEPTOR AREA BENEFIT CONNECTION CHARGE.** In collecting the Charges, the following shall apply:

- (1) The Charge is imposed upon all lands, including municipally owned lands, park lands, conservancy lands, lands designated as permanent open space, as well as any other undeveloped areas; and the only lands to be excluded there from are wetlands and lands permanently declared as undevelopable by duly adopted plans of governmental authorities having appropriate jurisdiction thereof.
 - (2) The Charge shall be computed on a net area basis for plats and certified surveys, excluding public roads.
 - (3) In any case not covered by the policy statements contained in this Section 5-2-56, the Village Board shall determine whether or not the Charge shall be imposed as well as the amount thereof.
- (f) **USE OF INTERCEPTOR AREA BENEFIT CONNECTION CHARGE.** The Charges collected pursuant to this Section 5-2-56 shall be deposited into the Village's Sewerage Capital Funds Project Account and used primarily to pay for the cost of construction of additional sewerage facilities to serve all users, or for debt service thereon.
- (g) **PAYMENT.** The Charge shall be paid to the City Clerk upon the earlier of the following events: (i) issuance of a permit for the connection of a building sewer to a public sewer owned by the Village, which public sewer conveys wastewater to the Interceptor in question; or (ii) the date of approval by the Village Board of the Final Plat or the Certified Survey Map of a subdivision of a lot, parcel or tract of land (which lot, parcel or tract is or will be served by the Interceptor in question); and in this latter event, no later than the date of actual recording of the Final Plat or Certified Survey Map at the Register of Deeds Office. A penalty of 1% per month shall be assessed on all such charges not paid at that time; and such penalty shall continue until payment is made in full.

History: Code of Ordinances, 1986. Sec. 5-2-56 created Ordinance No. 4 Series of 2004.

History: Code of Ordinances, 1986. Sec. 5-2-56 amended, Ordinance No. 8, Series of 2005.

SEC. 5-2-57 THROUGH SEC. 5-2-59 RESERVED FOR FUTURE USE.

ARTICLE E

Violations and Penalties

SEC. 5-2-60 WRITTEN NOTICE OF VIOLATIONS REQUIRED.

Any person found to be violating any provision of this Chapter, except Section 5-2-50, shall be served by the Village with a written notice stating the nature of the violation, and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SEC. 5-2-61 ACCIDENTAL DISCHARGE INTO SEWERS.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall pay an amount to cover any increased operation, maintenance and equipment replacement costs caused by such deleterious discharge.

SEC. 5-2-62 CONTINUED VIOLATIONS.

Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation of this Chapter beyond the notice time limit provided in this Article shall, upon conviction thereof, forfeit not more than Five Hundred (\$500.00) Dollars together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

SEC. 5-2-63 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation, which the Village may suffer as a result thereof.