

CHAPTER 13

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13.01 COMPULSORY CONNECTION TO SEWER AND WATER.

1) NOTICE TO CONNECT. Whenever the public sewer or water system becomes available to any public, commercial, mercantile, or business building or any building used for human habitation, the Village Board shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities required by the Village Board. If the person to whom notice has been given fails to comply within 10 days after notice, the Village Board shall cause the necessary connections to be made; the Village Board shall cause the necessary connections to be made; and the expense thereof shall be assessed as a special tax against the property pursuant to §66.07 & 66.08, Wis. Stats.

2) DEFERRED PAYMENT. The owner or his agent or the occupant may, within 30 days after the completion of the work, file a written option with the Village Clerk/Treasurer electing to pay the amount of the assessment in 5 equal annual installments with interest on the unpaid balance at 8% per year.

3) PRIVIES AND WATERLESS TOILETS PROHIBITED. After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building.

13.02-13.04 RESERVED

WATER UTILITLY

13.05 AGREEMENT TO COMPLY WITH WATER UTILITY OPERATING RULES.

All persons now receiving a water supply from the Utility, or who may hereafter make application therefore, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

13.06 PUBLIC SERVICE COMMISSION RULES ADOPTED.

(1) **ADOPTED RULES.** The Village of Valders Public Utilities shall follow the provisions of Wisconsin Administrative Code, Public Service Commission Chapter 185, as adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in §13.25 of this chapter.

(2) **BILLING PRACTICES & RATES.** All users of the municipal water system shall be billed on a quarterly basis. Current rates as set by the Public Service Commission shall be kept on file at all facilities where utility payments are accepted. Current receptacle is the Valders Village Office in person or the drop box or by mail.

13.07 RESERVED.

13.08 WELL ABANDONMENT. (Cr. 1992)

(1) **PURPOSE.** To protect public health, safety and welfare and to prevent contamination of water supplies by assuring that unused, unsafe or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or properly filled-and-sealed.

(2) **APPLICABLITLY.** This Ordinance applies to all wells located on premises served by the Valders municipal water system. Communities outside the jurisdiction of a supplying municipal system may be required by code, contract agreement, or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

(3) **DEFINITIONS.**

Municipal Water Systems. means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing;

Communities served means any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system;

Non-Complying. means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code;.

Pump Installation. means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps;

Served by means any property having a water supply pipe extending onto it which is connected to the municipal water system;

Unsafe well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources (DNR).

Unused well means one which does not have a functional pumping system or other complying means of withdrawing water.

Well means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

Well abandonment means the proper filling-and-sealing or decommissioning of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(4) **ABANDONMENT REQUIRED.** All wells on premises served by the municipal water system shall be properly filled-and-sealed in accordance with Section 6 of this ordinance not later than 180 days from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by Valders under terms of Section 5 of this ordinance.

(5) **WELL OPERATION PERMIT.** Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system or date of discovery or construction of a well. The Valders Public Utilities shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Valders Public Utilities or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee of \$50.00.

The following conditions must be met for issuance or renewal of a well operation permit:

(a) The well and pump installation shall comply with the *Standards for Existing Installations* described in s. NR 812.42, Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or licensed pump installer and documentation shall be submitted to the Clerk.

(b) The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one coliform bacteria sample collected within the prior 30 days and submitted to the Utility Clerk. In areas where the DNR has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

(c) There shall be no cross-connections or interconnection between either the well's pump installation or distribution piping and the municipal water system unless approved by the utility and DNR.

- (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (e) The private well shall have a functional pumping system or other complying means of withdrawing water.
- (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(6) ABANDONMENT WELL FILLING & SEALING PROCEDURES

- (a) All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of a Certified Water System Operator employed by Valders Public Utilities or by a Wisconsin-licensed well driller or Wisconsin-licensed pump installer, per § 280.30 Wisconsin Statutes.
- (c) The owner of the well, or the owner's agent shall notify the Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
- (d) A well filling-and-sealing report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within 30 days of the completion of the well abandonment.

(7) **PENALTIES.** Any well owner violating any provision of this section shall upon conviction be subject to a penalty as provided in §13.25 of this Municipal Code. Each day of violation is a separate offense. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

13.09 WELLHEAD PROTECTION OVERLAY DISTRICT (Cr. 2008)

(1) **PURPOSE AND AUTHORITY.** The residents of the Village of Valders depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village of Valders. This ordinance is adopted pursuant to §61.35 and 62.23, Wis. Stat., with authority to encourage the protection of groundwater resources.

(a) **APPLICATION OF REGULATIONS.** The regulations specified in this Wellhead Protection Ordinance shall apply only to lands within 1,200 feet of the Valders municipal wells with the incorporated areas of the Village.

(b) DEFINITIONS

Aquifer. "Aquifer" means a saturated, permeable geologic formation that contains and will yield significant quantities of water.

Groundwater Protection Overlay District.

Groundwater Protection Overlay District” means that portion of the recharge area for the Village wells that lies within the Village limits as shown in the map attached hereto as Exhibit “A” and incorporated herein as if fully set forth.

Recharge Area. “Recharge area” means the area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

Well Field. “Well field” means a piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(2) GROUNDWATER PROTECTION OVERLAY DISTRICT.

(a) INTENT. The primary portion of the Valders recharge area to be protected is the land within 1,200 feet of the Village of Valders wells, known as Wells #1 and #2, as shown on the Exhibit “A” attached hereto. These lands are subject to land use and development restrictions because of close proximity to the wells and the corresponding high threat of contamination.

(b) PERMITTED USES. The following uses are permitted uses within the Groundwater Protection Overlay District. Uses not listed here or in section (c) below are to be considered prohibited uses.

1. Parks and playgrounds provided there are no on-site waste disposal or fuel storage tank facilities.
2. Wildlife area
3. Nonmotorized trails, such as biking, skiing, nature and fitness trails
4. Sewered residential developments

(c) CONDITIONAL USES. The following uses are conditional uses within the Groundwater Protection Overlay District. Uses not listed here or in (b) above are to be considered prohibited uses. Commercial uses served by municipal sanitary sewer except those listed as prohibited in section (d).

(d) PROHIBITED USES. The following uses are prohibited uses within the Groundwater Protection Overlay District. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination.

1. Underground storage tanks of any size
2. Septage and/or sludge spreading
3. Animal waste land spreading
4. Animal waste facilities
5. Animal confinement facilities
6. Gas stations
7. Vehicle repair establishments, including auto body repair
8. Printing and duplicating businesses
9. Any manufacturing or industrial businesses
10. Bus or truck terminals
11. Repair shops
12. Landfills or waste disposal facilities
13. Wastewater treatment facilities
14. Spray wastewater facilities
15. Junk yards or auto salvage yards

16. Bulk fertilizer and/or pesticide facilities
17. Asphalt products manufacturing
18. Dry cleaning businesses
19. Salt storage
20. Electroplating facilities
21. Exterminating businesses
22. Paint and coating manufacturing
23. Hazardous and/or toxic materials storage
24. Hazardous and/or toxic waste facilities
25. Radioactive waste facilities
26. Recycling facilities
27. Cemeteries

(e) Where any of the uses listed in(d)above exist within the Groundwater Protection Overlay District on the effective date of this ordinance, owners of these facilities will be allowed to maintain and to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Village Board; and appropriate permit issued by the Village Building Inspector, prior to any work being initiated. Expansion of the prohibited will not be allowed, although routine maintenance and repair of the existing facility is allowed.

(f) SEPARATION DISTANCES. The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District.

1. Fifty feet between a well and storm sewer main.
2. Two hundred feet between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) 600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
3. Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm drainage pond.
4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility, sanitary landfill, coal storage area, salt or deicing material storage area, gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(g) **PRIORITY OF GROUNDWATER PROTECTION OVERLAY DISTRICT.** The regulations of the Groundwater Protection Overlay District will apply in addition to all other zoning regulations applicable to the same geographic area. In the event the provisions of the Groundwater Protection Overlay District are more stringent than the applicable zoning regulations, the terms of the Overlay District shall have priority.

(h) **ADMINISTRATION, ENFORCEMENT AND PENALTY**

1. Violation.

a. Any person deemed to be in violation of any provision of this ordinance shall be served with a written notice stating the nature of the violation and provide reasonable time for compliance.

b. The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property by certified mail at the address of the owner as shown on the Village tax record.

2. Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in §13.25 of this Municipal Code. Each day a violation exists or continues shall constitute a separate offense. All costs of prosecution shall be paid by the defendant.

3. Equitable Relief. The Village of Valders may, in addition to any other remedy, seek injunction or restraining order or other equitable relief against the party alleged to have violated the provisions hereof. All costs thereof shall be charged to the defendant in such action.

4. Spills And Discharges. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Groundwater Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the Village of Valders and the other state and federal agencies.

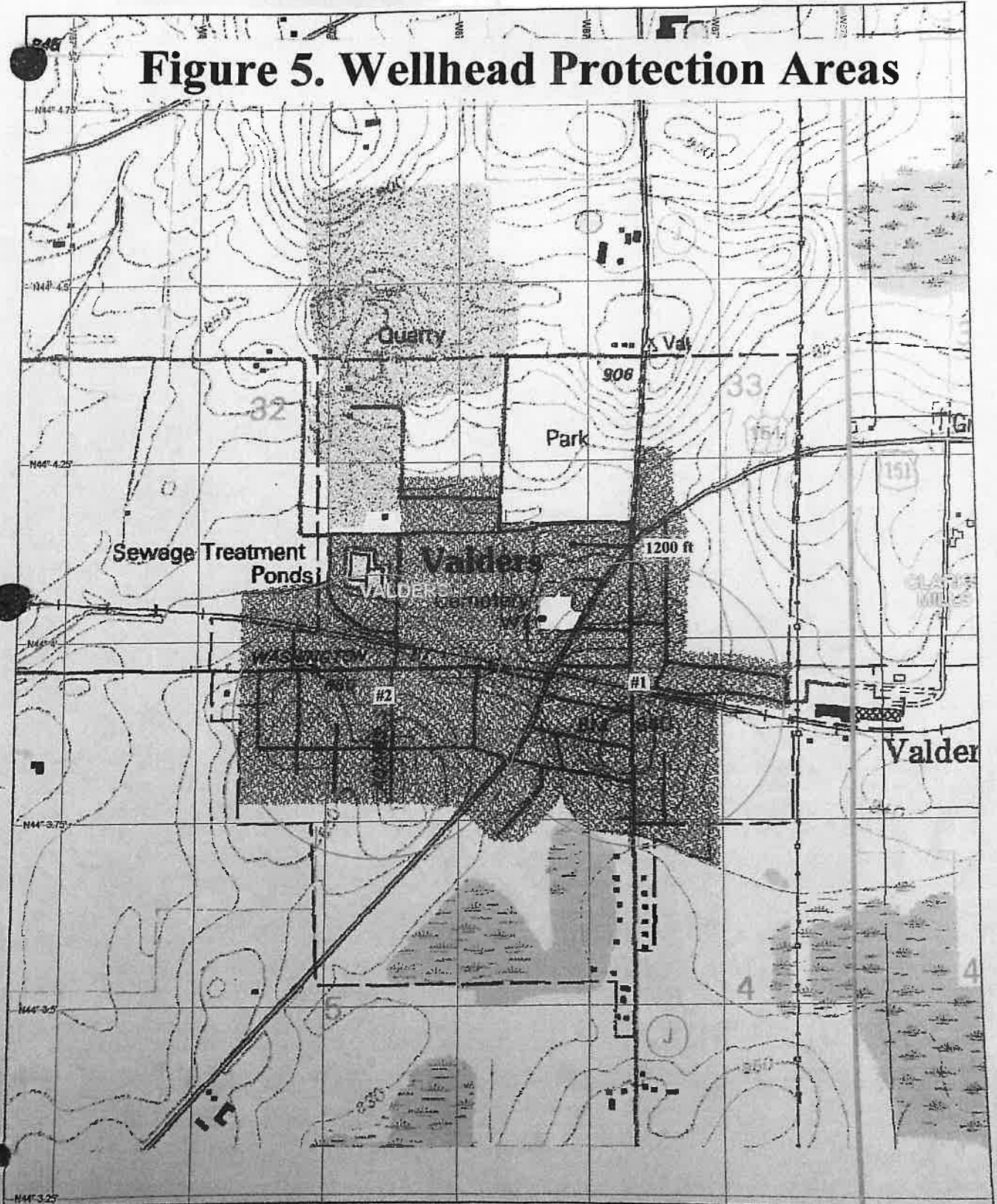
The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the Village employees, equipment and mileage. In addition to any other action hereunder, the Village of Valders may commence action against the person or entity who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs of clean-up, together with the costs of prosecution.

5. Inspections. Subject to applicable provisions of law, the Village of Valders Building Inspector or authorized representative thereof shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Ordinance to ensure that activities are in accordance with the provisions of this Ordinance. If the owner or person in charge of the premises does not consent to the entry of the appointed individual for the above stated purposes, the Village Board or its designee may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

6. Vandalism. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the Village or any other protected public water supply, or which results in the violation of this Ordinance.

EXHIBIT "A"

Figure 5. Wellhead Protection Areas



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS | 500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

SEWER UTILITLY**13.10 DEFINITIONS.**

Approving authority means the Valders Village Board and/or their designees.

BOD (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

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 (Cr. 9/13/93)

Building sewer shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer. (Cr. 9/13/93)

Category A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 300 mg/l and suspended solids no greater than 250 mg/l. (Cr. 9/13/93)

Category B shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 300 mg/l of BOD and 250 mg/l suspended solids. Users whose wastewater exceeds the concentration for any one of these parameters shall be in Category B. (Cr. 9/13/93)

Chlorine requirement means the amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods".

Combined sewer means a sewer receiving both surface runoff and sewage.

Compatible pollutants shall mean BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coli form bacteria, plus addition pollutants identified in the Municipality's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree. (Cr. 9/13/93)

Easement shall mean an acquired legal right for the specified use of land owned by others. (Cr. 9/13/93)

Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system. (Cr. 9/13/93)

Garbage means the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than ½" in any dimension.

Incompatible pollutants shall mean wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality or quantity of wastewater treatment if discharged to the wastewater treatment facilities.
(Cr. 9/13/93)

Industrial waste means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing process, trade or business, as distinct from sanitary sewage.

Municipality shall mean the Village of Valders. (Cr. 9/13/93)

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
(Rep. & recr. 9/13/93)

Normal domestic strength wastewater shall mean wastewater with concentrations of BOD no greater than 300 mg/l and suspended solids no greater than 250 mg/l. (Cr.9/13/93)

Operation and maintenance costs shall include all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the Municipality.

Parts per million shall be a weight to weight ratio; the parts per million value multiplied by The factor 8.345 shall be equivalent to pounds per million gallons of water.

Person means any persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Public sewer means any sewer provided by or subject to the jurisdiction of the Village. It also includes sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary or combined sewer system even though those sewers may not have been constructed with Village funds.

Replacement costs shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of water carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants); together with such ground, surface and storm waters as may be present.

Sanitary sewer means a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.

Sewage means the water carried human, animal and household wastes in a public or private drain, and may include ground water infiltration, surface drainage and industrial waste.

Sewage disposal works means all facilities for collecting, pumping, treating, and disposing of sewage and industrial wastes, and it includes sewerage as well as the Wastewater Treatment Plant.

Sewage (system) means the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

Sewer means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

Sewer service charge is a charge levied on users of the wastewater treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of said facilities. (Cr. 9/13/93)

“*Shall*” is mandatory; “*May*” is permissible.

Slug means any discharge of sewage or industrial waste which in concentration of any given constituent exceeds more than 5 times the average 24-hour concentration during normal operation, or the discharge of any volume of liquid waste which exceeds in quantity of flow for a period of 15 minutes or more, the normal 24-hour average discharge.

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 Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

Storm sewer means a sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float to the surface or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set for in “Standard Methods”.

Unpolluted water is water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities (Cr. 9/13/93)

Village means the Village of Valders.

Wastewater shall mean the spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present. (Cr. 9/13/93)

Wastewater collection facilities (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater. (Cr. 9/13/93)

Wastewater treatment facility shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant. (Cr. 9/13/93)

Wastewater treatment plant means an assemblage of devices, structures and equipment for treating sewage and industrial waste.

Wisconsin Pollutant Discharge Elimination System (WPDES) permit, is a document issued by the State of Wisconsin which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.(Cr. 9/13/93)

13.11 **USE OF THE PUBLIC SEWERS**

(1) **SANITARY SEWERS.** No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water or unpolluted water into any sanitary sewer.

(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 Approving Authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.

(3) **PROHIBITIONS AND LIMITATIONS.** 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:

- (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 sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.
- (d) Any waters or wastes having a pH in excess 8.5.

- (e) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- (f) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers, sewage treatment plant or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, property or constitute a nuisance.

In forming their opinion as to the acceptability of these wastes, the Approving Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of wastewater treatment process, capacity of the Wastewater Treatment Plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150° f.
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° f.
3. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the Approving Authority.
4. Any waters or wastes containing iron, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material discharged in the composite sewage to the sewer exceeds limits established by the Approving Authority for such materials.
5. Any waters or wastes discharged to the sewer containing over 0.1mg/l hexavalent chromium per 24 hour composite.
6. Any waters or wastes containing phenols or other taste or order producing substances in such concentration exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with State or Federal regulations.
8. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

9. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Unusual concentration or inert suspended solids (solids as, but not limited to, fuller's earth, lime slurries, or lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
11. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
12. 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 plant effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
13. Wastewater from industrial plants containing floatable oils, fat, or grease. (Cr. 9/13/93)
14. 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. (Cr. 9/13/93)
15. 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, 40 CFR 403, as amended from time to time. (Cr. 9/13/93)
16. Any clothing, rags, textile remnants or wastes, cloth, "flushable" wipes, disposable diapers, absorbency pads, etc., unless such materials have been properly shredded and will pass through a one-quarter-inch mesh screen or its equivalent in screening ability.

(4) RESTRICTIONS OF DISPOSAL OF "FLUSHABLE" MATERIALS. Commercial and industrial customers including child care facilities, hospitals, medical and dental clinics, nursing homes, assisted living facilities, etc. are prohibited from discharging any clothing, rags, textile, remnants or wastes, cloth "flushable" wipes, disposable diapers, absorbency pads, etc. directly to the sewer system. Such materials may only be discharged to the sewers if it is shredded to meet the requirements of §13.11(f) 16., using a sewage grinder pump or other device or system specifically designed for use with sewage systems and approved by the Approving Authority.

(5) SPECIAL ARRANGEMENTS. No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person.

(6) WPDES PERMIT. (Cr. 9/13/93) No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the Municipality's WPDES permit and any modifications thereof.

(7) NEW CONNECTIONS. (Cr. 9/13/93) New connections to the Municipality's sanitary sewer system will be allowed only if there is available capacity.

13.12 **CONTROL OF COMMERCIAL/INDUSTRIAL WASTES DIERCTED TO PUBLIC SEWERS**

(1) SUBMISSION OF BASIC DATA. Within 3 months after January 21, 1974 each person who discharges industrial wastes to a public sewer shall annually prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the sewage disposal works. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(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 (1) above, a request for an extension of time may be presented for consideration by the Approving Authority.

(3) COMMERCIAL/INDUSTRIAL DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in §13.11, and which in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority 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 covering of the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 13.11(5).

(4) CONTROL MANHOLES.

(a) Each person discharging industrial 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.

(b) Control manholes or access facilities shall be located and built in a manor acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

(c) 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. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

(5) MEASUREMENT OF FLOW. The volume of flow used for computing industrial waste collection and treatment charges shall be metered water consumption of the person as shown in the records of meter reading maintained by the Valders Public Utilities Water Department.

(6) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Meter devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation such meters may not be removed without the consent of the Approving Authority.

(7) PROVISIONS FOR DEDUCTIONS. If a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 10% of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person,

(8) WASTE SAMPLING.

(a) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determination shall be made by the industry as often as may be deemed necessary Approving Authority. Samples shall be collected in such a manner as to be representatives of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

(b) 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 Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of the samples to insure their preservation in a state comparable to that at the time the sample was taken.

(9) PRETREATMENT. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the sewage disposal works, the person 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 public sewers.

(10) GREASE AND/OR SAND INTERCEPTORS. (Rep. & recr. 9/13/93) 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 Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with the currently acceptable DNR rules and regulations.

(11) ANALYSES. (Rep. & recr. 9/13/93) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulations of 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 Approving Authority.

(12) SUBMISSION OF INFORMATION. (Rep. & recr. 9/13/93) Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

13.13 BASIS FOR SERVICE CHARGES.

(1) SEWER USERS SERVED BY WATER UTILITY METERS. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based in part on the quantity of water used as measured by the water meter used upon the premises.

(2) SEWER USERS SERVED BY PRIVATE WELLS. If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed, the water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter. The Water Utility shall charge for each meter a rental charge to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewerage service charge is billed. The rental charge for water meters are set by the Water Utility at the time the meter is installed.

(3) DEDUCT METERS. (Cr. 9/13/93) If a user feels that a significant amount of metered water does not reach the sanitary sewer, the user may avail of one of the following options:

(a) The user may request the Approving Authority to have such additional meters or metered services installed as are necessary to calculate the volume of water not discharged to the sanitary sewer (i.e. a "deduct" meter); or the user may request the Approving Authority to have a meter installed to measure the actual amount of sewage discharged to the sanitary sewer (i.e. a "sewage" meter). Requests for a second meter or metered services must be made in writing to the Approving Authority. In the event the Approving Authority agrees to such installations, the customer shall be charged all costs attendant thereto including, but not limited to; a meter yoke for each meter (to be installed by a licensed plumber); meter rental (the meter will be owned by the Municipality and subject to access and inspection by the Municipality personnel at all reasonable times) in an amount set annually by the Approving Authority; remote reading device(s) if necessary; and labor and miscellaneous parts and supplies. No provision shall be made, nor shall any means be taken to route water from any "deduct" meter to the customer's general distribution system. In addition to the general penalties set forth in §13.19; any violation of this section will result in nullification of the deduct readings and removal of the deduct meter.

(b) In the event it is physically impractical or impossible to install metering equipment, the user may request the Approving Authority to take such means as it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system, or conversely, the amount of actual sewage discharged thereto.

13.14 AMOUNT OF SERVICE CHARGES.

The Village Board shall review the amount of service charges and the rules for sewer services in conjunction and accordance with the provisions of §13.23. At such time the rates and rules shall be set for domestic, commercial and industrial users.

The fixed quarterly charge shall be sufficient to pay the billing and customer related administrative expenses. A portion of the debt service may be paid by the levy of an ad valorem tax in accordance with State Statutes, and in an amount determined by the Village Board annually. The unit price per volume shall be sufficient to pay the remaining annual cost of operation, maintenance and debt service, including any replacement fund.

(1) SEWER SERVICE CHARGE UNIT COSTS. The unit costs for the sewer service charge are as follows:

	<u>Unit Costs</u>
Volume	\$ 6.60/1,000 gallons
BOD	\$ 0.93/lb.
Suspended Solids	\$ 0.89/lb.
Fixed Quarterly Charge	\$ 62.00/quarter

(2) CATEGORY A SEWER SERVICE CHARGE. The sewer service charge for Category A sewer service is as follows:

Fixed Quarterly Charge	\$62.00/bill
Volume Charge	\$6.60/1,000 gallons

(3) CATEGORY B SEWER SERVICE CHARGE. The sewer service charge for Category B sewer users is as follows:

Fixed Quarterly Charge	\$62.00/bill
Volume Charge	\$6.60/1,000 gallons
Surcharge:	
BOD concentrations greater than 300 mg/l	\$0.93/lb.
Suspended solids concentrations greater than 250 mg/l	\$0.89 /lb.

The Category B sewer service charge shall be computed in accordance with the formula presented below:

$$T = FQ + (V * C_V) + 0.00834 V ((B * C_B) + (S * C_S))$$

Where:

- T = Total sewer service charge
- FQ = Fixed quarterly charge
- B = Concentration of BOD in the wastewater above 300mg/l
- S = Concentration of Suspended Solids in the wastewater above 250 mg/l
- V = Volume of wastewater in 1000 gallon units
- C_V = Volume cost per 1000 gallons
- C_B = Cost per pound of BOD
- C_S = Cost per pound of Suspended Solids
- 0.00834 = Factor to convert mg/l to lbs./gallon

(The above formula shall not be construed to give credits or reductions in sewer charges for a waste strength less than domestic concentrations for BOD or Suspended Solids.)

(4) REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories; if wastewater sampling programs or other related information indicates a change of categories is necessary.

(5) OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in §13.10. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund. All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater treatment facilities.

(6) 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 materials into any disposal area or public sewer unless a permit for disposal has been first obtained from the Approving Authority 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 permit may be obtained upon payment of a fee of \$50 per calendar year. The time and place of disposal will be designated by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted and reserves the right to deny waste if the treatment plant is unable to safely process it.

Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry liability insurance in an amount not less than \$1,000,000 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 the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees they will comply with the provisions of any and all applicable ordinances of the Municipality and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids, or other deleterious substances into the public sewers, nor any earth, sand, or other solid materials to pass into any part of the wastewater treatment facilities.

Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged as follows:

Charges for Septic Tank Sludge and Holding Tank Waste shall be based on volume and the concentrations of BOD and Suspended solids of the waste being discharged. The nominal rates for typical strength septic and hold tank wastes are as follows:

Septic Tank Waste	\$40.00/1,000 gallons
Holding Tank Waste	\$12.00/1,000 gallons

Any hauled waste containing mixed volumes of Septic and Holding Tank waste shall be charged at the rate for Septic Tank Waste or prorated at the discretion of the Approving Authority.

At the discretion of the Approving Authority, sampling of hauled in wastes may be required to determine actual waste strength. Any hauled waste that exceeds the typical strength of waste for Septic Tank or Holding Tank waste, as determined by sampling and laboratory analysis, may be billed using the formulas and unit charges for Category B Sewer Service Charges.

The person(s) disposing wastes agrees to indemnify and hold harmless the Municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(7) CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Municipality's wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.

13.15 **BILLING PRACTICE.**

(1) BILLING PERIOD. Sewerage service charges shall be billed separately from the water bill and on a quarterly basis.

(2) PAYMENT. Sewerage service charges shall be payable 20 days after the billing date at the Valders Village Office.

(3) PENALTIES.

(a) Such surcharges levied in accordance with this subchapter shall be debt due to the Village and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the Village against the property owner, the person or both.

(b) In the event of failure to pay sewer or surcharges after they have become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property accomplishing such purpose.

(c) 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.

(d) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.

(e) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(4) RESIDENTIAL SPRINKLING ALLOWANCE. (Cr. 9/13/93) An allowance for metered water used for watering of lawns and outdoor greenery may be made for the third quarter billing by computing charges based on the water usage volume being the lesser of: a) The third quarter metered water usage; or b) the average of the preceding first and fourth quarter metered water usages. This allowance applies only to sewer customers in occupancy of the residential dwelling during the entire fourth and first quarters.

13.16 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.

(1) **RIGHT OF ENTRY.** The Village Engineer, Superintendent of the Wastewater Treatment Plant, Plumbing Inspector or other duly authorized employees of the Village 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 subchapter and §191.171 Wis. Stats. The Village Engineer, Superintendent of the Wastewater Treatment Plant, Plumbing Inspector or other duly authorized employees of the Village shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(2) **SAFETY.** While performing the necessary work on private premises referred to in subsection (1), authorized Village employees shall observe all safety rules applicable to the premises established by the company and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, and indemnify the company against loss or damage to its property by Village employees; except as such may be caused by negligence or failure of the company to maintain safe conditions as required in §13.12(4).

(3) **INDENTIFICATION; RIGHT TO ENTER EASEMENTS.** The Village Engineer, Superintendent of the Wastewater Treatment Plant, Plumbing Inspector or other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair or maintenance of any portion of the sewage works lying within such easement, all subject to the terms, if any, of the agreement.

13.17 SEWER CONSTRUCTION.

(1) **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(2) **COST OF SEWER CONSTRUCTION.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(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 by the Approving Authority, to meet all requirements for this subchapter.

(4) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope alignment, materials or 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. In the 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.

(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) **CONFORMANCE TO PLUMBING CODE.** The connection of the building into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(7) **INSPECTION OF CONNECTION.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

(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 Village.

(9) **STORM AND GROUNDWATER DRAINS.** (Cr. 9/13/93) All existing downspouts or groundwater drains, etc. connected directly or indirectly to a sanitary sewer shall be disconnected with 50 days of the date of an official written notice from the Approving Authority.

13.18 **DAMAGE OR TAMPERING WITH SEWAGE WORKS.** WILLFUL, NEGLIGENT MALICIOUS DAMAGE. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

13.19 **VIOLATIONS AND PENALTIES**

(1) **WRITTEN NOTICE OF VIOLATIONS.** Any person found to be violating any provision of this subchapter, except §13.15(2), 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 time stated in such notice, permanently cease all violations.

(2) **ACCIDENTAL DISCHARGE.** 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 in addition to a fine, pay the amount to cover damages, both values to be established by the Approving Authority.

(3) **CONTINUED VIOLATIONS.** Any person, partnership or corporation, or any officer, agent or employee thereof who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit, nor more than \$200 together with the cost of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the Manitowoc County Jail for a period of not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

(4) **LIABILITY TO VILLAGE FOR LOSSES.** Any person violating any provisions of this subchapter shall become liable to the Village of for any expense, loss or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

(5) **DIFFERENCES OF OPINION.** The Village Board shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this subchapter by the Approving Authority.

13.20 **AMENDMENT.** The Village, through its duly qualified officers, reserves the right to amend this subchapter in part or in whole, wherever it may deem necessary, but such right shall be exercised only after due notice to all persons concerned and proper notices and/or hearing on the proposed amendment.

13.21 **AUDIT.** The Village shall conduct an annual audit, the purpose of which will be to re-establish the equity and adequacy of the user charges in the light of increasing system operation and maintenance costs.

13.22 **EFFECTIVE DATE.**

(1) DATE OF EFFECT. This subchapter shall take effect and be in force from and after passage, approval, recording and publication, as provided by law.

(2) DATE OF ENACTMENT (APPROVAL). Passed and adopted by the Village Board of the Village of Valders, in the County of Manitowoc and the State of Wisconsin on the 21st day of January, 1974.

13.23 **AUDIT, NOTIFICATION AND RECORDS.** (Cr. 9/13/93)

(1) BIENNIAL AUDIT. The Municipality shall review, at least every 2 years the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater treatment facilities, and the sewer service charge system. Based on this review, the Municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

(a) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on wastewater volume and pollutant loadings discharged by the users;

(b) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater treatment facilities; and

(c) Apply revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rate accordingly.

(2) ANNUAL NOTIFICATION. The Municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portions of the rates are attributable to the operation and maintenance expenses, and debt service costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular quarterly bill on an annual basis.

(3) RECORDS. The Municipality shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subsection E of the Clean Water Act.

13.24 **RESERVED.**

13.25 **PENALTY.** Except where otherwise provided, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by §25.04 of this Municipal Code.