

Chapter 22 - UTILITIES

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ARTICLE I. - IN GENERAL

Sec. 22-1 - 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 building inspector shall notify in writing the owner, agent or occupant to connect all facilities required by the building inspector. If the person to whom notice has been given fails to comply within ten days after the notice, the building inspector shall cause the necessary connections to be made and the expense to be assessed as a special tax against the property pursuant to Wis. Stats. § 144.06.
- (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 treasurer electing to pay the amount of the assessment in five equal annual installments with interest on the unpaid balance at eight percent 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. (Code 2006, § 13.05)

Secs. 22-2 - 22-20 - Reserved.

ARTICLE II - WATER SYSTEM

Sec. 22-21 - 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. (Code 2006, § 13.01)

Sec. 22-22 - Public service commission rules adopted.

The following provisions of Wis. Admin. Code ch. PSC 185, are adopted by reference and made a part of these rules as if set forth in full. A violation of any of such rules shall constitute a violation of this section and shall be punishable as provided in section 1-13.

Wis. Admin. Code § PSC 185.11	Authorization for and application of rules.
Wis. Admin. Code § PSC 185.12	Definitions.
Wis. Admin. Code § PSC 185.13	General requirements.
Wis. Admin. Code § PSC 185.15	Free or discriminatory service prohibited.

Wis. Admin. Code § PSC 185.16	Protection of utility facilities.
Wis. Admin. Code § PSC 185.17	Interference with public service structures.
Wis. Admin. Code § PSC 185.18	Location of records.
Wis. Admin. Code § PSC 185.19	Retention of records.
Wis. Admin. Code § PSC 185.21	Schedules to be filed with the commission.
Wis. Admin. Code § PSC 185.22	Information available to customers.
Wis. Admin. Code § PSC 185.31	Metered service.
Wis. Admin. Code § PSC 185.32	Meter readings and billing periods.
Wis. Admin. Code § PSC 185.33	Billing.
Wis. Admin. Code § PSC 185.35	Adjustment of bills.
Wis. Admin. Code § PSC 185.36	Deposits.
Wis. Admin. Code § PSC 185.37	Disconnection and refusal of service.
Wis. Admin. Code § PSC 185.38	Deferred payment agreement.
Wis. Admin. Code § PSC 185.39	Dispute procedures.
Wis. Admin. Code § PSC 185.41	Employees authorized to enter customers' premises.
Wis. Admin. Code § PSC 185.42	Customer complaints.
Wis. Admin. Code § PSC 185.43	Construction records.
Wis. Admin. Code § PSC 185.44	Records and reports of service interruptions.
Wis. Admin. Code § PSC 185.45	Pumpage records.
Wis. Admin. Code § PSC 185.46	Metering equipment records.
Wis. Admin. Code § PSC 185.47	Other records.

Wis. Admin. Code § PSC 185.51	Requirement for good engineer practice.
Wis. Admin. Code § PSC 185.52	Construction standards.
Wis. Admin. Code § PSC 185.61	Meters.
Wis. Admin. Code § PSC 185.65	Accuracy requirements for customer meters.
Wis. Admin. Code § PSC 185.71	Meter testing facilities and equipment.
Wis. Admin. Code § PSC 185.72	Calibration of meter testing equipment.
Wis. Admin. Code § PSC 185.73	Testing of customer meters.
Wis. Admin. Code § PSC 185.74	Test flows.
Wis. Admin. Code § PSC 185.75	Required tests of customer meters.
Wis. Admin. Code § PSC 185.76	Periodic tests.
Wis. Admin. Code § PSC 185.77	Complaint tests.
Wis. Admin. Code § PSC 185.78	Referee tests.
Wis. Admin. Code § PSC 185.79	Testing of meter installations having remote registers.
Wis. Admin. Code § PSC 185.795	Jumpering meter settings.
Wis. Admin. Code § PSC 185.81	Quality water.
Wis. Admin. Code § PSC 185.815	Adequacy of water supply.
Wis. Admin. Code § PSC 185.82	Pressure of standards.
Wis. Admin. Code § PSC 185.83	Station meters.
Wis. Admin. Code § PSC 185.84	Emergency operation.
Wis. Admin. Code § PSC 185.85	System losses.
Wis. Admin. Code § PSC 185.86	Flushing mains.

Wis. Admin. Code § PSC 185.87	Operation of distribution system valves and hydrants.
Wis. Admin. Code § PSC 185.88	Interruptions of service.
Wis. Admin. Code § PSC 185.89	Thawing frozen service.

(Code 2006, § 13.02)

Sec. 22-23 - Summer water use regulations.

Between June 15 and September 15 of each year, no person shall utilize water for sprinkling purposes in the village except as follows:

- (1) Water may be utilized for sprinkling purposes on an alternating basis on even-numbered addressed properties on even-numbered days and odd-numbered addressed properties on odd-numbered days.
- (2) Any exceptions to this sprinkling ban must be authorized in writing by the village president.

(Code 2006, § 13.04)

Sec. 22-24 - Control of water service.

- (1) Except for authorized water department personnel and persons working under the direct supervision of the village director of utilities, no person shall and no person, firm or corporation shall allow or permit any employee, representative or other person under his or its supervision, control or direction to:
 - (a) Turn water on or off at any water service curbstop;
 - (b) Perform any work on a water service lateral, tap any water main or open any street without first obtaining permits and supervision as provided in this chapter;
 - (c) Use water for construction purposes without first filing a construction water application at the water department office;
 - (d) Break, tamper with or remove any meter seal;
 - (e) Remove, relocate, disconnect or alter any water meter or remote meter register head;
 - (f) Open, use water from or tamper with any fire hydrant or use any fire hydrant for a purpose other than fire containment, except that authorized village employees may use such hydrants for the cleaning and flushing of sewers; and/or
 - (g) Locate a remote meter register head less than 50 inches above the existing grade level as measured adjacent to the building.
- (2) In addition to the penalty for a violation of this section, such person shall pay for the cost of the water. (Code 2006, § 13.09; Ord. No. O6-1-91, 6-25-1991)

Sec. 22-25 - Obstruction of fire hydrants.

- (1) *Statement of legislative intent.* Fire hydrants are placed and maintained at various points within village streets to provide for the public health, safety and general welfare of the residents of the village who own property in the vicinity of such fire hydrants. Obstruction of such fire hydrants is hereby declared to create a situation which is imminently dangerous to the persons and property of all residents within the area of such fire hydrants and the same provide a substantial hindrance in the efficient and effective control of fire by the village's fire personnel. Based upon the foregoing and in accordance with the village's right to regulate the use of street right-of-way by abutting property owners, the following regulations are enacted.
- (2) *Structures and plantings prohibited.* Notwithstanding any apparent authority under any other provisions of this Code, no person shall erect, construct or install any structure or device of any nature whatsoever, nor shall any such structure or device be maintained within ten feet of any fire hydrant. No person shall plant any tree, shrub, bush or other planting nor maintain any of the same in such a manner that such planting, when mature, shall encroach within ten feet of any fire hydrant.
- (3) *Notice to remove.* The director of utilities, the director of public safety or their designees shall notify any property owner of a violation of this section and shall direct the removal of such obstruction within a reasonable period of time, not to exceed 14 days. If the same is not removed within the time period set forth in such notice, such obstruction is hereby declared to be a public nuisance maintained upon public property and the same shall be summarily abated by the village, which shall cause removal of such obstruction.
- (4) *Applicability.* The rules and procedures set forth in this section shall apply to the entire right-of-way (the area from the back of the curb to the property line, usually 16.5 feet), except one may plant certain nonevergreen trees in the right-of-way if the parks, recreation and forestry department approves the location and type of tree.
- (5) *Exception.* This section shall not apply to any structure which may be placed upon the village right-of-way by a public utility under any easement or franchise and the provisions of such easement or franchise shall specifically govern the placement of those structures.

(Code 2006, § 13.10; Ord. No. O3-2-94, 3-22-1994)

Secs. 22-26 - 22-53 - Reserved.

ARTICLE III - WATER SYSTEM CROSS CONNECTIONS

FOOTNOTE(S):--- (1) ---Editor's note— Section 1 of Ord. No. O4-4-09, adopted April 28, 2009, repealed §§ 22-54—22-59, and recreated similar provisions to read as herein set out. Former §§ 22-54—22-59 derived from § 13.07 of the 2006 Code and Ord. No. 2-1-81, adopted Feb. 24, 1981.

Sec. 22-54 - Purpose.

The purpose of this article is to establish a program for protecting the Village of Ashwaubenon public water supply system from contamination due to the backflow of contaminants through the water service connection into the public water system. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-55 - Authority.

The cross connection inspection program is established under the authority of and with the intent to comply with the requirements of the Department of Natural Resources [Wis. Adm. Code §] NR 811.09, Cross Connections and Interconnections Code. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-56 - Definitions.

Backflow. The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Village of Ashwaubenon Water Utility (hereinafter "utility") public water supply system from any source.

Backflow preventer. A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, barometric loop or other approved device.

Backpressure. An elevation of pressure in the downstream piping system (pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

Back-siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility's potable water supply system.

Cross-connection. Any physical connection or arrangement between two otherwise separate systems, once of which contains potable water from the utility and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals whereby there may be a flow from one system to another, the direction of flow depending on the pressure differential between the two systems. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-57 - Cross-connection prohibited.

No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the utility, may enter the supply or distribution system of the utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply have been approved by the utility and the State of Wisconsin Department of Natural Resources. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-58 - Inspections.

It shall be the duty of the utility to cause inspection to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility may charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-59 - Right of entry.

Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lesser, or occupant of any property so served shall furnish the inspection agency any pertinent information regarding the piping system on such property. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-60 - Authority to discontinue service.

The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained, and repaired in compliance with this article and Wis. Adm. Code ch. NR 811, or if it is found that the means of backflow prevention required by this article has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity hearing under Wis. Stats. ch. 68, except as provided under emergency discontinuance of service. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-61 - Reconnection of service.

Water service to any property discontinued under the provisions of this article shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility may charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-62 - Emergency discontinuance of service.

If it is determined by the utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Wis. Stats. ch. 68, within ten days of such emergency discontinuance. Such hearing shall be before the Ashwaubenon Village Board and shall conform to all existing due process requirements. (Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-63 - Owner responsibility.

The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Adm. Code ch. NR 811 and Department of Commerce Chapter 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention device must

supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control", unless the utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the utility.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-64 - Additional protection.

In the case of premises having (a) internal cross-connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions may exist include sewage treatment plants, hospitals, mortuaries, plating plants and car wash establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-65 - Wisconsin Administrative Code.

Wisconsin Administrative Code ch. COMM 82 is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code ch. NR 811 is hereby adopted.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Sec. 22-66 - Plumbing code.

This section does not supersede the State of Wisconsin Plumbing Code, [Wis. Adm. Code chs.] COMM 81—87, nor any ordinances of the village, but instead be supplementary to them.

(Ord. No. O4-4-09, § 1, 4-28-2009)

Secs. 22-67 - 22-76 - Reserved.

ARTICLE IV - PRIVATE WATER WELLS

Sec. 22-77 - Purpose.

The purpose of this article is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells; wells which may serve as conduits for contamination; or wells which may be illegally cross connected to the municipal water system are properly abandoned. (Code 2006, § 13.08(1); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-78 - Applicability.

This article applies to all wells located on premises served by the village municipal water system.
(Code 2006, § 13.08(2); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-79 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 yearround residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Wis. Stats. § 49.10(12)(f)1, or a privately owned water utility serving any of the above.

Noncomplying means a well or pump installation which does not comply with the provisions of Wis. Admin. Code ch. NR 112, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

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.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wis. Admin. Code chs. NR 109 or NR 140, or for which a health advisory has been issued by the department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and scaling of a well according to the provisions of Wis. Admin. Code. ch. NR 112. (Code 2006, § 13.08(3); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-80 - Abandonment required.

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this article and Wis. Admin. Code ch. NR 112, by January 1, 1985, or not later than one year from the date of connection to the municipal water system whichever occurs last, unless a well operating permit has been obtained by the well owner from the village water utility.

(Code 2006, § 13.08(4); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-81 - Well operation permit.

The village water utility may grant a permit to a private well owner to operate a well for a period not to exceed five years, providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The village water utility or its agent may conduct inspections or have water quality tests 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. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Wis. Admin. Code. ch. NR 112;
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the department of natural resources approves in writing the continued use of the well;
- (3) There are no cross connections between the well and pump installation and the municipal water system; and
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(Code 2006, § 13.08(5); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-82 - Abandonment procedures.

- (1) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 112. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well or the owner's agent shall notify the clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the village water utility.
- (3) An abandonment report form supplied by the department of natural resources shall be submitted by the well owner to the clerk and the department of natural resources within ten days of the completion of the well abandonment. (Code 2006, § 13.08(6); Ord. No. O2-3-90, 2-27-1990)

Sec. 22-83 - Penalties.

Any well owner violating any provision of this article shall, upon conviction, be punished by forfeiture of not less than \$25.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this article for more than ten 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.

(Code 2006, § 13.08(7); Ord. No. O2-3-90, 2-27-1990)

Secs. 22-84 - 22-109 - Reserved.

ARTICLE V. - SEWER SERVICE

Sec. 22-110 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ammonia nitrogen means one of the oxidation states of nitrogen in which nitrogen is combined with hydrogen in molecular form as NH_3 or in ionized form as NH_4^+ . Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in Standard Methods.

Approving authority means the village board or its authorized designee, agent or representative.

Biochemical oxygen demand (BOD₅) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius expressed in milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with procedures set forth in Standard Methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection. The portion of the building sewer located within the public right-of-way or easement shall be considered an integral part of the public sewer with ownership by the village. The property owner shall maintain the building sewer including, but not limited to, cleaning or clearing the building sewer by rodding or flushing.

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

Combined sewer means any sewer intended to serve as a sanitary sewer and a storm sewer.

Commercial user means any user whose premises are used primarily for the conduct of a profit oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services and who discharges primarily normal domestic wastewater. This definition shall also include multifamily residences having three or more units served by a single service.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works

receiving the pollutants if such works was designed to treat such additional pollutants and, in part, does remove such pollutants to a substantial degree.

Composite sample (24 hours) means the combination of individual samples taken at intervals of not more than one hour.

Easement means an acquired legal right for the specific use of land owned by others.

Fixed charge means the charge for the cost of debt retirement associated with construction, erection, modification or rehabilitation of the wastewater collection system. The charge shall be above the treatment, operation and maintenance and replacement charges.

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

Flow proportional sample means a sample taken that is proportional to the volume of flow during the sampling period.

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

GBMSD means the Green Bay Metropolitan Sewerage District.

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 one-half inch in any dimension.

Incompatible pollutant means any pollutant which is not a compatible pollutant which will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user means any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications, utilities, mining, agriculture, forestry or fishing.

Industrial waste means any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.

Intercepting sewer means a sewer, the primary purpose of which is to convey wastewater from a collection system or systems to a wastewater treatment facility. The size of the sewer is not a factor.

Major contributing industry means an industrial or commercial facility that is a user of publicly owned treatment works and:

- (1) Has a waste discharge flow of 50,000 gallons or more per average workday;
- (2) Has a waste discharge flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in Wis. Admin. Code ch. NR 215; or
- (4) Has a waste which the approving authority determines has or, in the case of a new source, will have a significant impact, either singly or in combination with other wastes on the publicly owned treatment works or on the quality of effluent from such works.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means sanitary wastewater resulting from the range of normal domestic activities in which BOD₅, SS, P, NH₃ or TKN concentrations do not exceed normal concentrations of:

- (1) A five day, 20 degrees Celsius, BOD₅ concentration of not more than 200 mg/l.

- (2) A suspended solids concentration of not more than 200 mg/l.
- (3) A phosphorus concentration of not more than 12 mg/l.
- (4) An ammonia nitrogen concentration of not more than 25 mg/l.
- (5) A total Kjeldahl nitrogen concentration of not more than 9.5 mg/l.

Operation and maintenance (O & M) costs means all costs associated with the operation and maintenance of the wastewater collection system, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the wastewater collection system.

Parts per million means a weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. (Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^7 .)

Phosphorus (P) means total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphates, polyphosphates and organic phosphates. Quantitative determination of total phosphorus should be made in accordance with procedures set forth in Standard Methods.

Pretreatment means an arrangement of devices and structures for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.

Public authority means any user whose premises are used for the conduct of the legislative, judicial, administrative or regulatory activities of federal, state, local or international units of government, government-owned educational facilities, government-owned health facilities or government-owned recreational facilities. This does not include government-owned or -operated business establishments.

Replacement costs means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the collection system to maintain its design capacity and performance for which the system was designed and constructed. Operation and maintenance costs include replacement costs.

Residential user means any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as commercial users.

Restaurant charge means the charge levied on users that are required to obtain a Class No. 2 restaurant license as defined by the hotel and restaurant division of the state department of health and social services. The restaurant charge shall be based on concentrations as determined by the Green Bay Metropolitan Sewerage District.

Sanitary sewer means a sewer that carries sanitary and industrial water-carried wastes from residents, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

Segregated domestic wastes means wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.

Sewage means the spent water of a community. The preferred term is "wastewater."

Sewage system means the composite network of underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service laterals). The term "sewage system" includes intercepting sewers and sanitary sewers.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Sewer user charge means the charge levied on users of the wastewater collection system for the user's proportional share of the capital-related expenses, as well as operation and maintenance, including replacement, costs of the facilities.

Shall means that it is mandatory, and "may" is permissible.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

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 Water Pollution Control Federation.

Storm drain/storm sewer means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

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

Suspended solids (SS) means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering as prescribed in Standard Methods and are referred to as nonfilterable residue.

Total Kjeldahl nitrogen (TKN) means the total of organic and ammonia nitrogen in the wastewater as determined by the Kjeldahl method.

Unmetered user means a user who is not connected to the municipal water system and thereby does not have his private water supply metered.

Unpolluted water means water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge system means that system which generates operation and maintenance (O & M) and replacement revenues equitably for providing each user category with services.

User classes means categories of users having similar flows and water characteristics: levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia, nitrogen, etc. For the purpose of this article, there shall be four user classes: residential, commercial, industrial and public authority.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means the treatment works defined herein, exclusive of interceptor sewers and wastewater collection systems. All wastewater treatment is provided by the Green Bay Metropolitan Sewerage District and all references to treatment facilities refer to those facilities owned and operated by the Green Bay Metropolitan Sewerage District.

Wastewater treatment works means an arrangement of devices and structures for the storage, treatment, recycling and reclamation of wastewater, liquid industrial wastes and sludge. These systems include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal or industrial wastes.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

WPDES permit means the Wisconsin Pollutant Discharge Elimination System Permit. General provisions are stated in Wis. Admin. Code ch. NR 205.

(Code 2006, § 13.15; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-111 - Use of the public sewers.

- (1) *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted waters as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the approving authority.
- (2) *User connections.*
 - (a) The owners of all houses, buildings or properties 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 now located or may in the future be located a public sanitary sewer of the village, is hereby required at the owners' expense to install suitable toilet facilities therein and connect such facilities directly to the proper public sewer in accordance with the provisions of this subchapter within 30 days after the date of official notice from the village or another period of time as defined by the building inspector. The building inspector shall be responsible for properly notifying the owners.
 - (b) If any person fails to comply after the expiration of the time provided by the notice, the village shall cause connection to be made. The expense thereof shall be assessed as a special tax against the property at an interest rate of 12 percent per year from the completion of the work.
 - (c) The sewer service charges contained in the user charge system shall take effect as of the day a connection to the sewer is made.
- (3) *Storm sewers.* Stormwater other than that exempted under subsection (a) of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the approving authority to a storm sewer or natural outlet.
- (4) *Prohibitions and limitations.*
 - (a) 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:
 1. Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas.
 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment works.
 3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (b) The following described substances, materials, waters or waste shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the 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 process employed, capacity of the wastewater treatment facility, degree of treatability of the waste in the wastewater treatment facility and other pertinent factors. The limitations or restrictions on material 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:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 2. Wastewater containing more than 25 mg/l petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
 3. Wastewater from industrial plants containing floatable excess oils, fat or grease.
 4. Any 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.
 5. Any waters 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 approving authority for such materials.
 6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the approving authority.
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.
 8. Quantities of flow, concentrations or both which constitute a slug.
 9. 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 facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 10. Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
 11. Materials which exert or cause:
 - a. Unusual BOD₅, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;
 - b. Unusual volume of flow or concentration of wastes constituting slugs;
 - c. Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate; and
 - d. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- (c) No wastewater, regardless of character, shall be discharged to the wastewater system in such a manner as to interfere with the designed operation of the collection system or treatment facilities or to cause the treatment works to exceed the limits established by the GBMSD WPDES permit.
- (5) *Special arrangements.* No statement contained in this section 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 wastewater treatment works, either before or after

pretreatment works by reason of the admission of such wastes and no extra costs are incurred by the village without recompense by the person, provided that all rates and provisions set forth in this article are recognized and adhered to.

- (6) *New connections.* New connections to the wastewater collection system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport and/or treat as required by the WPDES permit the additional wastewater anticipated to be received from such connections.

(Code 2006, § 13.16; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-112 - Clear water discharges.

- (1) *Clear water.* Clear water shall include water from roof drains, surface drains, foundation water drains, cistern overflows, refrigerator cooling waters and water from air conditioning equipment.
- (2) *Discharge to sanitary sewers.* No person shall discharge any clear water by means of sump pump or roof drains into any sanitary sewer, and no person shall permit rainwater or surface water to drain directly into any sanitary sewer.
- (3) *Discharge to storm sewer.* All clear water shall discharge directly into a storm sewer where such sewer is available.
- (a) *Permit required.* No person shall open any street, alley or other public place for the purpose of connecting to a storm sewer or other terminal without first obtaining from the operations superintendent, a written permit to open such street, alley or public place.
- (b) *Inspection.* Any person receiving a permit to connect to a storm sewer shall notify the building inspector whenever the work is ready for inspection. All work shall be left uncovered until examined and approved by him.
- (4) *Discharge to public streets.* No person shall discharge any clear water directly into a public street or alley from November 1 to March 31, inclusive. No person shall discharge any clear water directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining from the operations superintendent a written permit to do so.
- (5) *Discharge onto sidewalks.* No person shall permit discharge of water across any sidewalk or other public area.
- (6) *Other discharges.*
- (a) *Discharge requirements.* Where a storm drain is not available, the discharge of clear water shall be either onto the ground at least one foot or more out from the building or into an underground conduit leading into a drainage ditch or dry well.
- (b) *Restaurants to provide manhole and grease traps.*
1. All restaurants must install a sampling manhole. If the sampling manhole shows concentrations of grease exceeding 100 milligrams per liter, they shall install an external grease trap, sized according to the plumbing code. Any violations of this subsection should be punished by a fine not to exceed \$500.00 and costs per day.
 2. Grease, oil and sand traps shall be provided when required by appropriate Wisconsin Administrative Codes or when the village determines they are necessary for the proper handling of liquid wastes containing excessive amounts of grease, or any flammable wastes, sand or other harmful ingredients, and so notifies the discharger. All traps shall be of a type and capacity approved by state and local plumbing codes, and shall be located so as to be readily and easily accessible for cleaning and inspection.
 3. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers.

4. Where installed, all grease, oil and sand traps shall be maintained by the discharger, at his expense, in continuously efficient operation at all times.
- (7) *Correction; penalty.* Any person who is the owner of any building or land wherein there is a violation of the provisions of this section shall cause the violation to be corrected within a maximum of 60 days after being notified in writing by the building inspector, whose duty it shall be to enforce this section. (Code 2006, § 13.06; Ord. No. O10-2-92, 10-27-1992; Ord. No. O5-2-95, 5-23-1995)

Sec. 22-113 - Control of industrial wastes directed to public sewers.

- (1) *Submission of basic data.*
 - (a) Within three months after passage of this article, firms discharging industrial wastes to a public sewer shall 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 wastewater works. Such information shall be provided as per Wis. Admin. Code ch. NR 101.
 - (b) Similarly, each person desiring to make a new connection to the 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 subsection (a) of this section, a request for extension of time may be presented for consideration to the approving authority.
- (3) *Industrial discharges.*
 - (a) 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 section 22-111 and which in the judgment of the approving authority may have deleterious effect upon the wastewater works, processes, equipment or receiving waters or which otherwise create a hazard to life, health or constitute a public nuisance, the approving authority may:
 1. Reject the wastes;
 2. Require pretreatment to an acceptable limit for discharge to the public sewers;
 3. Require control over the quantities and rate of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 22-111(e).
 - (b) The toxic pollutants subject to prohibition or regulation under this section shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements for section 307(a) of the Clean Water Act of 1977 and associated regulations.
 - (c) Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

- (4) *Control manholes.*
 - (a) Each user 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 the waste, including domestic wastewater.
 - (b) Control manholes or access facilities shall be located and built in a manner 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 user discharging the waste at the user's expense and shall be maintained by the user 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) *Metering of industrial waste.* Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be estimated. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. A maintenance schedule must be accepted by the approving authority. Following approval and installation, such meters may not be removed without the consent of the approving authority.
- (6) *Waste sampling.*
 - (a) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the approving authority.
 - (b) Sampling shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished by the use of mechanical equipment acceptable to the approving authority.
 - (c) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the user 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 authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- (7) *Analyses.*
 - (a) 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. Sampling methods, location times, durations and frequencies are to be determined on an individual basis, subject to approval by the approving authority.
 - (b) Determination of the character and concentration of the industrial wastes shall be made by the user discharging them or his agent as designated and required by the approving authority. The village may also make its own analyses on the wastes and these determination shall be binding as a basis for charges.
- (8) *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 wastewater treatment 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.
- (9) *Submission of information.* Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review 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.
- (10) *Grease and/or sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes

containing floatable grease in excessive amounts as specified in section 22-111(d)(2)c or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters to dwelling units. All interceptors shall be of a type and capacity approved by the approving authority and shall be located 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 hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

- (11) *Additional restrictions.* Compliance with the Green Bay Metropolitan Sewerage Sewer Use Ordinance is required for all sections of this article.

(Code 2006, § 13.17; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-114 - Right of entry, safety and identification.

- (1) *Right of entry.* The water utility personnel or other authorized representative of the village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this article and Wis. Stats. § 196.171. The operator or other authorized representative 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 and waterways or facilities for wastewater treatment.
- (2) *Safety.* While performing the necessary work on private premises referred to in subsection (a) of this section, the authorized village representatives shall observe all safety rules applicable to the premises established by the owner or occupant and the village shall indemnify the owner against loss or damage to its property by village representatives and against the liability claims and demands for personal injury or property damage asserted against the owner and growing out of gauging and sampling operation and indemnify the owner against loss or damage to its property by village representatives, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in section 22-113(d).
- (3) *Identification, right to enter easements.* The water utility personnel or other authorized representatives of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater treatment works lying within the easement, all subject to the terms, if any, of the agreement. (Code 2006, § 13.18; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-115 - 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. The village contractor shall perform all of the above work.
- (2) *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The village shall approve the contractor and construction plans for 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 article.
- (4) *Materials and methods of construction.* The size, slope, alignment, materials of construction of building sewers 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 chapter 14 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 ASTM and WPCF 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 wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (6) *Stormwater and groundwater drains.*
 - (a) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which are connected directly or indirectly to a public sanitary sewer.
 - (b) Any person in violation of this subsection (f) shall disconnect all downspouts, groundwater drains, etc., no later than 60 days from the date of an official written notice by the approving authority. If any person fails to comply after the expiration of the time provided, the approving authority may cause disconnection to be made.
- (7) *Conformance to plumbing codes.* The connection of the building sewer into the public sewer shall conform to the requirements of chapter 14 or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the ASTM and the WPCF 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.
- (8) *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.
- (9) *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 approving authority. (Code 2006, § 13.19; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-116 - Connections to the village wastewater collection system.

- (1) *Application to connect existing wastewater system.*
 - (a) Any person located out of the village desiring to connect any wastewater system with the wastewater treatment works of the approving authority shall make a written application to the approving authority for permission to make such connection or use.
 - (b) The village shall select an engineering consultant to design all proposed sewer extensions. All costs and expenses incident to the design and bidding, including engineering, permits and other fees associated with the connection or hookup to the village collection or GBMSD interceptor systems, shall be borne by the developer requesting the extension. Prior to the design of a sewer extension, the developer shall secure and furnish proof of an escrow account for the estimated amount of the design costs, the amount to be determined by the village. The account shall be so arranged and an escrow agreement executed between the developer, the bank and the village board to allow the latter to withdraw amounts from the account. The account shall be sufficient to cover payments to all parties under contract with the village for the design of the sewer extension. This money will not be refunded if the project does not proceed to construction.
- (2) *Application to connect proposed new wastewater system.*
 - (a) Any person located outside the corporate limits of the village desiring to connect a proposed new wastewater system to the wastewater treatment works shall make a written application to

the approving authority for permission to make such connection or use. The application shall include a statement of the location or locations at which it is desired to connect and a statement of the character of the wastewater to be transmitted. If the application is the first one made by a municipality, there shall be submitted a certified copy of the local plumbing and wastewater code. The first application of a village shall be accompanied by a description of the land embraced by it.

- (b) The village shall select an engineering consultant to design all proposed wastewater systems. All costs and expenses incident to the design and bidding, including engineering, permits and other fees associated with the connection or hookup to the village collection or GBMSD interceptor systems, shall be borne by the developer requesting the extension. Prior to the design of a wastewater system, the developer shall secure and furnish proof of an escrow account for the estimated amount of the design costs, the amount to be determined by the village. The account shall be so arranged and an escrow agreement executed between the developer, the bank and the village board to allow the latter to withdraw amounts from the account. The account shall be sufficient to cover payments to all parties under contract with the village for the design of the wastewater system. This money will not be refunded if the project does not proceed to construction.
- (3) *Alterations.* Alterations to existing wastewater systems connected to the wastewater treatment works shall be treated as proposed new wastewater systems. The approving authority may modify this provision if the sewer connection is not directly connected to an approving authority sewer and providing the person has previously presented and has had approved a general overall sewer plan. If such a modification is made, it will be done in writing and must be kept on file by the person to which it applies.
- (4) *Permit to connect.* Prior to permitting such connection or use, the approving authority may investigate or cause to be investigated, the wastewater system for which such connection or use is requested. If the approving authority finds such system to be in a satisfactory condition, it will grant a permit for such connection or use. If the approving authority finds such system to be defective in operation, construction, design or maintenance, the approving authority will so notify the applicant and will advise him that, upon completion of specified alterations, new construction or changes in supervision or operation, a permit will be granted. Should the plans or specifications not be approved under subsections (a) through (c) of this section, one copy will be returned to the applicant who will be informed as to the reason for nonapproval.
- (5) *Reserve capacity.* Prior to permitting any connection or use of the treatment works, the approving authority shall ascertain that all downstream sewers, interceptors, lift stations, force mains and treatment works have sufficient reserve capacity for volume, BOD₅, suspended solids and phosphorus removal to ensure adequate collection and treatment of the additional wastewater contributed to the wastewater treatment works. The approving authority reserves the right to refuse a connection or use permit if the requirements for this subsection cannot be met with the granting of the permit.
- (6) *Inspections and supervision during construction.* During the construction of any wastewater system which the approving authority has approved, the approving authority may from time to time inspect the same to see that the work is being done in accordance with the approval plans and specifications. Failure to make such inspections shall not nullify the rights of the approving authority to require reconstruction should nonadherence to approved plans be subsequently discovered. Every person in the construction of laterals or wastewater systems within its jurisdiction shall require that such construction be under the direction of a state registered professional engineer or licensed master plumber if plan approval was obtained under his license. The engineer or master plumber shall keep accurate records of the location, depth and length of the sewers as built and of the location of the Y-branches or slants.
- (7) *Permits; not granted.* Persons shall not be granted for the connection of combined sewers to the interceptors or municipal sewers. Permits shall not be granted for the connection of any proposed or existing storm sewers to the approving authority wastewater treatment works. Connection of

catchbasin or curb inlets to any sanitary sewer directly or indirectly connected to the wastewater treatment works is strictly prohibited.

- (8) *Physical connection.* All proposed sewer connections shall be planned to be made at a manhole with the flow lines of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least 24 hours before connection is to be made, notice of such intent must be given to the approving authority. When the actual connection is made, it must be done in the presence of an approving authority inspector.
- (9) *Records.* Records of connections to the wastewater collection system shall be kept by the municipality in which such connections are made and such records shall be available for inspection by the approving authority. (Code 2006, § 13.20; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-117 - Septic tank and holding tank disposal.

No septic tank or holding tank wastes shall be discharged to the collection system operated by the village. The village does not have facilities to provide wastewater treatment or facilities to accept such wastes. Such wastes typically have pollutant levels far in excess of domestic strength as defined in section 22-110. Because of its high strength and lack of receiving or treatment facilities, such wastes shall not be accepted by the village. The Green Bay Metropolitan Sewerage District has receiving facilities for septic tank and holding tank disposal. (Code 2006, § 13.21; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-118 - Damaged or tampering with wastewater facilities.

- (1) *Willful, negligent or 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 wastewater collection system. Any persons violating this subsection shall be subject to immediate arrest under a charge of disorderly conduct.
- (2) *Liability for losses.* Any person who intentionally, negligently or accidentally violates any provisions of this article shall become liable to the village or any downstream user for any expense, loss or damage occasioned by reason of such violation which the village or any downstream user may suffer as a result thereof. This subsection shall be applicable whether or not a written notice of the violation was given as provided in section 22-122(a) and without consideration for any penalties which may be imposed for a violation of this article. (Code 2006, § 13.22; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-119 - Appeals; procedures.

- (1) Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders made by the approving authority interpreting or implementing the provisions of this article or in any permit issued herein may file with the director of utilities a written request for reconsideration within ten days setting forth in detail the facts supporting the user's request for reconsideration. The director of utilities shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the director of utilities is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the director of utilities' action, file a written appeal with the village clerk.
- (2) The written appeal shall be heard by the village board from the date of filing. The village board shall make a final ruling on the appeal within 60 days from the date of filing.

(Code 2006, § 13.23; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-120 - Amendment.

The village board, through its qualified officers, reserves the right to amend this article in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

(Code 2006, § 13.24; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-121 - Audit.

The village shall conduct an annual audit, the purpose of which shall be to reestablish the equity and adequacy of the user charges relative to changes in system operation and maintenance costs.

(Code 2006, § 13.25; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-122 - Violations and penalties.

- (1) *Written notice of violation.* Any person found to be violating any provision of this chapter 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 the 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 forfeiture, pay the amount to cover damage, both values to be established by the approving authority.
- (3) *Continued violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, pay a forfeiture of not less than \$100.00 nor more than \$2,500.00 for each day of violation, together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (4) *Liability to village for losses.* Any person violating any provision of this article 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.
- (5) *Differences of opinion.* The village attorney shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of provisions of this article by the approving authority. (Code 2006, § 13.26; Ord. No. O10-2-92, 10-27-1992)

Sec. 22-123 - Wastewater treatment service charges.

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial user - class I means any commercial user which discharges wastewater that is primarily normal domestic wastewater as defined in this section.

Commercial user - class II means any commercial user that prepares and offers food for sale to the general public and is required to obtain a Class No. 2 restaurant license as defined by the hotel and restaurant division of the state department of health and social services.

Fixed charge means any charge for services that is not based on usage on loading to the system. Fixed charges shall be assessed in addition to volume charges including any applicable loading surcharges.

Normal domestic wastewater means sanitary wastewater resulting from the range of normal domestic activities, in which BOD₅, SS, phosphorus and total Kjeldahl nitrogen concentrations do not exceed normal concentrations listed below. The normal domestic wastewater concentrations shall be defined by the Green Bay Metropolitan Sewerage District:

- (a) A five-day, 20 degrees Celsius, BOD₅ concentration of not more than 210 mg/l;
- (b) A suspended solids concentration of not more than 492 mg/l;
- (c) A phosphorus concentration of not more than 11.5 mg/l; and
- (d) A total Kjeldahl nitrogen concentration of not more than 48 mg/l.

Normal class II (restaurant) wastewater means shall be determined by sampling and monitoring data from the GBMSD. The following provides the normal concentrations of class II wastewater:

- (a) A BOD₅ concentration of 500 mg/l;
- (b) A suspended solids concentration of 500 mg/l;
- (c) A phosphorus concentration of 12 mg/l; and
- (d) A total Kjeldahl nitrogen concentration of 50 mg/l.

Residential user means any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as commercial users - class I.

Restaurant charge means the charge levied on users that are required to obtain a Class No. 2 restaurant license as defined by the hotel and restaurant division of the state department of health and social services. The restaurant charge shall be based on concentrations as determined by the village.

Total Kjeldahl nitrogen (TKN) means the total of organic and ammonia nitrogen in the wastewater as determined by the Kjeldahl method. Quantitative determination of total Kjeldahl nitrogen shall be made in accordance with procedures set forth in Standard Methods.

User classes means categories of users having similar flows and water characteristics: levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purpose of this section, there shall be four user classes: residential, commercial (class I and class II) industrial and public authority.

Volume charge means a sewer user charge based upon the volume of normal strength wastewater to be transported.

Wastewater treatment facilities means the treatment works defined in this article, exclusive of interceptor sewers and wastewater collection systems. All wastewater treatment is provided by or through the Green Bay Metropolitan Sewerage District and all references to wastewater treatment facilities refer to those facilities used for treatment of the village wastewater.

(2) *Basis for sewer user charges.*

- (a) *Sewer users served by village water meters.* There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water metered by the village, a sewer user charge based, in part, on the quantity of water used as measured by the village water meter on the premises.
- (b) *Sewer users served by unmetered sources.* Except as provided below, no sewer user shall be served by unmetered sources, private or public. All persons discharging wastewater into the wastewater collection system shall be required to have water meters installed for the purpose of determining the volume of water consumed. Where wastewater meters are already installed,

water meters will not be required. Water meters shall be furnished by the village and installed under its supervision.

- (c) *Measurement of flow from high strength or toxic waste dischargers.*
 - 1. *Volume of flow.* The volume of flow used for computing the user charge shall be the metered water consumption of the user as shown in the records of meter readings maintained by the village, except as noted in subsection (b)(4) of this section.
 - 2. *Provisions for deductions.* If an establishment discharging industrial waste into the wastewater collection system produces evidence satisfactory to the approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the collection system, then the determination of the water consumption to be used in computing the waste volume discharged into the collection system may be made a matter of agreement between the approving authority and the user. Satisfactory evidence shall be evidence obtained by approved metering.
 - (d) *Metering of industrial 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. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger, unless otherwise determined by the approving authority. A maintenance schedule must be accepted by the approving authority. Following approval and installation such meters may not be removed without the consent of the approving authority.
 - (e) *Waste sampling.*
 - 1. Industrial wastes discharged into the wastewater collection system shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the approving authority.
 - 2. Sampling shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.
 - 3. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the user 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 authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
 - (f) *Free service.* No user shall receive free service or pay a sewer user charge less than the user's proportional share of operation and maintenance and replacement costs.
 - (g) *Outside service.* All users within the sewer service area of the village shall be treated equally as to sewer user charges regardless of their location with respect to the village boundaries.
- (3) *Billing practice.*
- (a) *Billing period.* Sewer user charges for all customers shall be billed on a quarterly basis.
 - (b) *Payment.* Sewer user charges shall be included as separate items on the regular quarterly statement for water services or as otherwise determined by the approving authority. Sewer user charges shall be payable at the office of the approving authority or at any other officially designated location at the same time that the water statements become due.
 - (c) *Penalties.* Charges levied in accordance with this section shall be a debt due to the village. If the debt is not paid within 20 days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 1½ percent per month of the amount of the quarterly bill. Charges and penalties shall constitute a lien upon the property services and be recorded on the

village's tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(d) *Notification.* Each user shall be notified annually, in conjunction with a regular bill, of the rate schedule attributable to wastewater treatment services including an explanation of the charges.

(4) *Amount of user charges.*

(a) *Formula.*

$$C = \$2.55 \times V + 0.00834 \times V \times [(\$0.338 \times B) + (\$0.6546 \times S) + (\$0.1023 \times P) + (0.2774 \times \text{TKN})]$$

Where:

C = Charge to sewer user for operation and maintenance and replacement costs for treatment works.

V = Wastewater volume per 1000 gallons.

B = Concentration of BOD₅ from a user above the normal strength of 500 mg/l.

S = Concentration of suspended solids from a user above the normal strength of 500 mg/l.

P = Concentration of phosphorus from a user above the normal domestic strength of 11.5 mg/l.

TKN = Concentration of total Kjeldahl nitrogen from a user above the normal domestic strength of 48 mg/l.

0.00834 = Conversion factor (mg/l to pounds).

(b) *Septic tank and holding tank disposal.* No septic tank or holding tank wastes shall be discharged to the wastewater collection system operated by the village. The village does not have facilities to provide wastewater treatment or facilities to accept such wastes. Such wastes typically have pollutant levels far in excess of domestic strength as defined in this section. Because of its high strength and lack of receiving or treatment facilities, such wastes shall not be accepted by the village. The Green Bay Metropolitan Sewerage District has receiving facilities for septic tank and holding tank disposal.

(5) *Audit.* The village shall conduct an annual audit, the purpose of which shall be to reestablish the equity and adequacy of the sewer user charges relative to changes in wastewater collection system operation and maintenance and replacement costs.

(6) *Amendment.* The board through its duly qualified officers, reserves the right to amend this section in part or in whole wherever it may deem necessary, but such right will be exercised only upon public notice and proper hearing on the proposed amendment.

(7) *Additional restrictions.* Compliance with the Green Bay Metropolitan Sewerage District Sewer Use Ordinance is required for all sections.

(Code 2006, § 13.27; Ord. No. O10-2-92, 10-27-1992; Ord. No. O4-3-93, 4-27-1993)

Sec. 22-124 - Reserved.

ARTICLE VI - STORMWATER UTILITY

Sec. 22-125 - Stormwater utility.

- (1) *Establishment.* The Village of Ashwaubenon finds that the management of stormwater and other surface water discharge within and beyond the Fox River, Ashwaubenon Creek, Dutchman Creek, and Duck Creek (the "village's waterways") is a matter that affects the health, safety and welfare of the village, its citizens and businesses, and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the village and the Green Bay Metropolitan Sewerage District by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten businesses and residences with water damage, and create sedimentation and other environmental damage in the village's waterways. Those elements of the system that provide for collection, conveyance, flood control, pollutant control, and volume reduction of stormwater and regulation of groundwater are of benefit and provide services to all properties within the Village of Ashwaubenon, including property not presently served by the stormwater elements of the system. The cost of operating and maintaining the stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

There is hereby established a Village of Ashwaubenon stormwater utility. The operation of the stormwater utility shall be under the supervision of the village board. The Village of Ashwaubenon village engineer shall be in charge of the stormwater utility.

- (2) *Authority.* The village, through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such real estate and facilities as are deemed by the village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds, flood control facilities, best management practices, and such other facilities as will support a stormwater management system.
- (3) *Definitions.* For the purpose of this article, the following definitions shall apply: Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive. Terms not specifically defined herein shall have the meaning defined in NR 216.002, Wis. Admin. Code, and as the same may be amended from time to time, if defined therein; or if not therein defined, shall be construed to have the meaning given by common and ordinary use, as defined in the latest edition of Webster's Dictionary.
 - (a) *Director.* The term "director" means the Village of Ashwaubenon village engineer, or his/her designee.
 - (b) *Developed property.* The term "developed property" means the real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, and change in grade or landscaping.
 - (c) *Equivalent runoff unit (ERU).* The term "ERU" means the statistical average horizontal impervious area of "single-family residential properties" within the Village of Ashwaubenon on the date of adoption of this article. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.
 - (d) *Impervious area or impervious surface.* The term "impervious area or impervious surface" means areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from the present under natural conditions as undeveloped property. Such areas may

include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts and compacted surfaces. Excluded from this definition are undisturbed land, lawn and fields.

- (e) *Duplex unit*. The term "duplex unit" means any residential space identified for habitation by members of the same household attached to only one other residential space or as classified by the village building and zoning codes.
 - (f) *Dwelling unit*. The term "dwelling unit" means any residential space identified for habitation by members of the same household or as classified by the village building and zoning codes. A dwelling unit includes, but is not limited to, single-family homes, manufactured homes, duplexes, multifamily apartments, residential condominiums and townhouse living units.
 - (g) *Residential property*. The term "residential property" means any lot or parcel developed exclusively for residential purposes including, but not limited to, single-family homes, manufactured homes, duplexes, multifamily apartments, residential condominiums and townhouse living units.
 - (h) *Nonresidential property*. The term "nonresidential property" means any developed lot or parcel not exclusively residential as defined herein, but not limited to, transient rentals (such as hotels and motels), mobile home park, commercial, industrial, institutional, governmental property and parking lots.
 - (i) *Runoff*. The term "runoff" means the surface water, including rain and snow melt, which is inhibited by impervious surfaces from naturally infiltrating into soil.
 - (j) *Stormwater facilities*. The term "stormwater facilities" means all constructed facilities or natural features used for collecting, conveying, storing, reducing and treating stormwater to, through and from drainage areas to the point of final outlet. Stormwater facilities collectively constitute a stormwater system.
 - (k) *Undeveloped property*. The term "undeveloped property" means that which has not been altered from its natural state by the addition of any improvements, such as a building, structure, impervious surface, change of grade or landscaping. For new construction, a property shall be considered developed pursuant to this article at the time of water meter installation or upon review of the actual impervious area by January 1.
- (4) *Rate charges*.
- (a) By this article, the village board is establishing the rate charge upon each lot and parcel within the Village of Ashwaubenon for services and facilities provided by the stormwater utility. The actual charges to be imposed, the establishment of formulas for calculations of the charges, the establishment of specific customer classifications and any future changes in those rates, formulas, rate charges and customer classifications, may be made by resolution. All rates established pursuant to this article will be fair and reasonable in accordance with the decision and judgment of the village board. The current rates will be on file with the village clerk.
 - (b) Rate charges shall be used to share the costs of the stormwater utility. These rate charges may include:
 - 1. *Base charge (BC)*. The base charge may be imposed on all property in the village. The base charge will be designed to reflect the fact that all properties benefit from the stormwater management activities of the village and that all property contribute in some way to the stormwater discharge that must be managed by the village. The BC will be designed to collect the administrative costs of the storm sewer utility and the portion of the capital costs not covered by special assessment. The BC may be based upon the size of a parcel of property.
 - 2. *Equivalent runoff unit charge (ERU)*. This charge shall be imposed on all property that has any developed impervious area. The ERU will be designed on the basis of a typical single-

family residential property. Each residential and nonresidential property will be charged multiples of the ERU, based upon the impervious area contributing to stormwater runoff.

3. *Special charge (SC)*. This charge may be imposed on property that is in an area specially benefited by a particular stormwater management facility. The SC will be developed to reflect the benefits/services in a particular area that may not be appropriate to spread to property throughout the village. The SC will be calculated on an ERU basis.
- (c) The village board may make such other and customer classifications as will be likely to provide reasonable and fair distribution of the costs of the stormwater utility. In so doing, the village board may provide credits against certain of the charges set forth above for facilities installed and maintained by the property owner for the purpose of lessening the stormwater flow or pollutant load from that given property.
 - (d) The village's department of finance is hereby appointed as the collection agency for the Village of Ashwaubenon stormwater utility. Bills shall be prepared by the village or its agent and sent to the owner of each premises served. The village shall allocate the actual cost of billing and collecting.
 - (e) The bills for stormwater utility charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this article. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the village for the purpose of determining whether such rates and charges have been paid for such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business. A late payment charge of one percent per month will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued.
 - (f) Stormwater utility charges shall not be payable in installments. If stormwater utility charges remain unpaid after a period of 20 days from the date of utility bill, such bill shall become a delinquent special charge and shall become a lien as provided in Wis. Stats. §§ 66.0809 and 66.0821. Said charges shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charges. Unpaid charges shall be assessed the same as the water utility bills.
 - (g) All delinquent charges shall be subject to a ten percent penalty in addition to all other charges and prior penalties or interest when the delinquent charge is extended upon the tax roll.
- (5) *Customer classification*.
- (a) For purposes of imposing the stormwater charges, all lots and parcels within the village are classified into the following five customer classes:
 1. Residential - Single-Family.
 2. Residential - Duplex.
 3. Residential - Multifamily and Condominium.
 4. Nonresidential.
 5. Undeveloped.
 - (b) The village engineer shall prepare a list of lots and parcels within the Village of Ashwaubenon, and assign a classification of residential, nonresidential or undeveloped to each lot or parcel.
 - (c) The average square footage of impervious area of the ERU is established to be equivalent to 3,316 square feet.

- (d) The charges imposed for residential properties shall be the same as nonresidential properties, including single-family, duplex, multifamily apartment, condominium and townhouse residential properties.
 - (e) The charges imposed for nonresidential properties shall be the rate for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the square footage of one ERU. The numerical factor shall be rounded down to the nearest one-tenth, i.e.:

$$\text{ERU rate multiplied by impervious area (square feet) divided by 3,316 square feet}$$
 - (f) No charge is imposed for undeveloped properties.
 - (g) The village engineer shall be responsible for determining the impervious area, based upon the best available information, including, but not limited to, data supplied by the building inspector, aerial photography, the property owner, tenant or developer. The village engineer may require additional information, as necessary, to make the determination. The billing amount shall be updated by the village engineer on any additions to the impervious area. Upon property owner's written notification and request, the village engineer shall review impervious area for possible reductions.
 - (h) The minimum charge for any developed parcel shall be equal to the rate for one-tenth ERU.
- (6) *New construction.* The owner shall also be liable for stormwater charges, under this article, for the improvement from the date of water meter installation or upon review of the actual impervious area by January 1.
- (7) *Method of appeal.*
- (a) The stormwater utility charge may be appealed, as follows:
 - 1. A written appeal shall be filed with the village engineer prior to the utility charge due date; or
 - 2. Within 30 days of payment, a written challenge to the stormwater charge must be filed with the village engineer on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within 30 days of payment waives all right to later challenge the charge.
 - (b) A property owner not satisfied with the decision by the village engineer can appeal to the village board for their review and action.
 - (c) Following review by the village engineer, the village board will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The village board may act with or without a hearing, and will inform the customer in writing of its decision.
 - (d) If the village board determines that a refund is due the customer, the refund will be applied as a credit on the customer's next stormwater billing, if the refund will not exceed the customer's next stormwater billing, or will be refunded at the discretion of the director of finance without interest.
- (8) *Special assessment authority.* In addition to any other method for collection of the charges established pursuant to this article for stormwater utility costs, the village board finds that these charges may be levied on property as a special charge pursuant to Wis. Stats. § 66.0627. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges. The mailing of the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in them being charged pursuant to the authority of Wis. Stats. § 66.0627. In addition, the village may provide notice each October of any unpaid charges to the stormwater utility, which charges, if not paid by November 15, may be placed on the tax roll under Wis. Stats. § 66.0627.

- (9) *Budget excess revenues.* The stormwater utility finances shall be accounted for in a separate stormwater management fund by the village. The utility shall prepare an annual budget, which is to include all operation and maintenance costs, administrative costs, depreciation costs, debt service and other costs related to the operation of the stormwater utility. The budget is subject to approval by the village board. The costs shall be spread over the rate classifications as determined by the village board. Any excess of revenues over expenditures in a year will be retained by the stormwater management fund for subsequent years' needs.
- (10) *Severability.* If a court of competent jurisdiction judges any section, clause, provision or portion of this article unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.
- (11) *Effective date.* This article shall be in force and effect beginning September 1, 2012.

(Ord. No. O6-1-12, § 1, 6-12-2012)