

ROXBURY SANITARY DISTRICT NO. 1 ORDINANCES

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CHAPTER 1 GENERAL PROVISIONS

1.01 ESTABLISHMENT OF DISTRICT

The Town of Roxbury established the Roxbury Sanitary District No. 1 (“District”) in 1958 pursuant to state statute. (See Wis. Stats. §60.71).

1.02 ESTABLISHMENT OF COMMISSION

The Town Board of the Town of Roxbury appointed the Roxbury Sanitary District No. 1 Commission ("Commission") to manage all of the affairs of the District. Appointments are made as provided in Wis. Stats. §§60.74 and 60.75. The Commission's authority shall include the powers and duties specified in Wis. Stats. §§60.77 and 60.78, as amended.

1.03 COMMISSION OFFICERS

(1) **Election of Officers.** The appointed Commissioners shall elect a president, secretary, and treasurer of the Commission. The secretary and treasurer positions may be combined.

(2) **Presiding Officer.** The Commission President shall preside and preserve order over the Commission meetings.

(3) **Absence of President.** If the Commission President is absent at the designated time for any meeting, the senior Commissioner present, based on date of original appointment, shall call the meeting to order and preside until the Commission shall by motion select an acting president for that meeting.

1.04 COMMISSION MEETINGS

(1) **Regular Meetings.** Regular meetings of the Commission shall be held no less than once a month. The date and time of the Commission's regular meeting will be established by resolution of the Commission.

(2) **Special Meetings.** Special meetings of the Commission may be called by the Commission President or any two Commissioners. The Commission Secretary shall immediately notify each Commissioner of the time and purpose of such meeting by causing a written notice to be delivered to each Commissioner personally if possible, or by leaving a copy of such notice at the home of such Commissioner in presence of an adult member of the family of the Commissioner. Commissioners may also be notified via e-mail or other digital-electronic methods.

(3) **Closed Meetings.** A closed meeting may only be convened for one of the reasons listed in Wis. Stats. §19.85. The requirements of Wis. Stats. §19.85 must be met before a closed meeting can be convened.

(4) **Agendas and Meeting Notices.** The Commission Secretary shall publish in the Sauk Prairie Star or shall post in at least three different locations within the District likely to be seen by the general public all agendas and meeting notices. All agendas and meeting notices shall be given in accordance with Wis. Stats. §19.84.

1.05 PLACE OF MEETING

(1) **Official Meeting Room.** All meetings of the Commission shall be held in the Town Hall, including special and adjourned meetings.

(2) **Alternate Location.** The Commission may designate an alternate location for any regular or special meeting for convenience or necessity by providing conspicuous notice of the alternate location in the meeting notice, or if the location is changed during a meeting, by announcing the change of location and posting a notice at the entrance of the original meeting location notifying the public of the change.

1.06 ORDER OF BUSINESS

(1) The business of the Commission should in general be conducted in the following order:

- (a) Call to order by presiding officer.
- (b) Roll call. (If quorum is not present, the meeting shall thereupon adjourn.)
- (c) Reading the minutes of the preceding meeting, and approving the same if correct, and rectifying mistakes if any exist.
- (d) Public comment.
- (e) Unfinished business from previous meetings.
- (f) New business, including the introduction of ordinances and resolutions.
- (g) Reports of Commissioners, Attorney, Engineer, as needed.
- (h) Communications and miscellaneous business.

CHAPTER 2 SEWER USE ORDINANCE AND USER CHARGE SYSTEM

2.01 INTRODUCTION AND PURPOSE

(1) **Purpose And Intent.** This ordinance regulates the use of public and private sewers and drains, disposal of holding tank wastes into public sewers, and the discharge of waters and wastes into the public sewerage systems within Roxbury Sanitary District No. 1 (the "District"). It provides for and explains the method used for levying and collecting sewerage and waste water treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment system of the District, provides for annexations and connections to the sewerage system of the District and enables the District to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards and other discharge criteria which are required or authorized by the District and state and federal law. Its intent is to preserve and obtain the maximum public use and benefit of District facilities by regulating the characteristics of wastewater discharged to the sewerage system of the District and to otherwise protect the health, safety and welfare of the inhabitants of the District.

(2) **Repeal Of Inconsistent Provisions.** This ordinance supersedes any previous ordinance and all prior rules or regulations of the District or ordinances of the Town of Roxbury that are inconsistent herewith.

(3) **Authority.** This ordinance is adopted pursuant to Wis. Stat. §§60.77(5m). If there is any conflict between this ordinance and any applicable state or federal law, rule, or regulation, the most stringent shall control.

2.02 DEFINITIONS

The meaning of the following terms used in these ordinances shall be:

(1) **Ammonia Nitrogen (NH₃-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with the procedures set forth in Standard Methods or Chapter NR 149 of the Wisconsin Administrative Code, as amended.

(2) **Applicable Pretreatment Standard** shall mean the most restrictive pretreatment limitations or prohibitive standards for industrial strength wastewater which are either (a) enacted by a federal, state or local governmental entity, or (b) reasonably determined by the Commission Engineer based on generally accepted industry practices such as those set forth in *Wastewater Treatment Plant: A Manual of Practice*, Standard Methods, and those standards or practices reasonably established by the Commission.

(3) **Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C. expressed in milligrams per liter or pounds.

Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

(4) **Biosolids** shall mean residual solid matter generated by the wastewater treatment process that must be disposed of off-site or in a treatment facility specifically dedicated to the storage and treatment of biosolids. Biosolids are also commonly referred to as sludge.

(5) **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer.

(6) **Building Sewer or Lateral** shall mean a sanitary sewer beginning at the immediate outside of the foundation wall of any building being served and continuing to its connection with a public sewer.

(7) **Combined Sewer** shall mean a sewer receiving or designed to receive both wastewater and storm or surface water.

(8) **Commercial User** shall mean a person discharging primarily domestic strength wastewater (as opposed to industrial wastewater), but whose premises are used primarily for the conduct of a particular enterprise, including but not limited to, businesses such as wholesale or retail trade, restaurants, taverns/bars, financial,

insurance, real estate, or other professional services; schools; churches; and multiple family dwelling with five (5) or more units. "Commercial users" shall not include residential users or industrial users as defined herein.

(9) **Commission** shall mean the governing body of the Roxbury Sanitary District No. 1.

(10) **Commission Engineer** or **Consulting Engineer** shall mean the engineer or the Commission or his or her designee.

(11) **Commissioners** shall mean the commissioners or the Roxbury Sanitary District No. 1.

(12) **Compatible Pollutant** shall mean biochemical oxygen demand, suspended solids, PH, or fecal coliform bacteria, plus additional pollutants identified in any Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued to the Commission and its wastewater treatment plan, provided that the wastewater treatment plant was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

(13) **Composite Sample** shall mean a sample consisting of portions of a waste taken in proportion to the volume of flow of said waste.

(14) **Customer** shall mean any person who discharges, or causes to be discharged, domestic wastewater, industrial wastewater or any other wastewater into the District's public sewers. Customer is synonymous with User. (See also User.)

(15) **Delinquent Account** shall mean an account that remains unpaid after payment is due.

(16) **District** or **Sanitary District** shall mean the Roxbury Sanitary District No. 1 or the area served by the Roxbury Sanitary District No. 1's wastewater treatment facilities.

(17) **DNR** shall mean the Wisconsin Department of Natural Resources

(18) **Domestic Strength Wastewater, Domestic Wastewater, or Sanitary Sewage** shall mean a combination of liquid and water-carried wastes and wastewater that is discharged from toilets or other sanitary plumbing facilities and that does not contain incompatible pollutants or other substances prohibited by these ordinances.

(19) **Extension** shall mean the extension of any public sewer into territory not already served by the District.

(20) **Federal Act** shall mean the Federal Water Pollution Control Act (33 U.S.C. §1251, et. seq., as amended from time to time) and the Clean Water Act (33 U.S.C.

¹ The terms sanitary sewer main, main sewer, and interceptor sewer are used interchangeably.

§1317, et seq., as amended from time to time), and as implemented by Chapter 283 of the Wisconsin Statutes and appropriate sections of the Wisconsin Administrative Code, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

(21) **Fixed Charge** shall mean a fixed sewer user charge established to recover certain debt costs and fixed operating, maintenance, and repair costs incurred or reasonably expected to be incurred by the District.

(22) **Floatable Oil** shall mean oil, fat, or a similar substance 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 does not interfere with the collection or treatment system.

(23) **Flow or Wastewater Flow** shall mean wastewater that enters the sanitary sewer system tributary to the wastewater treatment facility and includes volume, BOD, suspended solids, and such additional parameters as may from time to time be determined by the Commission or the Commission Engineer.

(24) **Flow Proportional Sample** shall mean a sample taken that is proportional to the volume of flow during the sampling period.

(25) **Force Main** shall mean a sanitary sewer that transports wastewater under pressure. Because it is a type of sanitary sewer main, a force main typically transports wastewater from collector sewers to a point for treatment and disposal.

(26) **Gravity Main** shall mean a sanitary sewer that transports wastewater by gravity. Because it is a type of sanitary sewer main, a gravity main typically transports wastewater from collector sewers to a point for treatment and disposal.

(27) **Grease Interceptor or Grease Trap** shall mean a water-tight receptacle or other pretreatment system designed to intercept and retain grease or fatty substances contained in kitchen and other food wastes that otherwise would inhibit the operation and maintenance of the wastewater facilities.

(28) **Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage, or sale of food products and produce.

(29) **Ground Garbage** shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions prevailing in public sewers.

(30) **Holding Tank Waste** shall mean the scum, liquid, sludge, or other waste from holding tanks such as chemical toilets, campers, trailers, vacuum pump tank trucks, and other temporary holding facilities that collect wastewater from a user. "Holding tank waste" does not include sludge, or waste from a soil absorption field, septic tank, privy, or grease trap.

(31) **Incompatible Pollutant** shall mean any pollutant that is not a compatible pollutant. Incompatible pollutants include any wastewater or discharges to the local or regional system that are likely to adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality, as determined by applicable federal, state, or local governmental law, or by the Commission Engineer based on generally accepted industry practices such as those set forth in *Wastewater Treatment Plant: A Manual of Practice*, Standard Methods, and those standards or practices reasonably established by the Commission.

(32) **Industrial User** shall mean any user who makes, causes, or permits an industrial discharge into the District's wastewater facilities. Industrial users include any user defined in CFR Title 40, Section 35.905-8, as amended.

(33) **Industrial Strength Wastewater, Industrial Wastewater or Industrial Discharge** shall mean all wastewater other than domestic strength wastewater. Industrial strength wastewater includes water-borne solids, liquids, or gaseous wastes resulting from or discharging from an industrial process, trade or business, or otherwise escaping into the wastewater facilities. Industrial discharges include, but are not limited to, cooling water and discharges from wastewater pretreatment facilities.

(34) **Infiltration** shall mean the water (other than wastewater) from the ground or other sources that enters the local or regional system through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguishable from inflow.

(35) **Inflow** shall mean the water (other than wastewater) that enters the local and regional system from, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguishable from infiltration.

(36) **Interceptor Sewer** (see Sanitary Sewer Main).

(37) **Interference** shall mean the inhibition or disruption of the sewerage system or wastewater treatment processes or operations that may or that does contribute to a violation of any condition of the Commission's WPDES permit.

(38) **Lateral** (see Building Sewer).

(39) **Licensed Disposer** shall mean a person holding a valid license to do septage or holding tank servicing under NR 113 of the Wisconsin Administrative Code, as may be amended from time to time.

(40) **Limited Contract User** shall mean a municipality, entity, or individual who enters and is bound to the Commission by a limited purpose contract for limited use of excess treatment capacity or other limited purposes approved by the Commission.

(41) **Main Sewer** (see Sanitary Sewer Main).

(42) **May** is permissive.

(43) **National Categorical Pretreatment Standards** shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. §1317 et. seq., as amended from time to time), which limitations apply to one or more specific categories of industrial users.

(44) **New Source** shall mean any source for which National Categorical Pretreatment Standards have not been prescribed because the source commenced after the publication of proposed regulations prescribing National Categorical Pretreatment Standard pursuant to Section 307(c)(33 U.S.C. §1317, et. seq., as amended from time to time). The Commission Engineer shall prescribe appropriate standards for new sources until such time as the same are prescribed by the National Categorical Pretreatment Standards.

(45) **Operation, Maintenance, and Replacement Costs** or **OM&R Costs** shall include costs to operate and maintain the local system in order to provide the capacity and performance required by the District, and the amount necessary to ensure replacement of all equipment, accessories, or appurtenances that are necessary to maintain the public sewer system.

(46) **Owner** shall mean any person or persons who holds title to a parcel or parcels of property to which these ordinances pertain.

(47) **Parts Per Million** or **PPM** shall mean 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.

(48) **Person** shall mean any individual, firm, company, partnership, municipality, association, corporation, cooperative, society, institution, enterprise, government agency, or other entity, whether public or private.

(49) **pH** shall mean the logarithm of the reciprocal of 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} .

(50) **Phosphorus (P)** shall mean the 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.

(51) **President**, as applied to the Commission, shall mean the President of the Commission or other representative of the Commission duly authorized to act on behalf of the President.

(52) **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewer.

(53) **Private Sewerage System** or **Private Sewage System** shall mean a system for treatment of wastewater that is not owned or operated by the Commission or another governmental entity.

(54) **Properly Shredded Garbage** (see Ground Garbage).

(55) **Public Sewer** shall mean any sanitary sewer that is a part of the District's system. The public sewer extends from its point of origin (typically the point where a building sewer connects with a public sewer) to the wastewater treatment plant.

(56) **Public Sewerage System**² or **Public Sewage System** (see Wastewater Facilities).

(57) **Regional Planning Commission** or **RPC** shall mean the operative regional planning authority having jurisdiction in the area served.

(58) **Replacement Costs** (see Operation, Maintenance, and Replacement Costs).

(59) **Residential User** shall mean a person discharging domestic strength wastewater from a single family or multiple family dwelling unit. A multiple family dwelling unit with five (5) or more units shall be considered a Commercial User, unless otherwise defined by the local sewer use ordinance.

(60) **Sand Interceptor** or **Sand Trap** shall mean a water-tight receptacle or other pretreatment system designed to intercept and retain sand or other similar particles that otherwise would inhibit the operation and maintenance of the wastewater facilities.

(61) **Sanitary Sewer** shall mean a pipe or conduit that collects and carries wastewater from residential, commercial, and industrial users through a system that eventually connects to a wastewater treatment plant.

(62) **Sanitary Sewer System** (see Wastewater Facilities).

(63) **Sanitary Sewer Main** shall mean a pipe or conduit whose primary purpose is to transport wastewater from collector sewers to a treatment facility. This term includes Force Mains and Gravity Mains, and may also be referred to as a main sewer or interceptor sewer.

(64) **Septage** shall mean the contents of septic tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, and privies.

² The terms public sewerage system, public sewage system, sanitary sewer system, and wastewater facilities are often used interchangeably.

(65) **Service Life** shall mean the expected life of individual pieces of equipment. In many instances, the service life of a piece of equipment will be shorter than the useful life of the overall treatment plant.

(66) **Service Area** shall mean the area served by the District.

(67) **Sewage** is the spent water of a community; see also Wastewater.

(68) **Sewer** shall mean a pipe or conduit that carries wastewater or storm drainage water.

(69) **Sewer Service Charge** is the total service charge levied by the Commission on the customers to pay for debt retirement costs for capital expenditures as well as the operation, maintenance, and replacement costs of the wastewater facilities. (The basic sewer service charge does not include surcharges, special charges or connection charges.)

(70) **Sewerage System** (see Wastewater Facilities).

(71) **Shall** is mandatory.

(72) **Significant Industrial Contributor** shall mean a user that has discharge flow which:

(a) Is greater than 10,000 gallons on any day of the year; or

(b) Is greater than five (5) per cent of the total flow rate or design compatible pollutant loading received at the wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Chapter NR 211, Wisconsin Administrative Code; or

(c) Has been notified in writing by the DNR, the Commission or a contracting municipality that it is necessary to provide information concerning the concentration and quantity of the pollutant discharged.

(73) **Sludge** (see Biosolids).

(74) **Slug Load** shall mean any substance released at a discharge rate and/or concentration which causes interference to the wastewater treatment processes.

(75) **Stats., Wis. Stats., or Wis. Stat.** shall mean the Wisconsin Statutes as amended and in effect from time to time.

(76) **Standard Methods** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation, and is in compliance with Federal Regulations 40 CFR §136. "Guidelines Establishing Test Procedures for Analysis of Pollutants", all as amended from time to time.

(77) **Storm Sewer** or **Storm Drain** shall mean a drain or sewer for conveying surface water, groundwater, and subsurface water or unpolluted water from any source.

(78) **Storm Water Runoff** shall mean that portion of the rain fall that is collected and drained into the storm sewers.

(79) **Suspended Solids (SS)** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods and referred to as non-filterable residue.

(80) **Surcharge** shall mean a charge applied to any user of the wastewater treatment facility whose discharge exceeds in one or more parameters (such as BOD, SS, etc.) of the concentration of normal domestic strength wastewater. The minimum amount of any such surcharge shall be the direct costs incurred to remove the excess BOD, SS, or other pollutants from the wastewater, and shall be in addition to all fixed and variable charges.

(81) **Total Kjeldahl Nitrogen (TKN)** shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.

(82) **Town** shall mean the Town of Roxbury.

(83) **Town Board** shall mean the governing body of the Town of Roxbury.

(84) **Unmetered User** shall mean a user who is not connected to the municipal water system and, therefore, does not have publicly metered water supply.

(85) **Unpolluted Water** is water of quality equal to or better than the effluent criteria in effect or water that would not violate receiving water quality standards and, therefore, would not benefit through discharge to the sanitary sewers and wastewater treatment facility.

(86) **Urban Service Area** or **USA** means the area designated in the Water Quality Plan adopted by the regional planning authority and approved by the DNR as part of the area in which the Commission may provide sewerage services. For these purposes, the USA includes any limited services area.

(87) **User** shall mean any person who discharges, or causes to be discharged, domestic wastewater, industrial wastewater or any other wastewater into the District's public sewers. User is synonymous with Customer. (See also Customer.)

(88) **User Charge** (see Sewer Service Charge).

(89) **Wastewater** means liquid wastes or water-borne wastes discharged from residential, commercial, industrial, and public buildings. Wastewater also includes inflow and infiltration.

(90) **Wastewater Facilities**³ shall mean the structures, equipment and processes designed to collect, carry and treat domestic wastewater and industrial discharges, exclusive of the building sewer and building drain. The wastewater treatment plant is a component of the wastewater facilities.

(91) **Wastewater Treatment Plant** shall mean an arrangement of devices and structures for treating domestic wastewater and industrial discharges. The wastewater treatment plant is a component of the wastewater facilities.

(92) **WPDES Permit** shall mean a permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 283 of the Wisconsin Statutes.

2.03 RESERVED FOR FUTURE USE

2.04 CONNECTION TO WASTEWATER FACILITIES

(1) **All Connections To District Sewers Require Approval.** Any person desiring to connect to the District's Sanitary Sewer System shall apply to the Commission for a connection permit pursuant to this Section 2.04. Failure to follow the requirements of this Section will subject the owner and/or the owner's representative to the penalties provided. The District may only approve a connection permit if the District is satisfied through its own review and investigation that: (i) that the sewer owned by the District to which the person wishes to connect is adequately sized to transport the additional flow; (ii) that the capacity of downstream collection is adequate; and, (iii) that the District's wastewater facilities have adequate capacity available.

(2) Connection of Building Sewer to Existing District Sewer.

(a) **Application for Permit.** Any person connection to a building sewer to a sewer owner by the District shall submit a written application to the Commission. The application shall be made by the owner or the owner's representative and shall include the following:

1. A statement giving the exact location of the proposed building sewer on the premises;
2. The purpose for which the connection is to be used;
3. The time when the work will be performed;
4. Such other information as the Commission may reasonably require.

Upon submitting the application, the applicant shall pay the non-refundable application and inspection fees and the required connection fees and charges as set forth in Section 2.04(4). If the permit is denied, only the connection fees will be refunded.

³ The terms public sewerage system, public sewage system, sanitary sewer system, and wastewater facilities are often used interchangeably.

(b) **No work without permit.** No work may be commenced or continued until the District has approved and issued the required connection permit and said permit is posted on the premises at all times during construction.

(c) **Connection Standards.** Clean water shall be excluded from building sewers that are connected to District sewers. All work in relation to the connection shall be to applicable plumbing code standards, including SPS 382 Wis. Admin Code, as may be amended. All connections shall be completed under the supervision of a licensed plumber.

(d) **Inspection.** At the time of the connection and prior to commencing with any backfilling, the owner or owner's contractor shall have the building sewer connection inspected by the District's designee. If the District's designee is not allowed to inspect the connection or if the work continues without the required inspection, the District reserves the right to require an owner or owner's contractor to remove backfill to expose the connection to allow for proper inspection.

(3) Connection Of New Public Sewers And/Or Private Sewers To Existing District Sewer.

(a) **Application for Permit.** Any person desiring to construct a sewer that will subsequently be dedicated to the District and connected to an existing District sewer shall submit a written application to the Commission. The applicant shall pay the non-refundable application and inspection fees and the required connection fees and charges as set forth in Section 2.04(4) with the application. If the permit is denied, only the connection fee will be refunded. The application shall be made by a professional engineer licensed to practice in Wisconsin and shall include:

1. A description of the location of the requested connection(s);
2. The character of the wastewater to be transmitted;
3. A statement that the design, construction, operation, and maintenance of the system will be subject to all rules and regulations of the Commission and that all necessary connection fees will be paid;
4. Six (6) sets of plans and specifications for the connecting systems that shall detail all the following:
 - (i) The size and types of pipes and the length and slope of pipes;
 - (ii) Manhole locations and rim and invert elevations;
 - (iii) Lateral locations, lift stations, and force mains;
 - (iv) District boundaries;
 - (v) Sewer service area limits and future sewer extensions;
5. Such other information as the Commission, its Engineer, or other designee may require.

The plans and specifications shall be prepared and scaled by a professional engineer licensed to practice in the state of Wisconsin and shall conform to state and local plumbing codes (including District requirements) and the requirements of the Wisconsin Department of Natural Resources. All elevations given on the plans shall be based upon United States Geological Survey datum, and all bearings shown shall refer to the true north and south meridian. Every plan submitted shall bear a sign showing the direction of true north in relation to the plan.

(b) **Engineer Review.** Upon receipt of a complete application and payment of all required fees, the application shall be submitted to the Commission Engineer. The Commission's Engineer shall review said plans and specifications for conformity with all design standards and standard specifications generally used by the Commission Engineer or as periodically adopted and approved by rule or regulation of the Commission, and the Commission Engineer shall then transmit the plans and specifications along with his or her recommendations to the Commission.

(c) **Commission Review.** The Commission shall review the plans and specifications for conformity with all ordinances, administrative rules, and regulations and for any other matter within its jurisdiction. The Commission shall then approve, conditionally approve, or reject the application. The applicant shall be informed in writing of the action taken and, if the application is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be given in writing. Unless the time is extended by written agreement between the applicant and the Commission, the Commission shall use good faith efforts to complete the action required herein within one hundred and twenty (120) days of the submission of the completed application. The Commission's approval may be conditioned on the applicant obtaining approval from the Department of Natural Resources, Regional Plan Commission, or other appropriate authorities. Failure to act within such one hundred and twenty (120) days shall constitute denial of the plans and specifications by the Commission. In no event shall construction proceed until all required approvals are granted.

(d) **Modification of Plans Required by other Approving Authorities.** The Commission's approval of the plans and specifications and the issuance of the connection permit shall be conditioned upon approval by the State of Wisconsin and other required approving authorities of the plans submitted. Any changes or additions to the plans and specifications which are required by an approving authority, other than the Commission, shall be submitted by the applicant to the Commission's Engineer as said changes or additions are made.

(e) **Developer's Agreement.** No connection permit for a new public or private sewer connection under this section shall be approved by the Commission unless the applicant executes a development agreement with the Commission wherein the applicant agrees to install the required improvement, to pay the required connection fees, administrative fees, professional fees and other fees, to post adequate security in the form of a letter of credit, to provide proof of insurance, to provide guarantees, warranties and indemnifications, to

dedicate said improvements to the Commission, and to agree to other terms and provisions as the Commission may require. The Development Agreement shall be in a form satisfactory to and approved by the Commission and in a form that can be recorded with the Dane County Register of Deeds.

(4) **Connection Fees; Inspection Fees; and Charges.** Upon applying to the District for any permit to connect any building sewer (lateral) under §2.04(2) or a new public sewer or private sewer under §2.04(3), the applicant shall pay the following fees to the Commission:

(a) All applicable connection fees (also referred to as hook-up fees) as established by resolution of the Commission. The Commission shall review and, as necessary, adjust connection fees on an annual basis. Where an application for connection includes installation of public sewer main that is intended and/or designed to later connect to one or more laterals and buildings, the connection fee paid at the time of application shall be based on the number of connections planned. This number shall be provided with the application and is subject to approval by the Commission. (For example, where public sewer main is being extended to a ten lot single-family subdivision, the applicant will count ten residential equivalent units (“REUs”) and submit connection fees for ten REUs and the Commission will confirm the number of REUs and the connection fee due and payable.) All connection fees paid are subject to the refund provisions set out in 2.04(2) and (3). The Commission and/or applicant may record notice of payment of the connection fees after the application has been approved.

(b) All outstanding charges, including special assessments and interest thereon due against the land for local sewers, interceptors, force mains, and lift stations.

(c) All applicable inspection fees, including costs of services performed by third parties on behalf of the District, including but not limited to consultation with the Commission’s Engineer and/or Attorney with respect to the application. The Commission may establish an inspection fee deposit amount to be paid with the application, and if said costs exceed the inspection fee deposit, the applicant shall pay the additional costs of services upon demand.

(d) All costs incurred by the Commission for special meetings, publication of notices, and all administrative costs associated with the application and permit compliance.

Any person failing to pay connection fees, inspection fees, and other charges when due shall be subject to the penalties provided.

(5) **Connection, Special Assessment, and Fee Policy.**

(a) Wastewater facilities or mains constructed for the purpose of connecting a new customer and proposed to be dedicated to the District shall be laid along the adjacent right of way or easement across the entire width or distance of the parcel of property on which the connection is going to be made.

(b) If a new customer wishes to connect, and wastewater facilities must be extended across the new customer’s neighbor’s property to facilitate

connection of the new customer, and the neighbor is already connected to the wastewater facilities, then the cost of the portion of the wastewater facilities laid across the neighbor's property shall be considered a benefit of the new customer's property for purposes calculating and levying a special assessment against the customer, and the cost of laying the wastewater facilities across the neighbor's property shall be born by the new customer.

(c) If a new customer wishes to connect, and wastewater facilities must be extended across the new customer's neighbor's property to facilitate connection of the new customer, and the neighbor is benefitted but either not required to be connected and/or the neighbor is exempt from special assessments under this ordinance, then the cost of the portion of the wastewater facilities laid across the neighbor's property shall be either exempted or deferred as a benefit against the neighbor's property in accordance with applicable statutes. In such case however, as a condition of approval and as a condition of receipt of a connection permit from the District, the new customer shall pay to the District the entire cost of the deferred or exempted benefit on the neighbor's property ("Neighbor Deferral Payment"). Consistent with applicable exemption and deferred special assessment laws, at such time as the neighbor loses its exemption, or the neighbor connects and makes use of the wastewater facilities, the neighbor shall reimburse the District for the cost of the benefit or the applicable portion thereof, at which time the District shall reimburse the new customer for the Neighbor Deferral Payment previously paid to the District by the new customer. In addition, as a condition of approval and as a condition of receipt of a connection permit from the District. The new customer shall obtain a signed agreement between the new customer and the neighbor memorializing the Neighbor Deferral Payment reimbursement requirements under this paragraph.

(6) Supervision And Construction Of Sewers.

(a) **Public sewers and private sewers.** Construction of public sewers and private sewers within the District shall be under the direction of a professional engineer licensed to practice in Wisconsin. Such engineer shall keep accurate records of the location, depth, and length of sewers as built; the number and location of manholes, if any; the location of any "Y" branches or slants; and the location of building sewers. The owner-applicant shall be charged for engineering, inspection, consulting, legal, and testing service performed by or on behalf of the District in conjunction with the design, inspection and review of private construction of a proposed public sewer or private interceptor sewer to be subsequently dedicated to the District. Engineering, inspection, consulting, legal, and testing fees shall be the actual cost to the District on the basis of submitted invoices. Upon acceptance by the Commission of the construction covered by the plans and specifications for the new public sewer or private sewer, the developer shall furnish to the Commission two (2) complete sets of correct as-built prints and one (1) complete set of correct as-built electronic PDF reproduces of the system as-built, both signed and sealed by a professional engineer. The developer shall be responsible for performing replacement or acceptable repairs of any defective workmanship or materials that appear during

a one-year guarantee period following completion and acceptance of the project. During the guarantee period, the developer shall provide a performance guarantee in the amount and kind satisfactory to the Commission.

(b) **Building sewers.** All building sewers served by the District shall be constructed and inspected as required by the Wisconsin Administrative Code. The property owner is responsible for maintaining the building sewers that serve the property. The District or its agents may inspect any building sewer with a televising tool and maintain a recording thereof to assess the condition of the building sewer or the possible infiltration and inflow that may enter into a sewer.

(7) **Prohibited Connections.**

(a) **Septic or holding tanks.** No connection shall be made to any District sewer if the connection pipe is carrying any contents from a septic or holding tank except a septic or holding tank serving as a pretreatment process that has been required or permitted by the District.

(b) **Building foundation drains and sump pumps.** No connection shall be made to any District wastewater collection facility if the collection pipe is carrying flow from a building foundation drain and/or a sump pump. The Commission or its agents may inspect a property to ensure compliance with this section and if entry is refused the Commission may apply for a special inspection warrant under Wis. Stat. §66.0119.

(c) **Swimming pools.** No connection shall be made to any District wastewater collection facility if the connection pipe is carrying flow discharged from a swimming pool.

(8) **Mandatory Connections.**

(a) **When required.** Except as provided in any temporary waiver granted under subsec. (b), every owner of a parcel of land within the District shall install, at the owner's expense, suitable plumbing facilities according to Code and shall connect to the District sanitary sewer system whenever the following conditions exist:

1. The parcel of land is located within the District adjacent to a District sewer and a building or other structure used for human habitation, recreation, or occupancy, or for the conduct of any trade, business or industry is located on the parcel or is being constructed; and,
2. Such building or structure is being served by a private sewage disposal or treatment works (or is not yet served); and
3. Sufficient capacity is available, as determined by the District, to service the parcel.

Such connection shall be made within ninety (90) days after the date of written notice by the Commission that a connection is required. As used in this paragraph "adjacent" means 50% or more of the frontage abuts upon a right-of-way or easement in which a District sewer is installed.

(b) **Deferred connection of exclusive agricultural lands.** Upon application by the owner to the Commission, lands zoned for exclusive agricultural use or for which a farmland preservation agreement has been recorded as provided in Wis. Stat. Ch. 91, shall be granted a compulsory connection waiver. This waiver shall remain in effect only so long as the property is either zoned for exclusively agricultural use or is covered by a recorded farmland preservation agreement. Pursuant to Wis. Stat. §91.15, such lands will be excluded from any related special assessments for so long as the waiver is in effect and the owner makes no use of the public sewerage system; provided that interest on such special assessments shall accrue for up to ten (10) years.

(c) **Waiver not to negate other requirements.** The provisions of this subsection do not abrogate or alleviate the need for compliance with any other connection requirements that may be imposed by the state of Wisconsin or other regulatory authority.

2.05 USE OF WASTEWATER FACILITIES

(1) Prohibited Discharges.

(a) **General Prohibited Discharges.** No person shall discharge wastes to a local sewer that causes or is capable of causing, either alone or in combination with other substances, any of the following:

1. Fire or explosion;
2. Obstruction of flow or damage to the wastewater facilities;
3. Danger to life or safety or welfare of persons;
4. Air pollution as defined in Wis. Stat. §285.01(3), as amended from time to time, and in any regulations and/or orders of any regulatory agency issued there under;
5. Prevention of effective maintenance or operation of the wastewater facilities;
6. Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
7. A detrimental environmental impact, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
8. Any sanitary sewer or the wastewater facilities to be overloaded;
9. Excessive collection and treatment costs or use of a disproportionate share of the wastewater facilities, in the opinion of the Commission or its designee;
10. The Commission to violate its WPDES permit.

(b) **Specific Prohibited Discharges.** Prohibited discharges shall include, but not be limited to:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
2. Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;
3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having other corrosive property capable of causing damage or hazard to structures, equipment, Commission employees or consultants;
4. Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, mill containers, either whole or ground by garbage grinders;
5. Any wastewater from industrial users containing floatable oils, fats or greases;
6. Any wastewater which contains organo-sulfur or organophosphate pesticides, herbicides or fertilizers;
7. Any wastewater containing animal wastes; or,
8. Any waters from swimming pools, whirlpools or jacuzzis in excess of 1000 gallons.

(2) **Storm Drainage and Ground Water Discharge Restricted.**

(a) **Unpolluted waters.** Unpolluted waters, including storm water, ground water, rain water, street drainage, roof runoff or subsurface drainage, cooling water, process water or blow-down from cooling towers or evaporative coolers, shall not be discharged into the wastewater facilities without prior approval of the Commission. Such approval shall be granted only when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and in compliance with conditions as required by the Commission.

(b) **Polluted storm water.** Polluted storm water runoff from limited areas may be discharged to the wastewater facilities upon approval by the Commission, payment of applicable charges and fees and compliance with conditions required by the Commission.

(3) **Limitations On Discharge Characteristics.**

(a) **Limitations related to treatment plant influent.** Discharge to the local system of the following described substances, materials, waters, or waste

shall be limited to the following concentrations or quantities, provided such concentrations or quantities (i) will not harm the local system, regional system, wastewater treatment plant, wastewater treatment process or equipment; (ii) will not have an adverse effect on the receiving stream; (iii) will not have an adverse effect on the sludge management program; (iv) will not endanger persons or property; (v) will not cause air pollution or other detrimental environmental effects; and (iv) and will not constitute a nuisance:

1. Liquid having a temperature higher than 65°C (149°F) or any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant, thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the wastewater treatment plant to exceed 40°C (104°F), unless the Commission Engineer certifies that the wastewater treatment plant is designed to accommodate such temperature;

2. Wax, grease, oil, plastic, or any other substance that solidifies or becomes discernibly viscous;

3. Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency;

4. Wastewater containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;

5. Wastewater containing more than 300 mg/l of oil or grease of animal or vegetable origin;

6. Wastewater which in concentration of any given concentration or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation;

7. Wastewater which contains in excess of any of the following constituents in a 24 hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the industrial user:

- 1.0 mg/L aluminum
- 0.02 mg/L cadmium
- 0.1 mg/L hexavent chromium
- 0.5 mg/L total chromium
- 0.2 mg/L copper
- 2.0 mg/L lead
- 0.002 mg/L mercury
- 0.3 mg/L selenium
- 0.04 mg/L silver

- 2.0 mg/L zinc
- 1.0 mg/L nickel
- 0.25 mg/L cyanide
- 0.5 mg/L arsenic

The Commission shall cooperate with the Commission Engineer in changing the requirements established in the ordinance above if necessary to meet the objectives of the ordinance or a condition of the Commission 's WPDES permit.

Samples shall be collected over the period of discharge if the discharge is less than 24 hours in duration;

8. Industrial discharges exceeding applicable National Categorical Pretreatment Standards, or state standards;

9. Any substance with objectionable color not removed in the treatment process. such as, but not limited to, dye wastes and vegetable tanning solution;

10. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair, or,

11. Any discharge prohibited or limited as determined by the Commission to be necessary to meet the objectives of this ordinance or the conditions of its WPDES permit.

(b) Limitations related to treatment plant effluent.

1. Specific Limitations. No person shall discharge any wastewater to the local system which in combination with other discharges, results in either:

a. The wastewater treatment plant effluent having concentrations exceeding 0.1 mg/l total phenols or 0.002 mg/l polychlorinated biphenois (PCBs); or,

b. The wastewater treatment plant's digested sludge exceeding a PCB concentration of 10.0 ppm on a dry-weight basis.

2. General Limitations. No person shall cause or permit a discharge into the local system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the Commission's WPDES permit and any modification or re-issuance thereof.

(c) Limitations superseded. Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the federal standards (if more stringent than the limitations imposed under these regulations) shall immediately supersede the limitations imposed under these regulations; and such industrial user shall comply with the said federal

standards upon notification by the Commission of the applicable requirements under 40 CFR 403.12, as may be amended from time to time.

(4) **No Dilution Of Industrial Discharge.** Dilution of raw industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established in this Section, or below other applicable pretreatment standards, is prohibited.

(5) **Accidental Discharge Of Prohibited Wastewater.** Any person who accidentally discharges into the local system wastes or wastewater prohibited under these regulations shall immediately report such a discharge to the Commission. Such report shall describe the location, time and volume of the discharge, and the type of waste or wastewater discharged. Within fifteen (15) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Commission. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this ordinance or other laws and regulations. Where the Commission deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under these ordinances.

(6) **Alternatives To Acceptance of Wastewater.** If any waters or wastes are discharged or are proposed to be discharged to the wastewater facilities in excess of those limitations enumerated herein, the Commission shall:

- (a) reject the wastes; and/or
- (b) require pretreatment; and/or
- (c) control the quantities and rates of discharge; and/or
- (d) recover the increased costs of handling and treating such wastes.

(7) **Industrial Discharges; Pretreatment.** Industrial users shall comply with the provisions of this ordinance, as may be amended from time to time, and any additional conditions related to a specific industrial user as determined by the Commission. Industrial users may be required to pretreat their wastewater when necessary to protect the wastewater facilities or prevent discharge of incompatible pollutants. Construction, operation, and maintenance of pretreatment facilities shall be at the expense of the user. Pretreatment facilities shall be operated by qualified personnel holding a Basic Grade certificate in appropriate subgrade as issued by the DNR.

(8) **Grease Interceptors and Sand Trap Installations.** The Commission shall require such grease interceptors and sand traps as are deemed necessary for the proper handling of liquid wastes containing floatable oil or grease in amounts in excess of the limitations as specified in this ordinance, or any flammable wastes, sand, or other harmful ingredients. However, such interceptors and traps shall not be required for private living quarters or dwelling units. All such traps shall be of a type and capacity approved by the Commission, and shall be located as to be readily and easily accessible for cleaning and inspection. The Commission or its agents may enter the premises to inspect all such traps and if entry is refused the Commission may apply for a special

inspection warrant under Wis. Stat. §66.0119. In maintaining these traps, 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. Such records shall be submitted to the Commission upon request. Disposal of the collected materials must be in accordance with applicable DNR rules and regulations.

2.06 LIMITATIONS ON DISCHARGE OF HOLDING TANK, SEPTAGE, AND OTHER SIMILAR WASTES

(1) **No Discharge Into Public Sewers.** No person including a licensed disposer, may discharge the following into a non-designated manhole or other opening in a public sewer:

- (a) Any holding tank wastes (this includes by definition recreational vehicle or RV waste);
- (b) Septage; or,
- (c) Any other liquid, gaseous or solid wastes determined by the Commission to be detrimental to the public sewerage system, Commission employees, contracting municipalities' employees, or to the process of sewage treatment (collectively, for purposes of this Section, "other similar wastes").

(2) **Permit Required For Discharge At Wastewater Treatment Plant.** A licensed disposer, as defined by Wis. Stat. §281.49, may apply for a disposal permit to dispose of septage or holding tank waste at the designated receiving point in the wastewater collection system during the period of time beginning on November 15 and ending on April 15. No disposal shall be allowed without a disposal permit.

(a) **Application for Disposal Permit.** A licensed disposer shall apply for a disposal permit prior to September 1. All applications shall be referred to the Commission and the Commission shall approve or reject the application by October 1 of each year. With the application, the licensed disposer shall pay the application fee set by the Commission. The application fee shall be sufficient to cover the District's expenses for application and permit review.

(b) **Standards and Special Provisions.** The District shall have the right to deny issuance of a permit and may refuse to accept holding tank or septage from the licensed disposer if:

1. Treatment of the waste would cause the District's sewerage systems to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards, or any other legally applicable requirements, including court orders, state or federal statutes, rules, regulations or orders;
2. The waste is not compatible with the District's sewerage systems;
3. The licensed disposer has not applied for and received a permit under this Section to dispose of the waste or the licensed disposer failed to comply with the permit so issued; or

4. The licensed disposer failed to comply with waste disposal rules promulgated from time to time by the Commission.

(c) **Priority.** If the District can accept, some, but not all, of the holding tank or septage offered for disposal, the Commission shall accept such waste which is generated within the District before accepting such wastes which are generated outside of the District.

(d) **Disposal Permit Conditions.** The Commission may impose reasonable terms and conditions for septage disposal and all permits shall be in writing. All permits shall include the following terms and conditions:

1. Specific quantities, locations, times, and methods for discharge of septage into the sewage system.
2. Requirements to report the source and amount of septage placed in the sewage system.
3. Requirements to analyze septage characteristics in accordance with §281.49(6), Wis. Stats.
4. Reasonable disposal fees established by the Commission in accordance with §281.49(10), Wis. Stats.
5. Compliance with all District ordinances, regulations, and permit conditions.
6. Indemnification of the District and any contracting municipalities by the permit holder from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted. The Commission may require the holder of such permit to post a bond written by a bonding company, licensed to transact business in Wisconsin, to guarantee performance of the holder thereunder.
7. Evidence that the permit holder has in full force and effect sufficient worker's compensation insurance, public liability, and property damage insurance.
8. Requirement to schedule discharges into the collection system with the wastewater treatment plant operator.

The Commission shall prepare a disposal plan for each licensed disposer granted a disposal permit, which shall include all terms and conditions imposed on the licensed disposer. No permit once issued shall be assignable or transferrable. The permit does not vest any right or privilege to the holder thereof. The disposal permit does not allow connection of sewer carrying septic or holding tank wastes to the public sewer system.

(e) **Disposal Procedure; Charges; Termination.** The wastewater treatment plant operator shall record the volume and nature of all discharges pursuant to a disposal permit and report the same to the Commission on a monthly basis. The licensed disposer shall pay disposal charges on a quarterly basis based on the characteristics of the discharge. If the licensed disposer disputes the charges, upon request of the licensed disposer the Commission shall

review the records of all discharges and any relevant information provided by the licensed disposer and hold a meeting with the licensed disposer, and the Commission shall determine whether the fee charged is reasonably based on the actual costs related to the disposal of the septage in accordance with §281.49(10), Wis. Stats. The Commission reserves the right to terminate the disposal permit and/or charge interest on balances that are not paid in full within thirty (30) days of billing. The Commission also reserves the right to terminate the disposal permit if the licensed disposer violates the terms of the permit, the District's ordinances, or other regulations of the Commission.

(3) **Limitations On Discharge Of Holding Tank and Septage.** Any holding tank waste or septage or other similar waste permitted to be discharged under this Section shall be of domestic origin and/or contain compatible pollutants only. The hauler or licensed disposer making the discharge shall comply with the provisions of any and all applicable laws and regulations, including the District's ordinances and regulations. Without limiting other relevant provisions of the District's ordinances and regulations, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile, or flammable liquids or other deleterious substances into any manhole, building sewer, interceptor sewer, or other public sewer nor shall such person or licensed disposer allow any grease, earth, mud or other solid materials to pass into any pan or the public sewer system; nor shall such person or licensed disposer discharge any liquid, gaseous, or solid wastes determined by the Commission to be detrimental to the sewerage system or to the District's employees or to the process of sewage treatment.

(4) **Penalty for Violation.** Any person or licensed disposer violating the terms or conditions of a permit issued under this section or using or permitting the use of the public sewers for a use for which a permit may be issued under this section without first obtaining a permit or continuing such use after notice of revocation of a permit, shall, upon conviction, forfeit the sum of \$1,000.00, plus penalty assessment and court costs, for each violation, and in default of payment, may be confined in the Dane County jail until payment is made, but not exceeding 90 days. Each day on which a violation occurs or continues shall be deemed a separate offense. All forfeitures recovered by the Commission under this subsection shall be paid into the general account of the Commission for the benefit of the District. In addition, such person or licensed disposer shall pay to the District any damages, costs or expenses incurred by the District in connection with such unpermitted use.

2.07 SEWER SERVICE CHARGES

(1) **General.** Sewer service charges to each District customer shall be imposed using a methodology that ensures that each customer bears a reasonably proportionate share of the costs of administration, operation, maintenance, replacement and debt service of all wastewater collection and treatment services provided by the District. The charges imposed shall be based on the best information reasonably available to the Commission.

(2) **Methodology for Calculating Sewer Service Charges.** The total sewer service cost is the sum of the following: debt retirement costs, operation and maintenance costs, replacement costs and surcharges. These components are described as follows:

(a) **Debt Retirement Costs.** Debt retirement costs include the financing costs (both principal and interest) for all capital expenditures existing and proposed to be made by the Commission. New debts are added as incurred.

(b) **Operation and Maintenance (“O&M”).** O&M costs include costs to operate and maintain the wastewater treatment and collection facilities in order to provide the capacity and performance required by District customers. These costs include treatment, labor, supplies, etc.

(c) **Replacement Costs.** Replacement costs are the amount necessary to ensure that all equipment, accessories, or appurtenances that are necessary to maintain the wastewater treatment facility are set aside. These costs are determined by using the installed cost of the equipment (excluding the cost of technical, legal, administrative, and other fees, since such costs generally are not required when materials are replaced) and assigning a service life to such facilities in order to estimate when replacement will be required. A sinking fund factor is then applied to determine the amount of money to be collected per year to ensure that an adequate amount will be available at the time the equipment is likely to need replacement. It is anticipated that such funds will be invested by the Commission in an interest-bearing account until required.

(d) **Wastewater Strength Surcharge.** A surcharge maybe applied to any user discharging wastewater of greater than normal domestic strength. The surcharge is imposed to compensate for the increased treatment needed to handle these additional loadings. As used in this section, “domestic strength” is defined as follows:

Concentrations of/or less than the following:
200 mg/l of BOD (biochemical oxygen demand)
250 mg/l of SS (suspended solids)
50 mg/l of N (total nitrogen)

The total sewer service cost shall be allocated to each District customer on the basis of a residential equivalent user (REU) system, REU’s are assigned to each District customer based on the best information reasonably available to the Commission regarding the quality of wastewater (domestic vs. high strength) and volume contributed by District customers.

Additional information regarding anticipated total sewer service and the REU system as it applies to the District is described in Appendix A to this Chapter. Sample user charge calculations and rate information is described in Appendix B to this Chapter.

(3) **Sewer Service Charge Rates and Adjustments.** Sewer service charge rates shall be reviewed by the Commission at least annually and may be set and adjusted by

resolution of the Commission whenever necessary to meet the District's operation, maintenance, replacement and debt service costs.

(4) **Special Charges.** In addition to general sewer service charges, District customers may be subject to special charges. Whenever any user discharges waste into the District's sewers or sewerage system which causes physical damage to the District's wastewater facilities or which causes the District to incur unusual additional costs the District may assess a special charge against such user for the work required to repair the facilities or to recover the unusual additional cost. Special charges shall be in addition to the service charges levied under this section and shall be billed directly to the user.

(5) **Special Assessments.** When authorized by resolution of the Commission, the cost of any District sewerage system work or improvement may be levied and collected by special assessment against benefitted property pursuant to Wis. Stat. §66.0703 or other applicable special assessment procedures.

(6) **Tax Levies.** When authorized by resolution of the Commission, the cost of any District sewerage system work or improvement may be levied against property in the District and collected in accordance with applicable law.

2.08 BILLING AND COLLECTION

(1) **Billing And Due Date.** Sewer service charges of the District shall be billed to the property owner and shall be due on the 25th of the month in which the bills are issued. The Commission may establish a pre-payment discount if payment is received prior to the 25th of the month. If the 25th of the month is a Saturday, Sunday, or legal holiday, the deadline for the pre-payment discount shall be the next business day. For automatic payments, the payment date shall be the actual date that the Commission receives the funds from the automatic bank transaction. Connection fees and other special charges not included in the service billing shall be billed as incurred and due within twenty (20) days of billing. Special assessments shall be billed and paid as provided in the authorizing resolution.

(2) **Collection Penalty; Notification of Delinquency.** Customers may be notified of service charge delinquencies through regular billing. The Commission Treasurer shall notify customers of delinquent collection or other special charges. By October 15th and prior to placing the delinquent charges on the tax roll, final written notification of the delinquency shall be forwarded to the owner of the property, at the address listed on the tax rolls in the manner provided for in in Wis. Stat. §§ 66.0821(4) and 66.0809, as may be amended from time to time. A tax lien collection penalty shall be added to any delinquent account that is receiving such notice. The penalty shall be established by resolution of the Commission and shall be applied per REU on the delinquent account. On an annual basis, the Commission shall review the amount of the collection penalty and adjust the dollar amount as it deems necessary.

(3) **Delinquent Charges May Become Liens Against Real Estate.** Delinquent service charges and delinquent connection charges shall be a lien on the property served and may be placed on the next succeeding tax roll for collection in the manner provided

for in Wis. Stat. §§ 66.0821(4) and 66.0809, as may be amended from time to time. Delinquent charges are added to the tax roll on an annual basis.

(4) **Collection of Delinquent Payments.** In addition to all other methods provided by law, delinquent payments may be collected as a special charge against the property served in the manner provided by Wis. Stat. §66.0821.

(5) **Disposition of Revenue.** The amounts received from the collection of charges hereunder shall be credited to the District and used to defray the District's costs of operating and maintaining an adequate wastewater collection and treatment system for the District as well as to provide sufficient funds for capital outlay, debt service costs and capital improvements of the District. The District shall maintain records of all receipts and expenditures of the District. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. Other charges collected shall be credited to the District's general account and available for the payment of the requirements for operation, maintenance, repair, and depreciation consistent with Chapter NR 162 of the Wisconsin Administrative Code. Any surplus outside the purview of Chapter NR 162 of the Wisconsin Administrative Code in said account, shall be available for the payment of principal and interest bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or parts thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the District may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including any refunding bonds, shall be paid from this general fund surplus.

2.09 ENFORCEMENT AND ABATEMENT

(1) **Enforcement.** The District's ordinances shall be enforced by the Commission and/or its designee.

(2) **Penalties For Violations.** Any person who fails to comply with the provisions of this ordinance or any rule, order or special order of the Commission and/or designee shall, upon conviction thereof, forfeit not less than Twenty-Five Dollars (\$25) nor more than Five Thousand Dollars (\$5,000) for each day such violation or failure continues, together with penalty assessment and costs of prosecution as provided by law.

(3) **Violation Constitutes a Public Nuisance.** Any violation of the provisions of this ordinance or any other rule, regulation, or special order promulgated by the Commission shall constitute a public nuisance subject to injunction and abatement in accordance with the procedures of Wis. Stat. §823.02, as from time to time amended.

(4) **Restitution.** Any person found in violation of this ordinance or any other rule, regulation or special order shall pay to the District such damages, losses or expenses as maybe sustained by the District as the result of the violation, together with such costs as may be collectible by law.

(5) **Remedies Cumulative.** The remedies provided by this section shall be in addition to all other remedies provided by this ordinance or by any other law.

(6) **Notice of Violation; Special Orders.** Whenever the Commission or designee shall determine that a violation of any provision of this ordinance or any rule or regulation promulgated by the Commission has occurred or is threatened, the Commission or designee shall give written notice to the violator or other responsible person by stating the nature of the violation and the required remedy. Such notice may be in the form of a special order by the Commission. Special orders shall be in writing and shall specifically state what action is required to comply with the order and the time allowed for compliance. Service and proof of service of any special order may be made by certified or registered mail, return receipt requested, or in the manner provided for service of a summons in the Dane County Circuit Court. In the case of service by certified or registered mail, service shall be deemed given within three (3) days of mailing and the return receipt shall constitute proof of service.

(7) **Emergency Suspension of Service.** In addition to other remedies, and as permitted by law, the Commission may suspend wastewater treatment service to a user whenever it appears to the Commission that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons; a substantial danger to the environment; an interference with the operation of the wastewater treatment plant; or violates any pretreatment limits imposed by this ordinance. The Commission shall notify such user in the event of a determination to suspend wastewater treatment service hereunder and such user shall cease all such discharges as soon as practicable. Actions under this subsection shall be implemented by issuance of special orders.

(8) **District Authorized To Enter Private Property.** The Commission or its designee is authorized to enter private properties served by and/or connected to the District to insure compliance with federal, State or local law, including the District's ordinances. The Commission or its designee is further authorized to obtain grab samples of sewage, to test sewage, to measure or require metering, and to inspect any and all connections, sediment traps, grease interceptors, sump pumps, or other appurtenances that are or may affect the District's operations.

2.10 SPECIAL ORDERS AND APPEALS

(1) **Special Orders.** The Commission may execute special orders as necessary and prudent: (i) to maintain and protect its WPDES permit without restriction, particularly with respect to situations where the quality of wastewater being discharged may impair the regional system or wastewater treatment plant, (ii) to enforce proper use of the wastewater facilities as set forth in Section 2.05, or (iii) to enforce other provisions of these ordinances.

Service and proof of service of any special order may be made by personal delivery, certified or registered mail, return receipt requested, or in the manner provided for service of a summons in circuit court. Where service is by certified or registered mail service shall be deemed given within three (3) days of mailing and the return receipt shall constitute proof of service.

(2) **Emergency Orders.** The Commission Engineer, Commission Officer acting unilaterally, the Commission as a whole or other person designated in writing by the Commission is hereby authorized and empowered to issue special orders in the name of the District in an emergency to prevent: (i) damage to the regional sewers from misuse; (ii) injury to employees of the District; (iii) interference with the process of sewage collection, treatment or disposal; or (iv) substantial risk to the public health, safety and welfare. A special order is effective and enforceable upon service. Service shall be made as provided in Section 2.10(1) above.

(3) **Appeals.** Special orders and emergency orders may be appealed no later than thirty (30) days after the date of issuance to the Commission Board of Appeals as provided below:

(a) If the President of the Commission receives a proper and timely appeal, the appeal shall be presented to the Commission Board of Appeals within thirty (30) days of receipt. The Commission Board of Appeals shall be appointed on an *ad hoc* basis and shall be comprised of the following three (3) individuals:

1. from the Town Board, the supervisor who has served the longest on the Town Board; and,
2. from the Commission, the Commissioner who has served the longest on the Commission; and,
3. from an adjacent sanitary district, a impartial commissioner selected by the supervisor and Commissioner designated above and who is also willing to serve on the Commission Board of Appeals.

(b) To the extent applicable and except where inconsistent with the provisions of these regulations, the Commission Board of Appeals shall utilize the procedure traditionally used by a Zoning Board of Appeals. The Secretary of the Commission shall serve in the capacity that the zoning administrator of the Zoning Board of Appeals serves. The decision of the Commission Board of Appeals shall be a final administrative determination.

(4) **Stay of Order During Appeal.** Except when the Commission or the Commission Board of Appeals, on notice to the appellant and the Commission, determines that a stay of the special or emergency order will cause imminent danger to life or health, the special or emergency order shall be stayed during the pendency of the appeal.

APPENDIX A: USER CHARGE METHODOLOGY

I. Required Revenues shall be calculated by adding together the District’s annual debt retirement costs, annual operation & maintenance costs, and annual replacement costs.

II. Residential Equivalent Unit (REU) Determination. One REU shall be the equivalent of one residential home averaging 64,000 gallons per household per year. The REUs shall be determined based on the guidelines indicated below (with all fractions rounded up to nearest 0.5 REU), however the District may consider water meters or other factors for unusual users to depart from these guidelines:

Use Classification	REU Value
Single Family Residential	1.0 REU
Two-Family Residential	2.0 REU
Multi-unit Residential	1.0 REU per apartment
General Business	1.0 REU per 5 employees
School	1.0 REU per 15 students
Tavern	1.0 REU per 40 seats
Church or Meeting Hall w/ Kitchen	Total average seating capacity usage divided by 25
Restaurant w/o Bar	Total average seating capacity usage divided by 13
Restaurant (Drive-in or Short Order)	Total average seating capacity usage divided by 45
Restaurant w/ One Bar	Total average seating capacity usage divided by 10
Restaurant w/ Two Bars	Total average seating capacity usage divided by 8

Average seating capacity shall be determined by the adding the total seating capacity in use during the week divided by seven.

APPENDIX B: SAMPLE USER CHARGE CALCULATION

Example One: Tavern/Restaurant/Single Residence

Seating capacity used for tavern and restaurant is 70 on five days of the week, thus total seating capacity for the week is $70 \times 5 = 350$. Average daily seating capacity is total seating capacity divided by seven, or $350/7 = 50$.

Tavern	= 50/40	1.25
Restaurant	= 50/45	1.11
Residence		1.00
Rounded to nearest 0.5		<hr/> = 3.5 REUs

Example Two: Restaurant w/Two Bars

Seating capacity used for restaurant is 400 on one day of the week and 32 for other five days of the week, thus total seating capacity for the week is $400 + (32 \times 5) = 560$. Average daily seating capacity is total seating capacity divided by seven, or $560/7 = 80$.

Restaurant/w 2 Bars	= 80/8	10.0
Rounded to nearest 0.5		<hr/> = 10.0 REUs

Example Three: Church or Meeting Hall w/Kitchen

Seating capacity used for church is 600 on one day of the week and 200 for another day of the week, thus total seating capacity for the week is $600 + 200 = 800$. Average daily seating capacity is total seating capacity divided by seven, or $800/7 = 114$.

Church w/ Kitchen	= 143/25	4.57
Rounded to nearest 0.5		<hr/> = 5.0 REUs

CHAPTER 3 COMPLIANCE WITH TOWN ORDINANCES

3.01 INTRODUCTION AND PURPOSE

(1) **Purpose And Intent.** This ordinance is intended to ensure coordination and compliance between Roxbury Sanitary District No. 1 Ordinances (“District Ordinances”) and Town of Roxbury Ordinances (“Town Ordinances”).

(2) **Conflict.** If there is any conflict between District Ordinances and any applicable Town Ordinances, state or federal law, rule or regulation, the most stringent shall control.

3.02 LAND DIVISION AND SUBDIVISION REGULATIONS

(1) **Town Ordinances Incorporated By Reference.** Any and all Town Ordinances adopted to regulate land division and subdivision are hereby incorporated by reference.

(2) **Compliance Required.** Compliance with the Town Ordinances and Dane County Ordinances regarding land division and subdivision is a prerequisite to connection to the District's wastewater facilities, use of the District's wastewater facilities and discharge of holding tank, septage, or other similar wastes into the District's wastewater treatment plant. The customer or user shall provide satisfactory evidence of such compliance to the Commission upon request. Failure to comply and provide evidence of compliance upon request shall constitute a violation of the District Ordinances.

(3) **Enforcement and Penalties.** Enforcement and penalties for violations shall be as set forth in the Section 2.09 of the District's ordinances.

3.03 RESERVED FOR FUTURE USE

3.04 RESERVED FOR FUTURE USE

3.05 RESERVED FOR FUTURE USE