

Chapter 270

WATER AND SEWERS

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[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments -- See Ch. 9.
Building construction -- See Ch. 114.
Pollution -- See Ch. 200.

Streets and sidewalks -- See Ch. 234.
Subdivision of land -- See Ch. 295.
Wellhead protection -- See Ch. 305.

ARTICLE I

General Regulations

[Adopted as Title 5, Ch. 1 and § 6-1-4 of the 1984 Code]

§ 270-1. Compulsory connection to sewer and water.

- A. **When required.** Whenever a sewer or water main becomes available to any building used for human habitation, the Superintendent of Public Works shall notify the owner or his agent in writing, in the manner prescribed by the Wisconsin Statutes, or by registered mail addressed to the last known address of the owner or his agent, to connect the building to the sewer or water main within one year.
- B. **Contents of notice.** The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and prevent creation of a health nuisance. Such order shall be served on the owner of record of the real estate on which such building is situated or his agent where an agent is in charge of the building in the manner provided for service of a summons in the Circuit Court, and the owner of such building shall connect the same to the sewer or water system within the time specified in the order.
- C. **Superintendent of Public Works may cause connection at expense of owner.** If the owner or his agent fails to comply with the notice of the Superintendent of Public Works within one year of service or mailing thereof, the Superintendent of Public Works may cause connection to be made, and the expense thereof shall be assessed as a special tax

against the property. With respect to water, notice shall be given to the owner, occupant or agent to the extent required by state law³.

- D. Installment option.** The owner or his agent may, within 30 days after completion of the work, file a written option with the Village Clerk-Treasurer stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in two equal annual installments, with interest from the completion of the work.
- E Privies, cesspools, etc., prohibited after connection with sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.
- F. Exceptions to compulsory connection to water.** Private wells may be permitted in the Village of Genoa City under the following circumstances:
 - 1. Upon petition to the Village Board and approval by a majority of the Village board;
 - 2. Wisconsin Department of Natural Resources approval for the private well;
 - 3. The petitioner, at its expense enters into a written agreement with the Village to provide safe well samples once a year to the Superintendent of the Village Department of Public Works, to provide a GPS location of the well, and to be responsible for the cost to lower the well, if it becomes necessary due to the Village municipal wells.

§ 270-2. Separate Sewer and Water Utilities established⁴.

- A.** Pursuant to the provisions of § 66.0819, Wis. Stats., Ordinance No. 120, dated January 2, 1958, combining the municipal water and sewer utility is hereby repealed.
- B.** From and after July 14, 1983, and after authorization from the Public Service Commission of the State of Wisconsin, the Water Utility shall be maintained separately from the Sewer Utility.
- C.** Separate rates and books of account shall be maintained for the Water Utility and Sewer Utility.

§ 270-3. Water main and sewer pipe extensions.

- A. Main extensions.** The Utility will extend water mains for new consumers, or for fire protection service, at a minimum size of six inches. Where the cost of the extension is assessed against the abutting property, the procedure set forth under § 62.19, Wis. Stats., will apply.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Original § 5-1-1, Franchises to utility companies, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Excavating for connections.** Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractors must, at their own expense, cause them to be replaced or repaired at once. They must not shut off the water service pipes from or to any consumer for a period exceeding six hours.
- C. Settling water mains and sewer pipe connections.** Trenches and excavations in all streets in the Village shall be refilled with sand backfill under the supervision of the Superintendent of Public Works. On all excavations that extend beyond the traveled portion of the street or curblane, refill shall also consist of sand backfill for a distance of not less than five feet from the edge of said traveled street or curblane. It shall be the duty of the Superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed yellow signal lights in such manner as will, so far as possible, ensure the safety of the public.
- D. Engineer services required.** Any person or entity requesting an extension to the Village sanitary sewer system or water system shall have a qualified Engineer, registered in the State of Wisconsin, prepare all plans and specifications for the sanitary sewer and water main improvements. All sanitary sewer and water main improvements to be dedicated to the Village shall be staked and inspected by the Village Engineer during the course of construction. All fees associated with the above shall be the responsibility of the person or entity requesting an extension.
- E.** The Village Engineer may provide services to the person or entity requesting an extension or design the public improvements, if agreed to by the person/entity and Village Engineer, and approved by the Village Board.
- F.** All sewer and water utilities larger than 8-inch diameter, and all other regional facilities required for the transmission, pumping, treatment, or storage of water, sewage, or storm-water shall be designed by the Village Engineer.

§ 270-4. Establishment of service.

A. Service applications.

- (1)** The Village will, upon written application upon blanks provided for that purpose by the Village, accompanied by a fee as determined by the Village Board, furnish and install the corporation valve. The applicant shall have the trench dug and the main exposed for the installation of the corporation valve and shall further provide and install the copper service pipe of not less than 3/4 inch in size from the distribution mains in the street to the curb cock and stop box and shall further provide and install the curb cock and stop box. The installation and specifications for said service pipe, curb cock, and stop box shall be in compliance with the plans and specifications as prepared by the Village Engineer. All service pipes will be laid at right angles to curb-line so that location may be readily determined in case of repairs, leaks, etc. All water pipes laid underground of a diameter less

than two inches in size shall be of extra-strong copper pipe. The pipe shall be one continuous piece from the curb box to the meter installation area inside the building. When the pipe is of two-inch diameter it may be, and when greater diameter than two inches it shall be, of cast-iron bell and spigot and what is termed as Class B pipe. When installed inside the building, above ground, or in a tunnel or pipe conduit, the pipe may be cast iron, galvanized iron or brass with corresponding fittings. All service pipes shall be brought to an accessible point where they enter the building to facilitate the installation of a water meter. **[Amended 10-14-1999]**

- (2) Application for the original installation of a supply from the Village water main, or for any extension or alteration of any existing supply from the curblin, or within the street property line, shall be filed by the owner of the property or an authorized agent therefor for the approval of the Superintendent of Public Works prior to the performance of any such work. If a master plumber or the owner makes such application, he shall provide fully and truly the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe, and the fixtures or appliances to be supplied. (Note particularly any special refrigeration or air-conditioning water-consuming appliances.)
- (3) The Superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.
- (4) The signing of the application card or permit will constitute a contract for water supply and its specific use, which contract embodies these regulations as part of the same.

B. Service connections.

- (1) Each applicant for water service shall, at the time of making application for such service, execute and deliver to the Utility a contract for such water service agreeing to put in the service pipe from the curblin to each piece of water-using property existing and owned by him where such water is desired, at the expense of such applicant, and to commence the payment for such water service when a bill is rendered for the same.
- (2) No service pipe shall be installed to any lot or parcel of land not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast-iron or other long-life water main has been laid and unless the water service connection therewith is made between the property lines, extended to the main.
- (3) The service pipe shall be laid not less than six feet below the surface of an established or proposed grade line. When laid in a combined sewer and water trench, the service shall be laid on a shelf of solid ground not nearer than 12 inches to the side wall of the sewer trench.

- (4) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- (5) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the Superintendent. Service pipes passing through curb or retaining walls shall be adequately safeguard by the provision of a channel space or pipe casing not less than twice the diameter of the service pipe. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material and made impervious to moisture.
- (6) When a change of direction of a cast-iron service is made on either side of a curb or retaining wall, the cast-iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing or by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall. Such clamp rods shall be not less than 5/8 inch in diameter and when buried in soil should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws for fastening clamp rods will not be permitted.
- (7) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six inches over the pipe.
- (8) All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures or appliance units operating simultaneously. In no instance, however, shall any water supply pipe to the furthestmost riser or fixture branch be of a smaller diameter than 3/4 inch.
- (9) In case it is necessary to install a separate new or larger service to replace an existing small diameter service pipe, an allowance equal to 50% of the present cost of the installation of the size of service replaced will be made, provided that the new service is installed in the same ditch as the existing service. In no case, however, will this allowance be less than \$10, and this allowance can only be made if the old service can be removed when the new service is installed.

C. **Bond.** Any person engaged in the business of plumbing or who performs any work in conjunction with the public water or sewer system of the Village of Genoa City shall file with the Village Clerk-Treasurer, subject to the approval of the Village Board, a bond in the sum of \$5,000 before commencing any such work.

- D. Location of tap.** No street main shall be tapped at a distance less than one foot of another ferrule or the bell end or any sleeve connection on the main. Lead service pipes shall be one lead pipe diameter larger than the corporation cock connection with the main and shall have a brass stock-cock encased in a cast-iron extensible box placed two feet inside the line of the street curb and on a line at right angles with the corporation cock connection. Shutoff box may be placed on street side of sidewalk next to the walk.
- E. Tapping machine.** The mains shall be tapped while under pressure by a machine furnished by the Village for that purpose. The tap shall not be made nearer than 15 inches to any joint of the main pipe, and in no case shall the water be shut off for the purpose of tapping except in case of accident to the tapping machine.
- F. Sewer connections applicable.**
- (1) Whenever water service is established, the abutting property shall be connected to any sewer lines running parallel to the water main.
 - (2) This section shall apply to sewer as well as water service.
- G. Connections not permitted.** The Village will construct a sanitary interceptor sewer main which will extend into McHenry County, Illinois. The Village shall not permit any connections to said sewer main in Illinois. [Added 12-19-2002]

§ 270-5. Water and sewer connection fees. (Amended 3-10-11)

The Village, upon written application for water and sewer connections, shall collect from the applicant the following fees:

- A. Residential buildings.** Single-family houses and multifamily apartments, per unit for one-bedroom units, two-bedroom units and three-bedroom units: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- B. Nonresidential buildings,** per unit for water meters of 3/4 inch, one inch, 1 1/2 inches and two inches: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- C. Industrial buildings.** Connection fees for industrial buildings shall be determined on the building's estimated average daily water use at \$0.60 cents per gallon per day for water and \$1.20 per gallon per day for sewer for a total of \$1.80 per gallon per day, said estimate to be subject to final review and determination by the Village Engineer.

VILLAGE OF GENOA CITY

WASTEWATER CONNECTION FEE

REU MULTIPLIER

Meter Size (in)	Meter Type	Flow (gpm) ⁽¹⁾	REU Multiplier	Fixed Portion	Variable Portion	Total Variable	Total Charged
3/4 or less	displacement	15	1.00	\$2,000	\$2,500	\$2,500	\$4,500
1	displacement	25	1.67	\$2,000	\$2,500	\$4,167	\$6,167
1-1/2	displacement	50	3.33	\$2,000	\$2,500	\$8,333	\$10,333
2	displacement	80	5.33	\$2,000	\$2,500	\$13,333	\$15,333
2	compound	80	5.33	\$2,000	\$2,500	\$13,333	\$15,333
2	turbine	100	6.67	\$2,000	\$2,500	\$16,667	\$18,667
3	compound	160	10.67	\$2,000	\$2,500	\$26,667	\$28,667
3	turbine	240	16	\$2,000	\$2,500	\$40,000	\$42,000
4	compound	250	16.67	\$2,000	\$2,500	\$41,667	\$43,667
4	turbine	420	28	\$2,000	\$2,500	\$70,000	\$72,000
6	compound	500	33.33	\$2,000	\$2,500	\$83,333	\$85,333
6	turbine	920	61.33	\$2,000	\$2,500	\$153,333	\$155,333
8	compound	800	53.33	\$2,000	\$2,500	\$133,333	\$135,333
8	turbine	1600	106.67	\$2,000	\$2,500	\$266,667	\$268,667
10	compound	1150	76.67	\$2,000	\$2,500	\$191,667	\$193,667
10	turbine	2500	166.67	\$2,000	\$2,500	\$416,667	\$418,667

NOTES:

(1) Based on AWWA Standards

(2) All existing residential households with 1 inch diameter or smaller water meters, when converting from a private sewer or disposal system to the municipal sanitary sewer service system, shall only be charged for the fix portion of the connection fee. If the fixed portion of the connection fee is paid and the municipal sewer service is connected within six months of notice to connect the fee will be reduced by 50%. The variable portion of the connection fee shall be waived.

§ 270-6. Capital improvement fund.

The connection fees collected pursuant to the provisions of § 270-5 shall be deposited in the water or sewer capital improvement fund, whichever is applicable, for the construction of future water supply or wastewater disposal facilities, which shall not include the costs of local water mains, sanitary sewers, house service lines, tapping fees or water meters.

§ 270-7. Meters.

- A. **Installation of meters.** Meters will be furnished and placed by the Utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access thereto for reading and inspection, such location to be designated by the Superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation, but not less than \$0.25 per month.
- B. **Service piping for meter settings.** In installing new service piping (or changing service piping where consumers have been on a flat rate), if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in the basement, a short nipple shall be inserted after the stop and waste cock, then a union and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Superintendent (he may require a horizontal run of 18 inches in such pipeline) which may later be removed for the insertion of the meter into the supply line. No permit will be given to change from metered to flat rate service.

§ 270-8. Turning on water.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.

§ 270-9. Protective devices.

- A. **In general.** The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises' supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly must such owner or occupant protect water-cooled compressors for refrigeration systems by means of high-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of his own or adjacent premises
- B. **Relief valves.** On all closed systems (i.e., systems having a check valve, pressure regulator or reducing valves, water filter or softener) an effective temperature relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank or on the hot water distributing pipe connection at the tank. A three-fourths-inch drainpipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe.
- C. **Air chamber.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than 15 diameters of said supply pipe. Where possible, the

air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.

§ 270-10. Cross-connections. [Amended 12-14-1995]

Definition. As used in this section, the following terms shall have the meanings indicated:

- A. Cross-Connection** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Genoa City water system and the other 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 the other, the direction of flow depending on the pressure differential between the two systems.
- B. Cross-connection prohibited.** No person, firm, or corporation 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 regular public water supply of the Village of Genoa City may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Genoa City and by the Wisconsin Department of Natural Resources in accordance with § NR 812.25(3), Wis. Adm. Code.
- C. Inspections.** It shall be the duty of the Village of Genoa City to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village of Genoa City and as approved by the Wisconsin Department of Natural Resources. Upon presentation of credentials, the representative of the Village of Genoa City 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 Village of Genoa City for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wisconsin Statutes. On request the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- D. Discontinuance of service.**

 - (1)** The Village of Genoa City 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 danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection D(2). Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.

- (2) If it is determined by the Village of Genoa City that a cross-connection or any emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the Village of Genoa City and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

E. Adoption of Administrative Code chapter. The Village of Genoa City adopts by reference the State Plumbing Code of Wisconsin, being Ch. COMM 82, Wis. Adm. Code. This section does not supersede the State Plumbing Code but is supplementary thereto.

§ 270-11. Maintenance of service pipe.

The service pipe from the main to the curb stop will be maintained and kept in repair at the expense of the Utility. The consumer shall maintain the service pipe from the curb stop to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures. If a consumer fails to repair a leaky or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Superintendent of Public Works after notification has been served on the consumer by the Superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

§ 270-12. Temporary shutoff of water.

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the Utility will give notification by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

§ 270-13. Thawing frozen services.

- A.** Frozen services shall be thawed out by and at the expense of the Utility except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building or on the consumer's property, or failure to comply with Water Utility⁵ specifications and requirements as to depth of service, lack of sufficient backfill, etc.
- B.** Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provision for proper disposal of the wastewater. For the period in which the water is allowed to run, the

5. Editor's Note: Throughout this article, references to the "Water Department" were amended to read "Water Utility" at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

§ 270-14. Repairs to meters.

- A. Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of any one of them to properly secure and protect the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

§ 270-15. Stop boxes.

The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the customer's premises.

§ 270-16. Water rates and billing procedures.

- A. **Water rates.** Pursuant to the Wisconsin Public Service Commission's rate order currently in effect, the following rates are effective as provided in that order effective with the first billing period subsequent to the date of that order:
 - (1) **Public fire protection service (F-1).** For public fire protection service to the Village of Genoa City, the annual charge shall be the amount necessary to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each line of main existing at the time the charge is determined. For all extensions of fire protection service, there shall be added to the above annual amount a charge as specified in the Public Service Commission's rate order and rules for each linear foot of main put into use between hydrants placed, plus a charge as specified in the Public Service Commission's rate order and rules per hydrant set for each hydrant added to the system. This service shall include the use of hydrants for fire protection only and such quantities of water as may be demanded for the purpose of extinguishing fires. For all other purposes, the meter rates as filed with the Public Service Commission shall apply.
 - (2) **Public service (Mpa-1).** Water supplied to Village buildings, schools, or other public places shall be metered and the general service metered rate (Schedule Mg-1) applied. Water used for flushing streets, sewers, sprinkling, flooding rinks and pools, or other like intermittent service shall be metered where possible or, where placement of a meter is not possible, the Superintendent shall estimate the gallons used. The quantity of water consumed shall be billed to the Village as specified by the Public Service Commission.

(3) General service - metered (Mg-1).

- (a)** Quarterly service charge (minimum quarterly charge) for meters of 5/8 inch, 3/4 inch, one inch, 1 1/2 inches, two inches, three inches, four inches and six inches: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- (b)** Consumption charge, for the first 20,000 gallons used each quarter, next 60,000 gallons used each quarter, next 120,000 gallons used each quarter and over 200,000 gallons used each quarter: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- (c)** The minimum charge shall be quarterly service charge. A penalty of 3% will be added to bills not paid when due.

(4) Private fire protection service (Upf-1).

- (a) Application.** This schedule applies to private fire protection service, unmetered, where the customer owns and maintains hydrants, standpipes, and/or a sprinkler system, and when facilities for use of water are limited to those requested for private fire protection only.
- (b) The rates shall be as follows.** Quarterly charge for service of two inches, three inches, four inches, six inches and eight inches and for combined service: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- (c)** Where a four-inch or larger connection is made to main for private fire protection service, such connection may be tapped with smaller-size branches for general service. The small branches shall be metered and the rates for general service applied. The charge for private fire protection service will be that applicable to the size of connection as stated in the above schedule, less 30% of the applicable service charge for general service (metered) branches. Where "X" equals the unmetered private fire protection charge applicable to the size of connection and "Y" is the quarterly service charge for general service, the quarterly charge for private fire protection service shall be (X-30Y).

B. Unit of service (applicable only if provided for in the rate schedule).

- (1)** A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store, office or factory, etc., which is equipped with one or more fixtures for rendering water services, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.
- (2)** Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and

apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.

- (3) When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated for billing.

C. Payment of bills. Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A penalty of 3% will be added to bills not paid when due. If the bill is not paid within 20 days thereafter, the property owner will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangements for payment are made within the next eight days, the unpaid bill and all additional interest shall become a lien against the property as provided in § 270-17 of this article. Failure to receive a bill in no way exempts the provisions of these rules⁶.

§ 270-17. Unpaid bills to be a lien against property served.

If bills are not paid within the period allotted for such payment, a penalty of 3% shall be added to said charge and the same shall constitute a lien on the property served or to which service is available and shall be added to the Village's tax roll as provided in the Wisconsin Statutes.

§ 270-18. Reconnection charge.

- A. Where a customer has contracted for yearly service and at his request service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same location or some other location, a reconnection charge, payable in advance, shall be collected.
- B. A connection charge shall also be required from customers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). A consumer shall be considered for the same location by any member of the same family or, if a place of business, by a partner or employee of the same business.

§ 270-19. Failure to read meters.

- A. Where the Utility is unable to read the meter after two successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed, and the difference adjusted with the consumer when the meter is read again; that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and the credit will be given on that bill for the amount of the minimum bill paid the preceding quarter.
- B. If the meter is damaged (see § 270-21, Surreptitious use of water) or fails to operate for any reason, the Utility will render a bill for the current period, based on an average of the last two quarters, provided that there is no particular reason why the use during that

period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.

- C. Section 196.171, Wis. Stats., which provides that consumers who fail to allow Utility agents to read or inspect meters at reasonable hours or who refuse or fail to permit authorized utility personnel to read the meter at least once every six months, where the Utility bills monthly or bimonthly, or at least once every nine months, where the Utility bills quarterly or less frequently than quarterly, shall be subject to a forfeiture of \$25 for each offense, is hereby adopted by reference.

6. Editor's Note: Original § 5-1-17, Sewerage system rates, as amended 9-16-2002, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Art. II, User Charge and Sewer Use, of this chapter

§ 270-20. Charges for water wasted due to leaks.

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the Utility is satisfied that the loss occurred without the consumer's knowledge or, having known about it, he had tried to correct the condition, the Utility may determine as nearly as possible what the amount of the loss is by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

§ 270-21. Surreptitious use of water.

When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:

- A. The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for Utility service to the Utility.
- B. The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- C. The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.

§ 270-22. Water for construction.

- A. When water is wanted for construction purposes or for filling cisterns, tanks or tank wagons, steam tractors or rollers, or portable steam boilers, an application therefor shall be made to the Superintendent, in writing, upon application provided for that purpose in

the Water Utility office, giving a statement of the amount of construction work to be done or the size of the cistern, boiler, tank or tank wagon to be filled.

- B.** Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Superintendent.

§ 270-23. Use of hydrants for construction.

- A.** In cases where no other supply is available, permission may be granted by the Superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge will be made for setting a valve or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the Water Utility.
- B.** Before a valve is set, payment must be made for its setting and for water to be used at the scheduled rates. The applicant must make a deposit for the hydrant wheel and for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the Water Utility to that effect. The charge for the use of water from a hydrant will be determined in accordance with scheduled rates.

§ 270-24. Permit to use water for construction work.

- A.** Water used for construction work must be covered by a written permit which can be obtained only from the Superintendent. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work the contractor must return the original permit to the Water Utility together with a statement of the actual amount of construction work performed.
- B.** Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have his water service discontinued. He shall be subject to a fine as set forth in the following section.

§ 270-25. Operation of valves and hydrants; violations and penalties⁷.

Any person who shall, without authority of the Superintendent, operate any valve connected with the street or supply mains or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to a fine as provided in Chapter 1, General Provisions, § 1-5 of this Code. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the Water Utility will not be responsible for the damage to the motor vehicle by reason of such accident.

§ 270-26. Hydrant connections.

In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the Water Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 270-27. Right to open hydrants⁸.

Only such persons as shall be authorized by the Superintendent of Public Works or the Fire Chief shall be permitted to open any fire hydrant for any purpose whatsoever, and no one except such persons shall be permitted to take the hydrant wrenches or wheels or suffer the same to be taken from any fire engine house, except for Fire Department purposes.

§ 270-28. Security for temporary metered supply.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit as set by the Village Board for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. The charge for setting the valve and furnishing and setting the water meter and for setting and furnishing a sewer meter shall be as set by the Village Board.

§ 270-29. Refunds of deposits.

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.

§ 270-30. Inspections and enforcement.

Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to the premises supplied with service for the purpose of inspection or for the enforcement of the Utility's rules and regulations. The Utility will make a systematic inspection of all unmetered water taps at least once every 12 months for the purpose of checking waste and unnecessary use of water.

§ 270-31. Vacation of premises.

When premises are to be vacated, the Utility shall be notified in writing at once so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Utility by reason of failure to notify the Utility of vacancy.

§ 270-32. Repairs to sewer laterals.

The cost of rodding sewer laterals from building to sewer main shall be assumed and paid for by the property owner. Excavating, if required, shall be assumed and paid for by the property owner from curb to building and from curb to sewer main by the Village. The Superintendent of Public Works shall determine the necessity of such excavation.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 270-33. Fluoridation of water supply.

The Water Utility of the Village of Genoa City, Walworth County, Wisconsin, shall provide the necessary means and facilities for addition of fluoride to the public water system of said Utility, not to exceed 1.5 parts of fluoride per million parts of water.

§ 270-34. Private well abandonment.

- A. Purpose.** This section is adopted to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed under this section.
- B. Coverage.** All private wells located on any premises which is served by the public water system of the Village of Genoa City shall be properly filled by July 1983. Only those wells for which a well operation permit has been granted by the Village Board may be exempted from this requirement, subject to conditions of maintenance and operation.
- C. Well operation permits.** A permit may be granted to a well owner to operate a well for a period not to exceed one year if the following requirements are met. Application shall be made on forms provided by the Village Clerk-Treasurer.
 - (1) The well and pump installation meet the requirements of Ch. NR 112, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
 - (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
 - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
 - (4) No physical connection shall exist between the piping of the public water system and the private well.
- D. Methods.** Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 112, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

- E. Reports and inspection.** A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency (available at the office of the Village Clerk-Treasurer). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this municipality.

§ 270-34-1. Emergency Water Restrictions

- A.** In the event there exists an emergency or water shortage and in the judgment of the Village or the Department of Public Works Superintendent, it is necessary to declare an emergency, said President or Department of Public Works Superintendent shall have the power to declare said emergency and direct the department of Public Works Superintendent or his designated agents to restrict the usage of water for any use other than personal bathing, food preparation and other domestic use as necessary. The restrictions may apply to lawn sprinkling, car washing, swimming pool filling, construction use or other uses deemed appropriate by the President or Department of Public Works Superintendent.
- B.** Notice of the restriction shall be published as soon as possible in the official newspaper of the Village. Failure of the consumer to read such notice shall not allow for the consumer to circumvent the restrictions. The notice shall describe the general area and type of prohibited usage. Any person violating this section shall be subject to those penalties contained in '270.59 of this subchapter.

ARTICLE II, User Charge and Sewer Use [Adopted as Title 5, Ch. 3 of the 1984 Code]

§ 270-35. Authority.

This article is adopted under the authority granted by Ch. 61, Wis. Stats.

§ 270-36. Title.

This article shall be known as, referred to, or cited as the "User Charge and Sewer Use Ordinance for the Village of Genoa City, County of Walworth, State of Wisconsin" and is hereinafter referred to as "this article."

§ 270-37. Findings.

The President and Board of Trustees hereby find that the requirements for the issuance of state grants and the acceptance of such grants by the Village of Genoa City under § 281.57, Wis. Stats., and the rules of the Wisconsin Department of Natural Resources as promulgated in Ch. NR 128, Wis. Adm. Code, for the construction of sewage treatment works to improve the quality of effluent discharges from the Village of Genoa City establish the necessity of:

- A.** Adopting a user charge system that would produce the revenue required to sustain the sewage collection and treatment works.

- B.** Enacting regulations that control the use of the sewage collection and treatment works.

§ 270-38. Purpose and intent.

- A.** The purpose of this article is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Genoa City and to provide the legislative enactments required under Ch. NR 128, Wis. Adm. Code, for the acceptance of construction grants to improve the quality of effluent discharges from the sewage treatment works. It is further intended to provide for administration and enforcement of this article and to provide penalties for its violations.
- B.** This article regulates the use of public and private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewer systems within the Village. It provides for and explains the method used for levying and collecting sewer service charges, sets uniform requirements for discharges into the sewage collection and treatment systems and enables the Village to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of sewage discharged into the Village sewer system.
- C.** This article provides a means for determining sewage and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this article shall be used to defray the Village's costs of operating and maintaining adequate sewage collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes.

§ 270-39. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this article imposes greater restrictions, the provisions of this article shall govern. If there is any conflict between this article and any applicable state or federal laws, said laws shall be controlling.

§ 270-40. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Wisconsin.

§ 270-41. Assessment of user charge.

The user charge shall be assessed to all users by the President and Board of Trustees in accordance with the provisions of this article.

§ 270-42. User charge system.

- A. Budget and appropriation.** The President and Board of Trustees shall annually prepare an estimate of anticipated costs for the forthcoming fiscal year. This estimate shall be made in the form of a rate ordinance and shall be adopted by the President and Board of Trustees of the Village by December 31 of each year. The sewer use rates shall be established such that the revenue generated thereby will be sufficient to pay the total operation, maintenance and replacement costs associated with the sewage collection and treatment works. The user charge system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.
- B. Quarterly service charge.** A quarterly service charge is hereby imposed upon each user in an amount approved by the President and Board of Trustees. It shall vary directly with water meter size in order to account for the varying demand imposed on the treatment and collection system by users of different-sized connections.
- C. Volume charge.** A volume charge is hereby imposed upon each user in an amount determined on the basis of quarterly metered water consumption at a rate approved by the President and Board of Trustees.
- D. High-strength sewage surcharge.** In addition to the above charges, users discharging wastes, including septage, containing BOD and/or suspended solids concentrations in excess of the maximum concentrations for normal domestic strength sewage shall pay a surcharge based on the excess pounds per day of BOD or suspended solids discharged. The unit surcharge shall be approved by the President and Board of Trustees.
- E. Additional charges.** Additional charges shall be billed, as required, for the following:

 - (1) Actual costs incurred for user-requested samplings and analyses.
 - (2) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance.
 - (3) Actual costs incurred for special handling not provided for elsewhere in this article.
 - (4) Actual costs incurred for handling a user's check returned because of insufficient funds.
 - (5) Any increased operation, maintenance and replacement costs incurred due to a user discharging toxic pollutants.

§ 270-43. Sewer service bill.

- A. Bill period.** A bill shall be produced and submitted to each user once every quarter on a billing cycle established by the Village. The bill shall clearly indicate the portion of charges attributable to sewage collection and treatment services.
- B. Payment of bill.** The bill shall become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to all bills not paid within 20 days of issuance. This late payment charge is applicable to all users.
- C. Delinquent bills.**

 - (1) Any bill not paid 30 days after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due notices containing their respective handling charges shall be issued, if necessary, 60 days and 90 days after date of billing.
 - (2) Should a bill still be delinquent 120 days after the date of billing, the bill shall be referred to the Attorney for the Village for collection under the terms and conditions of § 270-60 of this article.
 - (3) Non-receipt of the bill described in this section shall not release the user from liability for any of the charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions herein described for the late payment and penalties shall apply. In those instances where the Village is responsible for the non-receipt of the bill, the Village may, at its discretion, grant the user an extension of the late payment conditions described herein.

§ 270-44. Expenditures.

- A. Moneys.** All user charge moneys shall be placed in the Village Sewer Utility Fund. Such moneys shall be used only to cover the costs of operation and maintenance, replacement and other costs as outlined in § 270-42. The Village will apply excess revenues collected from a user class to operation, maintenance and replacement costs attributable to that class for the next year.
- B. Expenditures.** Expenditures shall be made from the user charge moneys by the Village Treasurer in accordance with the detailed annual budget and ordinances authorized by the President and Board of Trustees.
- C. Replacement reserve expenditures.** A separate and distinct replacement fund shall be established. Expenditures from the accrued replacement fund on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life.

- D. Renewals.** Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be valued in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- E. Audit.** An audit shall be performed annually by the Finance Committee or other person selected by the President and Board of Trustees.

§ 270-45. Conditions for discharge into treatment system.

- A.** Public sewage collection facilities are required to be used for the deposit of human wastes or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.
- B.** No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village, except as provided in § 270-49 of this article.
- C.** No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately owned property any wastewaters within the corporate limits of the Village unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.
- D.** No person shall deposit or discharge, or cause to be deposited or discharged, to any sewage collection facilities any solid, liquid, or gaseous waste unless through a connection approved under the terms of this article.
- E.** No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such waste discharge in accordance with applicable Village, state, and federal laws, ordinances, and regulations.
- F.** In case of natural outlet discharges, at the time construction of the wastewater treatment works is commenced, each owner or operator shall furnish the Village an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the Village Clerk-Treasurer and updated by such information as periodically required by the Village, local, state, and/or federal agencies.
- G.** Any person owning property within the corporate limits of the Village and where the property is improved with one or more residences, houses, buildings, or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever,

and where the property abuts on any street, alley, or right-of-way in which there is located a sanitary sewer within 100 feet from the nearest property line, shall, within one year after such sewer is in service, at his expense, install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this article; provided, however, that in the event compliance with this section causes economic hardship to the person, he may apply to the Village for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this article shall be made only if the Village determines that there is capacity, including BOD and suspended solids capacity, available in all downstream sewage lift stations and sewer lines and in the treatment plant. Refer to Wastewater Connection Fee Table.

- H. The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by the public sanitary sewer system are hereby declared to be a public nuisance and health hazard. From and after the effective date of this article, the use of septic tanks or any private sewage disposal system shall be prohibited within the area of the Village serviced by the public sewage collection and treatment works.
- I. No person or licensed disposer shall discharge septage into any sewer manhole or dispose of septage in any way within the Village without written approval of the Superintendent.
- J. Persons described in Subsections E through H shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.
- K. Every person required to connect to the sanitary sewer system shall file an application in writing with the Village Clerk-Treasurer in such form as is prescribed for that purpose. Forms for such application will be furnished at the Village Clerk-Treasurer's office. Each application for sewer service must state fully and truly all the uses which will not be allowed except upon further application and permission regularly obtained from the Village. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application

§ 270-46. Limitations on discharge.

- A. No person shall discharge or cause to be discharged any stormwater, foundation drain water, groundwater, roof runoff, surface drainage, unpolluted industrial cooling waters, or cistern overflow to any sewer connected to the Village's sewage treatment plant.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the Village's sewage treatment plant:
 - (1) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with regulations pertaining to the treatment standards.

- (2) Any waters, wastes or septage which may contain more than 100 milligrams per liter of fat, oil, grease, or hexane extractable material.
- (3) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatsoever kind or nature.
- (4) Any garbage that has not been properly shredded.
- (5) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters, wastes or septage having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the sewage works.
- (7) Any waters, waste or septage containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals or that could create any hazard in the receiving waters of the sewage treatment plant.
- (8) Any waters, wastes or septage containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (10) Any amount of the following constituents exceeding that listed below:

<u>Constituent</u>	<u>Milligrams per Liter</u>
Aluminum	800.0
Arsenic	0.60
Boron	1.0
Cadmium	1.0
Chromium total	3.6
Chromium (Hexavalent)	3.6
Copper	1.2
Cyanide	1.2
Fluorides	2.5
Iron, total	10.0
Lead	1.2
Manganese	1.0
Mercury	0.0005
Nickel	2.4

Phenols	0.6
Selenium	1.0
Silver	1.2
Total dissolved solids	1500.0
Zinc	2.4

(11) Ammonia-nitrogen in such an amount that would cause the Village to be in noncompliance with regulations of the Wisconsin Department of Natural Resources.

- C. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources.
- D. If any waters, wastes or septage is discharged, or proposed to be discharged, to the public sewers or at the sewage treatment facility, which waters, wastes or septage contains substances or possesses the characteristics enumerated in Subsection B and which, in the judgment of the Superintendent, may have deleterious effects upon the sewage treatment facility, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or health or constitutes a public nuisance, the Superintendent may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require a control over the quantities and rates of discharge.
 - (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 § 270-42.

§ 270-47. Pretreatment.

- A. Grease, oil, and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Superintendent, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, or any inflammable wastes, and such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning by the user and for inspection by the Superintendent.
- B. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- C. In the event the Village approves the admission of any materials into its sewers as set forth in § 270-46B of this article, the Village shall direct the user causing admission of any such materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

- (1) Reduce the BOD to 300 milligrams per liter and the suspended solids to 350 milligrams per liter.
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 270-46B of this article.
 - (3) Control the quantities and rates of discharge of such waters or wastes.
- D.** No preliminary treatment facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all local, state, or federal agency regulations and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from the local, state, or federal agency having regulatory authority with respect thereto.
- E.** All such preliminary treatment facilities as required by this article shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby and at the user's expense.
- F.** No provision contained in this article shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the President and Board of Trustees.
- G.** The Village reserves the right to reject admission to the sanitary sewer system of any waste harmful to the treatment or collection works or to the receiving stream.

§ 270-48. Private sewage treatment and disposal.

- A.** Where a public sewer is not available, as set forth in § 270-45, the building or structure shall be connected to a private sewer and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable Village, county, state and federal laws and regulations.
- B.** Within 90 days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 270-45G, a direct connection shall be made to the public sewer according to the terms and provisions of this article, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.
- C.** The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

- D.** No provisions of this article shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

§ 270-49. Service to outlying territory.

- A.** The Village, by proper resolution of the Board of Trustees, shall have the right, at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the Village corporate limits.
- B.** In the event a contract is made pursuant to Subsection A, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this article and, in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- C.** If any property of a person desirous of becoming a user is situated outside the corporate limits of the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village's corporate limits, the Village, at its discretion, may permit such a connection, provided that a contract providing essentially the following is entered into between the Village and the user:
- (1)** The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village and local, state and federal governments.
 - (2)** The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connection, user and treatment or service charges which are applicable to all property and user uniformly.
 - (3)** The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.
 - (4)** Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the Recorder of Deeds of Walworth County, State of Wisconsin.
- D.** In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Village by proper ordinance, then the agreement executed pursuant to Subsection C as to such property or the subdivided or separate tract thereof which is so annexed shall then terminate and be of no further force and effect.

- E.** The agreement executed under Subsection C shall be recorded in the office of Recorder of Deeds of Walworth County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.
- F.** If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the Village sewage treatment plant.
- G.** The applicant for treatment service under an agreement pursuant to Subsection C shall agree to assume user charges and capital surcharge, if applicable, and to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

§ 270-50. Discharge permits.

- A.** The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of such notification.
- B.** Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Village as the basis for the issuance of discharge permits for building connection to a sewer.
- C.** The application for a discharge permit shall be made on a form provided for that purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Village. The Superintendent shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.
- D.** No fee shall be charged for a discharge application or permit.
- E.** No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown on the application or determined after inspection and testing conducted by the Superintendent, is not in conformance with federal, state or Village statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Village in the manner hereinafter set forth. The Superintendent shall state in writing the reasons for denial or requirement for waiver or variance, and said written communication shall be mailed or personally delivered to the applicant within five days after denial.

- F.** In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village in the same manner and form as originally made.
- G.** If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Superintendent, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of Subsection E and a waiver or variance is required, the user may request the President and Board of Trustees to review the denial or may request waiver or variance, provided that the user shall give written notice of his request within 30 days after receiving the denial. The President and Board of Trustees shall review the permit application, the written denial, and such other evidence and matters as the applicant and Superintendent shall present at its next regular meeting following receipt of request for its review, and the decision of the President and Board of Trustees rendered publicly at said meeting shall be final.
- H.** In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the President and Board of Trustees, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this article.
- I.** A grant of waiver or variance by the President and Board of Trustees may set forth such conditions, exceptions, time limitations, durations, and expiration as they deem necessary and proper.

§ 270-51. Construction of sewers and connections for buildings.

- A.** The construction of sewers and connections for buildings shall be in compliance with the terms and provisions of applicable Village ordinances.
- B.** A construction permit shall first be applied for and obtained from the Village before a person, after the effective date of this article, can connect to any sewer within the corporate limits of the Village or outside the Village where services have been contracted for with the Village.
- C.** Construction permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.
- D.** After the sewer connection has been made to the sanitary building drain or upon any premises, no user shall make any alterations, extensions, or attachments, unless said user has a proper permit for the same from the Village.
- E.** All users shall keep their own sanitary building sewer in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the public sewer system.

- F.** All basement floor drains shall have a backflow prevention valve installed at the owner's expense.
- G.** No user shall allow others or other services to connect to the public sewer system through his or her sanitary building sewer.
- H.** Whenever premises served by the sewer system are to be vacated, or whenever any person desires to discontinue service from the system, the Village must be notified in writing.
- I.** It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any area of the Village, the Superintendent shall, if practicable, give notice to each and every user of the time when such service will be shut off.
- J.** In making excavations in streets or highways for laying sanitary building sewer or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public. No person shall leave any such excavation made in any street or highway open at any time without barricades, and during the night warning lights must be maintained at such excavations. In refilling the excavated opening, the earth must be placed in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks and paving, must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
- K.** No persons, except those having special permission from the Village or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Superintendent to ensure that new sewers and connections to the sewer system are properly designed and constructed. Pipes should always be tapped on top and not within six inches (15 centimeters) of the joint or within 24 inches (60 centimeters) of another lateral connection. All service connections to mains must comply with the State Plumbing Code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee. Connections to existing tees or wyes shall be made with approved pipe and joints of the same type and materials or as otherwise approved by the Superintendent.
- L.** All sanitary building sewers and drains (laterals) on private property must be installed in accordance with Ch. COMM 82, Wis. Adm. Code, Design, Construction, Installation, Supervision and Inspection of Plumbing, especially § COMM 82.04, Building Sewers. Per § COMM 82.04(5), Wis. Adm. Code, all laterals will be inspected: "The Building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."

§ 270-52. Sewer extensions.

- A.** When a sanitary sewer extension is required by a prospective user, said person shall make an application for such an extension in writing to the Village by filing a written application for the same with the Clerk-Treasurer. After the filing of such an application, the Village Engineer shall first determine the logical location of the next manhole or manholes. Next, the Village Engineer shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extension shall be constructed in compliance with local and state laws, ordinances, and regulations.
- B.** The person who requests the extension shall pay the entire cost of said extension, including engineering services. If more than one user is involved, the entire cost shall be divided among these users.
- C.** After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village Engineer shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the Village Engineer shall first divide the area to be served into logical building lots and may consider the recommendations of the landowner(s) in determining said building lots if the landowner(s) as a part of the application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.
- D.** Payments are to be considered contributions to construction, and, after the original contribution, in any future connection by a user other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the Village his or her pro rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors.
- E.** When the Village receives a future contribution it shall, after receiving the money, pay said money to the previous contributors by paying to each of the previous contributors equal amounts by counting each previous contributing lot as a separate contributor. The Village shall not make payments to a previous contributor if 10 years have expired from the date of the original contribution. Said money paid shall be retained by the Village.
- F.** It is hereby provided that the right to contribution shall follow the land and not the contributor, with the reimbursement to go to the person who is the owner of the receiving lot at the time of the reimbursement. If a contributor owns more than one lot at the time of contribution, he shall be required to designate one of the lots as the lot entitled to contribution, and the owner of such a lot at the time of any contribution shall receive the reimbursements for all of the lots owned by the original contributor at the time of the original contribution. Such lot designation shall be filed with the Village Clerk-Treasurer and may be filed in the office of the Register of Deeds for Walworth County, Wisconsin. The owner of such designated lot may, by filing a corrective designation, change said

designation to another lot owned by him as long as such new lot is one of the lots to be served by said extension. The total amount of reimbursement shall be the total payment made by him less the benefits conferred upon the lot or lots owned by him at the time of his contribution.

- G. In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to his or her building.

§ 270-53. Reporting criteria for nonresidential users.

- A. The Village reserves the right to require any nonresidential user to submit quarterly to the Village, on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the Village or to any sewers connected to its treatment works. This statement shall be filed with the Village Clerk-Treasurer no later than the 10th day of the month following the quarter for which the report is required.
- B. The waste characteristics to be measured and certified by the user shall be:
 - (1) BOD in milligrams per liter.
 - (2) Suspended solids in milligrams per liter.
 - (3) Such other constituents of wastewater as directed by the Superintendent.
- C. Should there be a difference in understanding between the Village and user as to the characteristics in § 270-52, the Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten-day period, the Village shall use its results from analyses for purpose of billing.
- D. Whenever required by the Village, the owner of any property serviced by a building sewer carrying nonresidential wastewater and material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the Superintendent and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily and independently (of other premises and buildings of user) accessible to authorized representatives of the Village at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the Superintendent.
- E. Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Superintendent that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the Superintendent is made in the metered water supply to determine the liquid waste quantity.

- F. Samples shall be taken every hour or half hour, as determined by the Superintendent, and properly refrigerated and composited in proportion to the flow for a representative twenty-four-hour sample. Such sampling shall be done as prescribed by the Superintendent to ensure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each twelve-month period. The determination of representative quantities and characteristics shall include not less than seven consecutive calendar days of twenty-four-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.
- G. The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Superintendent.
- B. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the standard methods as defined in § 270-61 of this article or with any other method approved by the Superintendent.

§ 270-54. Septic waste haulers.

- A. Septage shall only be discharged to the sewage collection and treatment works by Village-approved licensed disposers and at locations, times and conditions as specified by the Superintendent.
- B. Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the Village sewage treatment works shall file a nonrefundable filing fee and an application in writing to the Village in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Village Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the sewage treatment works. During the month of September, the Superintendent will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the sewage treatment facility. The Superintendent shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area. All Village approvals for septage disposal shall have the condition that any time the sewage treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that is indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- C. Licensed disposers hauling liquid wastes to the sewage treatment plant shall be assessed user charge unit charges as determined by the Superintendent and consistent with those described in § 270-42 of this article.
- D. Liquid wastes hauled to the sewage treatment plant containing concentrations of constituents in excess of the limits set forth in § 270-46 shall not be accepted.

- E. Septage discharges may be allowed to specified manholes under special circumstances, provided that discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the sewage treatment facility. Discharges may be limited to the normal working hours of the Superintendent and require written documentation of the discharge to be submitted to the Superintendent within one working day of the discharge to the sanitary sewers or sewage treatment facility.
- F. Forms for documentation of the discharge will be furnished at the Superintendent's office and will include the following:
 - (1) Name, address and telephone number of the licensed disposer.
 - (2) License number.
 - (3) Type of septage.
 - (4) Quantity of septage.
 - (5) Estimated quality of septage.
 - (6) Location, date, time and feed rate of discharge to the sewerage system.
 - (7) Source of septage.
 - (8) Name and address of septage generator.
 - (9) Other information.
- G. Any licensed disposer discharging to the sewage collection and treatment works found to be violating a provision of this article or of any conditions of the Village approval for septage disposal may have his approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

§ 270-55. Right of entry.

Any duly authorized employee or agent of the Village bearing proper credentials and identification shall be permitted at any reasonable time of the day to enter the premises or building of every sewer user within the corporate limits of the Village or outside the Village that has contracted for sewage treatment service for the purpose of inspecting, observing, measuring, sampling, and testing as may be required in pursuance of the implementation and enforcement of the terms and provisions of this article and § 196.71, Wis. Stats.

§ 270-56. Control manholes.

- A. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his or her wastes, including domestic sewage.

- B. Control manholes or access facilities shall be located and built in a manner acceptable to the Superintendent. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Superintendent.
- C. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at his or her expense, and shall be maintained by the person discharging the waste 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 Superintendent prior to the beginning of construction.

§ 270-57. Liability during inspections.

While performing the necessary work on private properties referred to in § 270-55, the duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the commercial or industrial users, and the user shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the user against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

§ 270-58. Waste sampling and analyses.

- A. Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or the licensed disposer as often as may be deemed necessary by the Superintendent.
- B. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Superintendent.
- C. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Superintendent. Access to sampling location shall be granted to the Superintendent or his duly 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.
- D. All measurements, tests, and analyses of the characteristics of waters, wastes and septage to which reference is made in this article shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and Guidelines Establishing Test Procedures for Analysis of Pollutants (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

- E. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his or her agent, as designated and required by the Superintendent. The Village may also make its own analyses of the wastes, and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

§ 270-59. Violations and penalties.

- A. Any person who shall violate any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty in an amount not to exceed \$500 for each violation. For the purpose of this section, each day that a violation exists or continues shall constitute a separate offense
- B. A person who is subject to a penalty for violating any provision of this article may be committed to the county jail until the penalty and costs are paid; provided, however, that no such incarceration shall exceed six months for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of \$25 toward the penalty and costs¹⁰.
- C. Any person who shall violate any provision of this article shall also be:
- (1) Liable to the Village for all costs, expenses, loss, or damage, if any, incurred by the Village as the result of such violation.
 - (2) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.
 - (3) Subject to a lien upon said property in the amount of any costs described in Subsection C(1) above.

§ 270-60. Nonpayment of bills.

- A. **Lien.** Whenever sewer service bills become delinquent as set forth in §§ 270-41 through 270-43 of this article, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served.
- (1) The claim for lien shall be made in the form of a sworn statement setting forth:
 - (a) A description of the real estate, sufficient for the identification thereof, upon or for which the sewer service was supplied;

- (b) The amount or amounts of money due for such sewer service; and
 - (c) The date or dates when such amount or amounts became delinquent.
- (2) If all amounts shown due remain unpaid after recording as provided by state statutes, the President and Board of Trustees may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Civil action.** In the alternative of levying a lien, the President and Board of Trustees may, at their discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney fees incurred by the Village in filing the civil action.
- C. Interest.** In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the sewage collection and treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.
- D. Filing fees.** In all cases where the sewer user charge payment has become delinquent and the President and Board of Trustees elect to file a statement thereof in the office of County Register of Deeds, as hereinabove set forth, there shall be added to the amount due the Village such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the President and Board of Trustees as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Village Clerk-Treasurer or a duly appointed employee of the Village shall be authorized and directed to include such additional costs in the amount claimed due the Village in the notice of lien.
- E. Revocation of permits and disconnecting of service.** The Village reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment bills become delinquent
- F. Deposit of future payments.** All amounts charged under this section continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and, in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of all bills for a period of two years.

§ 270-61. Word usage and definitions.

For the purpose of this article, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

ACCRUED RESERVES -- A method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an ongoing, on-line sewage collection and treatment facility.

AUDIT -- An audit of the Village Sewer Utility Fund as a separate report from other funds and shall cover the following:

- A. Financial operations are properly conducted;
- B. Financial reports are presented fairly;
- C. Applicable laws and regulations have been complied with;
- D. Resources are managed and used in an economical and efficient manner; and
- E. Desired results and objectives are being achieved in a financially effective manner.

AUTHORIZED EXPENDITURES -- Those expenditures authorized by the President and Board of Trustees and made payable from the accounts kept for the expenditures for the sewage collection and treatment works. Expenditures from the reserve funds shall be limited to those for which the fund was created.

BILLABLE FLOW -- A user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data.

BIOCHEMICAL OXYGEN DEMAND (BOD) -- The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C. as prescribed in Standard Methods.

CLASSES OF USERS -- The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.

COLLECTION SEWER -- A sanitary sewer whose primary purpose is to collect wastewaters from individual point source discharges.

COMMERCIAL USER -- A sanitary sewer user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

COMPATIBLE POLLUTANT -- Biochemical oxygen demand (BOD), suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the WPDES permit, if the sewage treatment plant was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

DEPOSITED -- Placing funds in control of the President and Board of Trustees of the Village, and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

DEPRECIATION -- An annual cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

DOMESTIC USER or RESIDENTIAL USER -- A sanitary sewer user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the commercial handling, storage, and sale of produce.

INCOMPATIBLE POLLUTANT -- Sewage or septage with pollutants that will adversely affect or disrupt the sewage treatment processes or effluent quality or sludge quality if discharged to the sewage collection and treatment works.

INDUSTRIAL USER

A. Any nongovernmental sanitary sewer user identified in the Standard Industrial Classification Manual of the Federal Office of Management and Budget, as amended and supplemented, under one of the following:

- (1) Division A, Agricultural, Forestry and Fishing.
- (2) Division B, Mining.
- (3) Division D, Manufacturing.
- (4) Division E, Transportation, Communications, Electric, Gas and Sanitary Service.
- (5) Division I, Services.

B. A sewer user in the divisions listed may be excluded if the Superintendent determines that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

INFILTRATION -- The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include inflow.

INFILTRATION/INFLOW -- The total quantity of water from both infiltration and inflow.

INFLOW -- The water discharged into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas;

manhole covers; cross-connections from storm sewers; catch basins; storm-waters; surface runoff; street wash waters, or drainage. Inflow does not include infiltration.

LICENSED DISPOSER -- A person holding a license under § 281.48, Wis. Stats.

NATURAL OUTLET -- Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NORMAL DOMESTIC STRENGTH SEWAGE -- Wastewater or sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 200 milligrams per liter.

OPERATION AND MAINTENANCE COSTS -- All costs, direct and indirect, including labor, power, chemicals, transportation and maintenance, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

PERSON -- An individual, firm, company, association, society, corporation, or group discharging any wastewater to the sewage collection and treatment works of the Village.

PERSONAL PROPERTY -- For the purpose of this article, all equipment owned by the Village and used in transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical or have movable parts.

pH -- The term used to express the acid or alkaline condition of a solution, calculated as the logarithm (base 10) of the reciprocal of the hydrogen ion gram molecular weight (moles) per liter of solution.

PRETREATMENT -- The treatment of wastewater prior to discharge into the public sewer.

PRESIDENT AND BOARD OF TRUSTEES -- The governing body of the Village.

PRIVATE SEWER -- A sewer which is not owned by the Village.

PUBLIC SEWER -- A sewer which is owned, operated and maintained by the Village.

PUMPING STATION -- A facility in the public sewer system at which wastewater is pumped to a higher level.

REAL PROPERTY -- For the purpose of this article, all fixed physical facilities owned by the Village and used in the collection and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

REPLACEMENT COSTS -- The expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the sewage treatment works to maintain the capacity and performance for which such works were designed and constructed.

REPLACEMENT RESERVE -- An account for the segregation of resources to meet capital consumption of personal or real property.

SANITARY BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.

SANITARY BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal and which conveys only sanitary or industrial sewage. This is also known as a "house connection."

SANITARY SEWER -- A sewer which carries only sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions and to which storm-, surface, and ground water are not intentionally admitted.

SEPTAGE -- Scum, liquid, sludge, or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy, but does not include the waste from a grease tank.

SEWAGE -- The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

A. DOMESTIC SEWAGE -- The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

B. INDUSTRIAL SEWAGE -- A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

SEWAGE COLLECTION AND TREATMENT WORKS -- The structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

SHREDDED GARBAGE -- Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.25 centimeters) in any dimension.

STANDARD METHODS -- The laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 15th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1981, prepared and published by the Analytical Quality Control Laboratory, United States Environmental Protection Agency; Guidelines Establishing Test Procedures for the Analysis of Pollutants, enumerated in 40 CFR 136.1 et seq. (1975), as amended; and/or any other procedures recognized by the United States Environmental Protection Agency and the Wisconsin Department of Natural Resources.

STORM SEWER -- A sewer that carries only storm-waters, surface runoff, street wash, and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

SUPERINTENDENT -- The Superintendent of Public Works of the Village.

SUSPENDED SOLIDS -- The quantity of total suspended matter, expressed in milligrams per liter (mg/l), that either floats on the surface or is in suspension in water, wastewater, or other liquids and is determined by laboratory filtration test prescribed in Standard Methods.

TOTAL DISSOLVED SOLIDS -- That concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

TOXIC AMOUNT -- Concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Federal Water Pollution Control Act, Public Law 92-500, as amended.

UNPOLLUTED WATER -- Water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sewage collection and treatment works.

USEFUL LIFE -- The anticipated term in years of physical and/or functional productivity of elements and/or the whole of the sewage collection and treatment works which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect.

USER -- Any person connected to and serviced by the sewage collection and treatment works.

USER CHARGE SYSTEM -- The system of charges levied on users of the sewage collection and treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement of such works.

VILLAGE -- The Village of Genoa City, Walworth County, Wisconsin.

WATERCOURSE -- A natural or artificial channel for the passage of water, either continuously or intermittently.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (WPDES) -- A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for a wastewater treatment facility.

§ 270-62. User charge rates. [Amended 03/09/2019]

- A. Findings and declaration of policy.** The President and Board of Trustees hereby find that this article, which provides for a system of charges for users of the sewage collection and treatment works, requires the adoption of an ordinance annually to establish unit charges under the user charge system. As also required by this article, the President and

Board of Trustees have reviewed all fiscal year 1985 and 1986 cost breakdowns and budgets and have determined them as just apportionments of costs for the establishment of unit charges in accordance with the procedures adopted in this article. Further, the President and Board of Trustees find that the Village Clerk-Treasurer has determined the unit charges for fiscal years 1985 and 1986 using the cost breakdowns and budgets approved by the Board and procedures outlined in this article.

- B. Purpose and intent.** The purpose of this section is to promote the public health, safety, prosperity, aesthetics and general welfare of the citizens of the Village of Genoa City, and this article is designed to establish annual unit charges under the user charge system.
- C. SCHEDULE OF RATES.** User charges for Category A and B customers and septage and holding tank disposal shall be in accordance with the sewer fee and rate schedule as follows:

**SEWER FEE AND RATE SCHEDULE--2019
VILLAGE OF GENOA CITY, WISCONSIN**

Category A@ Sewer Service

Treatment Charge	= \$ 11.65/1000 gallons
Quarterly fixed Charge	= \$52.00/bill

Category B@ High sewer service

Treatment Charge	= \$ 11.65/1000 gallons
Quarterly Fixed Charge	= \$52.00/bill

Surcharges:

BOD concentrations greater than 220 mg/l	= 0.95/lb.
TSS concentrations greater than 180 mg/l	= 1.10/lb.
Ammonia N Concentrations greater than 15 mg/l	= \$6.15

Septage Disposal Charge

Treatment Charge	\$100.00/1000 gallons
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Holding Tank Waste Disposal Charge

Treatment Charge	\$10.00/1000 gallons
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Connection Fees

Per Attached Schedule AA@

- D.** The Sewer utility shall annually charge the TID 40% of the loan payment, and that revenue shall be placed in their account:

VILLAGE OF GENOA CITY

Schedule AA WASTEWATER CONNECTION FEE

REU MULTIPLIER

Meter Size (in)	Meter Type	Flow (gpm) ⁽¹⁾	REU Multiplier	Fixed Portion	Variable Portion	Total Variable	Total Charged
3/4 or less	displacement	15	1.00	\$2,000	\$2,500	\$2,500	\$4,500
1	displacement	25	1.67	\$2,000	\$2,500	\$4,167	\$6,167
1-1/2	turbine	90	6.00	\$2,000	\$2,500	\$15,000	\$17,000
2	turbine	160	10.67	\$2,000	\$2,500	\$26,667	\$28,667
3	turbine	350	23.33	\$2,000	\$2,500	\$58,333	\$60,333
4	turbine	650	43.33	\$2,000	\$2,500	\$108,333	\$110,333
6	turbine	1400	93.33	\$2,000	\$2,500	\$233,333	\$235,333
8	turbine	2400	160.00	\$2,000	\$2,500	\$400,000	\$402,000
10	turbine	3500	233.33	\$2,000	\$2,500	\$583,333	\$585,333

NOTES:

(1) Based on AWWA Standards C700 (2009) & C701 (2007).

(2) All existing residential households with 1 inch diameter or smaller water meters, when converting from a private sewer or disposal system to the municipal sanitary sewer service system, shall only be charged for the fix portion of the connection fee. If the fixed portion of the connection fee is paid and the municipal sewer service is connected within six months of notice to connect the fee will be reduced by 50%. The variable portion of the connection fee shall be waived.