

CHAPTER 13

SEWER SERVICE CODE

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**13.01 CREATION.** The Village Board of the Village of Sussex pursuant to the provisions of Section 66.0621 of the Wisconsin Statutes does hereby declare that the Sewerage System of the Village of Sussex consisting of the collection system (as hereinafter defined), waste collection and disposal operations, sewerage system and all other appurtenances and equipment used for such purposes, or Wastewater Treatment Facility (as hereinafter defined) shall be designated the Sewerage System Utility. This public utility is not a public service subject to regulation by the Wisconsin Public Service Commission for the purposes defined above.

**13.02 MANAGEMENT.**

(1) The operation, management and control of the Sewerage System Utility is vested in the Village Board of the Village of Sussex acting as the Public Works Committee under the provision of Section 66.0621(1) of the Wisconsin Statutes and is hereinafter referred to as the "Approving Authority". All records of the Sewerage System Utility shall be kept by the Village Administrator in the Village Hall or other officially designated place.

(2) The rules, regulations and rates hereinafter set forth shall be considered part of the regulations applicable to every individual or entity connected to the Sewerage System and all persons discharging wastes to the Sewerage System. Said rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.

(3) The Village Board shall cause an annual audit of the books of the Sewerage System Utility to be made and shall make the books and records relating to the Sewerage System Utility available for inspection during regular business hours.

(4) A proportionate distribution of operation, maintenance and replacement costs shall be maintained among user classes. Users shall be notified annually of the sewer service charges associated with the sewerage system.

**13.03 APPLICATION.** The application of this Chapter, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limits of the Village of Sussex and any person, firm or corporation, by attachment to the Sewerage System or otherwise by contract or agreement coming within the Village of Sussex sewer service area

subsequent to the effective date hereof and all entities hauling wastes or trucking wastes and discharging to the Sewerage System.

**13.04**

**DEFINITION OF TERMS.** The meaning of terms used in this Ordinance shall be as follows:

- (1) **ACT.** The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub.L. 92-500) and Pub.L. 93-243, or as modified by Chapter 147, Statutes of the State of Wisconsin or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 283.
- (2) **APPROVING AUTHORITY.** The Village Board of the Village of Sussex or its duly authorized deputy, agent or representative.
- (3) **BOD.** The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
- (4) **BUILDING SEWER, LATERAL OR SERVICE PIPE.** A sewer which carries only Sewage or Industrial Wastes from the building plumbing to the Public Sanitary Sewer.
- (5) **COLLECTION SYSTEM.** The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.
- (6) **CONNECTION.** Each physical connection to the collection system or private sewer system which connects to the municipal collection system.
- (7) **COMMERCIAL USER (CLASS II).** Any property occupied by a nonresidential establishment not within the definition of an "Industrial User (Class III)", and which is connected to the wastewater facilities.
- (8) **DEBT RETIREMENT.** All annual principal and interest requirements and obligations of the Approving Authority for the Wastewater Treatment Facilities.
- (9) **DISCHARGE MONITORING STATION.** A sampling and metering station required to be installed through a Discharge Monitoring Agreement signed by an Industrial User with the Village in order to obtain information on a users discharge to the system and to establish sewer user and debt charges.
- (10) **DOMESTIC WASTEWATER.** Water-borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration do not exceed:
  - (A) A five-day 20 degree C., BOD of not more than 200 parts per million;
  - (B) A Total Suspended Solids concentration of not more than 250 parts per million;
  - (C) A Nitrogen concentration of not more than 45 parts per million;
  - (D) A Phosphorous concentration of not more than 5 parts per million.
- (11) **FLOW PROPORTIONAL COMPOSITE SAMPLE.** A sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.
- (12) **INDIRECT DISCHARGE OR DISCHARGE.** The introduction of pollutants into the Wastewater Treatment Facility from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (13) **INDUSTRIAL USER.** Any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classification Manual. Class III also shall include any user that discharges wastewater containing toxic or poisonous substances as defined in Section 307 or Section 502 of the Clean Water Act, or any substance(s) causing interference in the wastewater facilities. Class III shall include any nonresidential user who: 1) is subject to national categorical pretreatment standards, 2) has a nondomestic flow of 25,000 gallons or more per average work day, 3) contributes more than 5% of the average dry weather capacity of the wastewater facility, or 4) is determined by the Approving Authority or Superintendent to have the potential to adversely affect the wastewater facility.
- (14) **INDUSTRIAL WASTE.** Any water-borne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from or escaping from any industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.
- (15) **INTERCEPTING SEWER.** A sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently

discharges or formerly discharged flow directly into any waters of the state, and convey the flow to a Wastewater Treatment Facility or is to serve in lieu of an existing or proposed Wastewater Treatment Facility.

(16) INTERFERENCE. Inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation or applicable discharge permits.

(17) NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(18) NITROGEN. Total Kjeldahl Nitrogen as determined by procedures set forth in "Standard Methods".

(19) NORMAL SEWAGE. Sanitary sewage in which BOD, Total Suspended Solids, Nitrogen and Phosphorous concentrations do not exceed normal concentrations of:

- (A) A five-day 20 degree C., BOD of not more than 200 parts per million;
- (B) A Total Suspended Solids concentration of not more than 250 parts per million;
- (C) A Nitrogen concentration of not more than 45 parts per million;
- (D) A Phosphorous concentration of not more than 5 parts per million.

(20) OPERATION AND MAINTENANCE COST. The actual sums spent by the Village in the operation and maintenance of its Sewerage System consisting of but not limited to, each and all of the following purposes:

- (A) Wages and salaries and employees related expenses of operation, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin Workmen's Compensation coverage.
- (B) Electrical power and other utility services.
- (C) Chemicals, fuel and other operating supplies.
- (D) Repairs to and maintenance of associated equipment.
- (E) Premiums for hazard insurance.
- (F) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
- (G) Rents and leasing costs.
- (H) Operation, licensing and maintenance costs for trucks and heavy equipment.
- (I) Consultant and legal fees.
- (J) Training & Educational Expenses.
- (K) Funding an equipment repair reserve.

(21) PERSONS. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees.

(22) Ph. The logarithm (base 10) of the reciprocal of the hydrogen concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the "Standard Methods".

(23) PHOSPHOROUS. The Total Phosphorous as determined by procedures set forth in "Standard Methods".

(24) PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge to the Village of Sussex wastewater facilities.

(25) PRIVATE SEWER. A privately owned sewer serving 2 or more buildings and not directly controlled by a public authority.

(26) PUBLIC SEWER. A sewer or lateral in a public right-of-way or easement abutting properties and is controlled or owned by the public authority.

(27) REPLACEMENT FUND. Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(28) RESERVE CAPACITY ASSESSMENT (RCA). A charge levied on all new or enlarged capacity users of the sewerage system for reserve capacity costs of the sewerage system. The charge shall be based on the assigned Residential Equivalent Connection as established under Section 13.19 and multiplied by the rate established by the Village.

(29) RESIDENTIAL EQUIVALENCY CHARGE. A charge levied on nonmetered users of the sewerage system based on the allocated number of residential equivalent connections as determined by this Ordinance to recover their proportional contribution to the system for operation, maintenance, replacement and capital costs.

(30) RESIDENTIAL EQUIVALENT CONNECTION (REC). The wastewater flow and loadings to the sewerage system equivalent to that contributed by an average residential family equivalent. An average residential family equivalent shall be calculated yearly by the Village based upon the residential water used divided by the total number of residential customers.

(31) RESIDENTIAL USER (CLASS I). All premises used only for human residency and that are connected to the sewerage

system.

(32) **SANITARY SEWER.** A sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally contributed.

(33) **SEPTAGE.** Scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

(34) **SERVICE CHARGE.** A charge levied on users annually for each lateral connected to the Public Sanitary Sewer, also may be referred to as an Infiltration/Inflow charge. The revenues generated by the service charge shall be used to cover expenditures relating to customer costs and costs relating to infiltration/inflow.

(35) **SEWERAGE SYSTEM.** All facilities for collecting, transporting, pumping, treating, and disposing of domestic wastewater, industrial wastes and septage. Also may be referred to as sewer system.

(36) **SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes at more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the Wastewater Treatment Facility.

(37) **STANDARD METHODS.** The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association and the Water Pollution Control Federation.

(38) **STORM SEWER.** A sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

(39) **SUPERINTENDENT.** The position within the Village with direct supervision and responsibility for the operations of the wastewater treatment and conveyance facilities who shall be in charge of and supervise the operations and functions of the wastewater treatment and conveyance facilities.

(40) **SURCHARGE USER.** A user of the Sewerage System who discharges wastes which have higher concentrations than Domestic Wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than Domestic Wastewater.

(41) **TOTAL SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in "Standard Methods". Also referred to as Suspended Solids.

(42) **UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharging to the sanitary sewers and wastewater treatment facilities provided.

(43) **USER.** Any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other waste hauled or trucked to the sewerage system.

(44) **USE FACTORS.** Flow, BOD, Total Suspended Solids, Nitrogen, Phosphorus and Infiltration/Inflow or the quantity of these factors as determined by the Village by sampling and monitoring the Wastewater Treatment Facility influent and surcharge users and from the Water Utility Records.

(45) **USER CHARGE.** A charge levied on users for Debt Retirement, Operation and Maintenance Costs and Replacement Fund. The charge shall be based on the total gallons of water used as determined by the Water Utility, and multiplied by the cost per 1000 gallons for operation and maintenance costs, debt, and replacement fund.

(46) **WASTE.** Any solids, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions, industrial establishments and septage haulers into the collection system, sanitary sewer or septage receiving station.

(47) **WASTEWATER.** A combination of the water-carried waste discharged into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(48) **WASTEWATER PUMPING STATION.** A pumping facility utilized to pump wastewater within the collection system.

(49) **WASTEWATER TREATMENT FACILITIES.** Any Village owned facility, devices and structures used for receiving and

treating wastewater from the Village collection system or other municipal sewerage systems. Also referred to as WWTF.

(50) WATER UTILITY. Is the Sussex Water Utility.

(51) WPDES PERMIT. A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147 of the State of Wisconsin Statutes.

### **13.05 RULES AND REGULATIONS.**

(1) DECLARATION OF POLICY. The Village Board of the Village of Sussex finds and declares that the public health, comfort and safety is preserved and enhanced by the provision of the Sewerage system in the promotion of a clean and healthful environment and that the failure to connect to the Sewerage System is contrary to minimum health standards.

(2) CONNECTION.

(A) To assure preservation of public health, comfort and safety, the owner of any house, building, or property used for human occupancy, employment, recreation, or other habitation, situated within the Village and adjacent to a Public Sewer or in a block through which a Public Sewer extends, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this Ordinance, within Twelve (12) months after the Public Sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the County Health Officer or the Village Building Inspector.

(B) In the event that Owner shall not cause the aforesaid connections to be made within the required time, the Village Administrator shall send by Certified Mail a notice instructing the Owner to connect. If the aforesaid connections are not made within ten (10) days after receipt of the notice, the Village may:

1. Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner within 30 days after the completion of the work, files a sworn affidavit with the Village Clerk stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 10 equal annual installments, and the amount shall be so collected with interest at a rate which is sufficient to recover the Village's costs of borrowed funds or interest lost plus 1 percentage point per annum from the completion of the work, the unpaid balance to be a special tax lien; and/or

2. Impose a standby charge, for the period of time in excess of Twelve (12) months that such failure continues after the date the Public Sewer first becomes operational, after 10 days written notice to any owner failing to make a connection to the Sewerage System, for an amount equal to 150% of the Service Charge as defined in Section 13.06(3) of this Ordinance, payable monthly for the period in which the failure to connect continues. Upon failure to make such payment, said charge shall be levied as a tax against the lot or parcel to which sewer service was furnished; and/or

3. Collect from the Owner a forfeiture of not more than \$100 for each day thereafter the aforesaid connections are not made.

(3) ALTERNATIVE DISPOSAL PROHIBITED.

(A) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater, if a Public Sewer is available.

(B) No person shall discharge to any Natural Outlet within the Village in any area under the jurisdiction of the Village, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(4) PLUMBERS. No plumber or other person will be permitted to engage in or work at any plumbing in connection with the Sewerage System without first receiving a license from the State of Wisconsin, Bureau of Plumbing.

(5) MAINTENANCE OF SERVICES.

(A) All sewer services within the limits of the Village at the point of connection to the street main and all street mains, shall be maintained and repaired by the Village without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner.

(B) All Building Sewers and laterals located in the public right of way or easement from the point of connection to the sewer main and all facilities throughout the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served.

(C) The property owner shall be responsible to investigate the cause of the sewer lateral failure. If the failure is determined to be located between the sewer main and the property line, the Village shall be responsible for repair of the service, if:

1. The failure is caused by external forces generated by street traffic, or;
2. The installation, maintenance, or repair of other utilities contributed to the sewer service failure.

(D) All blockages, collapse due to age, or failures due to causes not set forth above, shall be responsibility of the property owner regardless of whether the blockage or failure occurs in the right- of-way or on private property.

(6) USERS.

(A) Application for Service. Every person requesting connection to the Sewerage System shall file an application in writing to the Village, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Building Inspector. The application must state fully and truly all the use which will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and permission from the Village Administrator. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Engineer may reject the application. If the Village Engineer approves the application, the Village Engineer shall authorize the Building Inspector to issue a permit for services as shown on the application.

All expenses relating to the connection to the Sewerage System shall be paid by the applicant or owner at the time of permit issuance.

(B) Tap Permits. After sewer connections have been installed into any building or upon any premises no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall obtain and exhibit the proper permit for the same from the Village Engineer.

(C) User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary overburdening of the Sewerage System. The user is responsible for their service pipe from the street main through their facility served.

(D) User Use Only. No user shall allow other persons to connect to, or permit other uses to be made of, the Sewerage System through his lateral.

(E) User to Permit Inspection. Every user shall permit the Village or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use. Should the owner or occupant of the premises refuse voluntary access to the premise, the Plumbing Inspector is authorized to seek a special inspection warrant under Wisconsin Statute 66.0119.

(F) Responsibility. No claim shall be made against the Village or its agents or employees by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the Village absent of gross negligence of the Village, its agents or employees. The Village may cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within an area of the Village, the Village shall, if practicable, give notice to each affected user.

(7) EXCAVATIONS.

(A) Excavation requirements in any easement or public right-of-way shall be as specified and required by the authority having jurisdiction over said easement or right-of-way. In all cases, a permit is required and construction methods and protection of the public shall conform to Chapter 7.53 of the Municipal Code.

(B) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village Engineer. Pipe laying and backfill shall be performed in accordance with Section 7.53 of the Municipal Code, except that no backfill shall be replaced until the work has been inspected and any backfill placed before inspection shall be removed for inspection.

(8) LATERALS.

(A) All laterals on private property will be installed in accordance with State of Wisconsin Administrative Code as from time to time amended.

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(B) The Building Sewer shall be inspected by the Plumbing Inspector or his designee upon completion of

placement of the pipe and before backfilling and tested before and after backfilling. The Plumbing Inspector or his designee may order any building sewer exposed and removed if said building sewer is covered before inspection.

(C) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer at the expense of the building owner.

(D) All sanitary sewer laterals shall be water or air tested before the floor drains are connected and before the permanent floor is constructed in the basement.

(9) TAPPING THE MAINS.

(A) 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 Public Sanitary Sewers. The kind and size of the connection to the Public Sanitary Sewers shall be that specified in the permit or order from the Village. A minimum of 48 hours notice shall be given to the Village prior to tapping any main.

(B) Pipes should always be tapped at the top, and not within six inches of the joint, or within 24 inches of another lateral connection.

(C) When any Building Sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new Building Sewer shall be installed for each building.

(10) SEPTAGE DISPOSAL.

(A) All septage disposers shall be licensed disposers in accordance with Wisconsin State Statutes Section 281.48(3).

(B) All septage disposers wishing to discharge to the Village of Sussex wastewater treatment facility (WWTF) shall possess a septage disposers discharge permit prior to disposing of any wastes at the WWTF.

Every licensed disposer wishing to discharge septage shall file a non refundable filing fee and an application in writing to the Village Engineer in such a form as is prescribed for that purpose. Forms for such application will be furnished by the Village Engineer. The Village Engineer will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the WWTF.

Every sewage disposer shall file a certificate of insurance with the Village prior to the Village issuing a discharge permit. The insurable amount shall be equal to \$1,000,000 for general liability, \$1,000,000 for automobile liability and the statutory limit for worker's compensation.

(C) Each truck of a permitted septage disposers discharging to the WWTF shall be registered with the Village. Registered trucks will be issued identification stickers and numbers which shall be clearly displayed on the rear end and both sides of the truck. Any unregistered truck or registered truck without identification stickers and numbers will not be allowed to discharge until properly registered with identification stickers exhibited.

(D) Each septage disposal permit shall be issued subject to the conditions that if, at any time, the WWTF has operational problems, maintenance problems or threat of a WPDES permit violation that are indirectly or directly related to septage disposal, the Village may immediately restrict septage waste disposal until such time as correction action of mitigative measures has been taken. Restriction may include prohibition of disposal of septage waste.

(E) The WWTF will accept only hauled septage waste from domestic origin and permitted industrial or commercial septage waste. Septage disposers must characterize the septage they haul to the WWTF. Hauled industrial and/or commercial septage will not be accepted unless the industry or commercial establishment has received a wastewater discharge permit, as specified under Section 13.15 of this chapter, or has received permission from the Village. Any new industrial or commercial septage must be reported to the Village by the septage disposer.

(F) The designated septage receiving stations are located at the WWTF. All septage shall be discharged at the WWTF unless approval is obtained from the Village Engineer and WWTF Superintendent for discharge of septage to other locations in the sewer system.

(G) Specific hours of discharge and conditions shall be set by the WWTF Superintendent. No special exceptions to the septage receiving stations hours of operation will be allowed.

(H) Septage disposers must complete and submit written documentation of the discharge to the septage receiving stations. If septage discharge is allowed at other locations in the sewer system, written documentation must be submitted to the WWTF Superintendent within one working day of the discharge to the sewer system. Forms for documentation of the discharge will be furnished at the WWTF.

(I) Each driver/pumper working for a permitted septage disposer shall be familiar with all rules and regulations of the WWTF.

(J) Septage disposers shall clean up all spills or deposits resulting from their activity at the WWTF. Additional expenses shall be charged to the septage disposer for cleanup of any spills, deposits or damage occurring as the result of the disposer's activity at the WWTF.

(K) Each truck load will be considered maximum capacity for the purpose of calculating disposal charges. The maximum capacity will be based on the capacity of the registered truck.

(L) Charges for disposal of hauled septage will be established on an annual basis by the Village Board, in accordance with Section 13.06(6) of this chapter.

(M) The septage disposers' discharge permit fee and truck registration fee shall be set on an annual basis by the Village Board.

(N) Failure to fulfill any of the above requirements by any septage disposer may result in the suspension or revocation of their septage discharge permit.

(11) **WATER SOFTENER SYSTEMS.**

(A) When installing new water softener systems, the "soft water" line of the water distribution piping shall not be connected to any hose bib or lawn sprinkler irrigation systems.

(B) When at the time of a replacement of a water softener, any soft water distribution piping connected to a hose bibb or lawn sprinkler irrigation system, it is encouraged to be removed from the softened piping but not required.

(C) All new or replacement water softener systems shall be on-demand regeneration system water softeners. No new or replacement timer-based water softener systems shall be installed.

**13.06 SEWER SERVICE CHARGES.**

(1) **BASIS FOR SEWER SERVICE CHARGES.** All elements of the Sewer Utility annual budget for operation, maintenance, replacement and capital costs shall be allocated to the parameters of; infiltration/inflow, billable flow, BOD, TSS, phosphorus and nitrogen. The costs shall be further allocated to the Wastewater Treatment Facility, collection system and interceptor system. The cost per each use factor shall be divided by the total estimated use of each parameter to determine the unit cost (\$/1000 gallons, \$/#). The use factors and the infiltration/inflow use factor will be determined by the Village Administrator, considering actual data for the previous 12 month period from the Wastewater Treatment Facility and surcharge user data. Using the definition of domestic wastewater from Section 13.04(10), a cost per 1000 gallons of domestic wastewater, including infiltration and inflow, shall be calculated.

(2) **SEWER USER CHARGE.** A charge to each municipality receiving service shall be computed based on each municipality's total flow times the computed rate per 1,000 gallons of flow plus any surcharge according to Section 13.04. The rate applied to each municipality, or portion thereof, may vary depending on what portion of the Village's system, if any, the municipality uses to get sewage from their municipality to the treatment plant, and how that municipality pays for the debt related to the treatment plant or other infrastructure. The rates shall be established by resolution of the Village Board, which may be amended from time to time by the Village Board. Said rates may be based off of intermunicipal agreements, rate studies, and other financial data to reflect the cost of service provision.

(3) **VILLAGE OF SUSSEX CHARGES.**

(A) The wholesale charge as determined in Section 13.06(2) shall be divided into a billable flow charge and an infiltration/inflow charge. The billable flow charge shall be based on corrected water consumption records from the Water Utility. The residential water consumption for sprinkling as determined by the Water Utility and any water credit meters for any refrigeration, air conditioning system or industrial cooling water not entering the sewer system shall not be used in computing the Sewer Use Charge.

A summer sprinkling credit shall apply to all single family and duplex units for the months of June through September by comparing the May usage plus 10% to the specific monthly usage. In the event that the June, July, August, or September usage exceeds the May usage plus 10%, the customer shall be billed for the smaller usage amount. If the May usage is zero, or below the average household usage, due to new construction, vacancy, or the like, the June, July, August, and September billings will be based on actual usage.

Users discharging domestic wastewater and connected to the sewer system who derive all or part of their water discharged to the sewer system from other sources than the Water Utility and who do not have these other water sources metered will be charged for operation, maintenance and replacement costs based upon their assigned number of residential equivalent connections. The flow per residential equivalent connection will be computed by the Water Utility or the Village Engineer on or before the first Village Board meeting in October of every year and shall equal the water used by residential customers minus sprinkling credits divided by the number of residential water customers.

(B) In addition to the billable flow charge, a service charge for infiltration/inflow and fixed customer costs shall be



established. On or before the first Village Board meeting in October of every year, the Village Engineer shall compute the number of connections to the sewerage system from the Village. The Service charge per connection shall be the wholesale charge for infiltration/inflow and the fixed customer costs divided by the total number of connections from the Village. The service charges to other Municipalities or areas outside of the Village may be added to their volume rate if implemented as a result of a rate study.

(4) **INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTEWATER.**

Charges for Wastewater other than Domestic Wastewater shall be based on Flow, BOD, TSS, Nitrogen, Phosphorous and such other constituents which affect the cost of the collection and treatment process. All persons discharging wastes into the Sewerage System are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by a sampling and metering manhole or a discharge monitoring station. The amount of surcharge shall reflect the cost incurred by the Village in removing BOD, TSS, Nitrogen, Phosphorous and other pertinent constituents. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.

$$\text{Surcharge} = [B_c (B) + S_c (S) + P_c (P) + N_c (N)]V_u$$

$B_c$  = Operation, maintenance, replacement and (unless covered by an intermunicipal agreement), capital costs for treatment of a unit of biochemical oxygen demand (BOD)

$B$  = Concentration of BOD from a user above the base level  $V_u$  = Volume

contribution from a user per unit of time

$S_c, S, P_c, P, N_c, N$  = Same definition as above for the parameters suspended solids, phosphorus and nitrogen.

(5) **READY-TO-SERVE CHARGE.** The owner of each premise to which sewer service has been made available by the Village but not connected to the Sewerage System for sewer service shall pay for the availability thereof a "ready-to-serve charge" provided by Section 13.06(3). Any "ready-to-serve charge" becoming effective during any year shall be charged on a pro rata basis for that year in which such charge becomes effective. This charge shall begin from date of notice by the Village that the facility is ready to use. By Section 13.05(2)(a) of this Ordinance, connection shall be made to the Public Sewer within 12 months.

(6) **SEPTAGE CHARGE.** Charges for septage discharges shall be based on Flow, BOD, TSS, Nitrogen, Phosphorous and such other constituents which affect the cost of treatment and disposal. The volume of flow used for computing the septage charge will be the volume of septage discharged. All persons discharging septage which has concentrations greater than Domestic Wastewater, as defined in Section 13.04 of this chapter, shall be subject to a surcharge. The amount of the surcharge shall reflect the costs incurred by the Village for removing BOD, TSS, Nitrogen, Phosphorous and other pertinent constituents. The surcharge shall be computed in the same manner as described in Section 13.06(4) of this chapter, and will vary as to the capital costs depending, on existing intermunicipal agreements.

The following waste strength parameters shall serve as the basis for computing the surcharge to be applied unless the septage discharge is sampled and analyzed:

	<u>Septic Tank</u>	<u>Holding Tank</u>
BOD	5,900 mg/l	350 mg/l
TSS	11,600 mg/l	500 mg/l
Nitrogen	150 mg/l	100 mg/l
Phosphorous	250 mg/l	15 mg/l

All costs associated with administrating the discharge of septage to the WWTF, sample collection, laboratory analysis and billing will be paid by the septage or holding tank hauler.

On or before the first Village Board meeting in October of every year, the Village Administrator shall, in conjunction with determining sewer service charges, determine the septage charge and related fees, and submit recommendations to the Village Board. The Board shall establish the charges and fees by resolution.

(7) **RETAINED PLANT CHARGE, INTERCEPTOR CAPACITY CHARGE, AND WWTF CAPACITY CHARGE.**

(A) A retained plant charge, interceptor capacity charge, and WWTF capacity charge will be collected by the Village from all new connections to the sewerage system or for enlarged capacity use of said system. These charges shall be collected prior to receiving a building permit or plumbing permit. The Village shall not consider enlarged use for residential units where they maintain the same number of residential units.

B) The retained plant charge shall recover the net asset value of the existing treatment facility which will be retained for future use. The amount of the charge shall equal the assigned Residential Equivalent Connection as defined in Section 13.19 multiplied by the rate established by the Village.

(C) The interceptor capacity charge shall recover the costs for providing excess capacity for future growth in the Sussex interceptor system. The amount of the charge shall equal the assigned Residential Equivalent Connection as defined in Section 13.19 multiplied by the rate established by the Village. This charge shall not be applicable to property outside of the Village limits unless it is addressed by a 66.0301 Wisconsin Statutes intermunicipal agreement.

(D) The WWTF capacity charge shall recover the costs for providing excess capacity in the Sussex wastewater treatment facility. The amount of the charge shall equal the assigned Residential Equivalent Connection as defined in Section 13.19 multiplied by the rate established by the Village. This charge shall also be applicable to property outside the Village limits unless it is addressed by a 66.0301 Wisconsin Statutes intermunicipal agreement.

(E) The Village shall review the appropriateness of these charges periodically and may charge for said items in the form and manner described above or as alternatively detailed by a Reserve Capacity Assessment or an Impact Fee or other alternative form(s) as determined by the Village. The Village may enlarge, adjust, terminate or limit any changes to these charges and or their purpose and breadth at its discretion as allowed by law.

(8) SPECIAL RATES. It is understood that the approving authority may at any time hereafter, set special rates for any large commercial service, industrial use, extraterritorial areas, contract users, or any other unique user that does not readily fit into other categories of users. Any user discharging any toxic pollutants, wastewater, or other wastes to the sewerage system shall pay for the increased operation, maintenance, and replacement costs caused by their discharge.

(9) EXTRATERRITORIAL SERVICES. The Village Board hereby resolves, adopts, and reaffirms the existing policy of the Village that no sewer service will be provided to any property owners or customers outside the Village limits and it is further resolved that any persons desiring or requesting sewer service will be requested to annex to the Village of Sussex before sewer service is provided. The Village may waive this requirement in the event a formal intermunicipal agreement is implemented to provide sewer service.

### **13.07 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.**

(1) Annually before the first Village Board meeting in October, the Village Administrator shall prepare a budget for the following fiscal year which shall be separated into sections, the first for operation, maintenance and replacement and the second for debt service. The budget shall then be further divided into infiltration and inflow related costs and use related costs.

(2) The budget shall be further separated into sections, the first for the local collection system, the second for the interceptor system, and the third for the Wastewater Treatment Facility. Separate rates shall be completed for each section and shall be applied to each applicable customer class.

(3) Revenues for the operation, maintenance and replacement budget shall include any projected year-end balance (excluding replacement funds), operating fund investment income, contract revenues, permit fees, special rates, and sewer user charges.

(4) Expenditures for the operation and maintenance budget shall include all costs defined in Section 13.04(20) plus any projected year end deficit.

(5) The operation, maintenance and replacement budget shall balance with the sewer use charge so that projected revenues equal projected expenditures plus replacement funds.

(6) Any excess revenues collected from a user class for operation, maintenance, and replacement costs will be attributable to that class for future charge computations within two years.

(7) Revenues for the debt service budget can include any projected year-end balances in the special assessments funds, projected retained plant charges and interceptor capacity charges, sinking fund interest income, and property taxes.

(8) Expenditures for the debt service budget shall include principal, interest, direct capital costs, premiums, paying agency fees and other expenses related to debt.

(9) Sewer Service charges may be billed in a similar fashion to other Village Utility bills and shall be payable at the Village Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this Ordinance shall become due and payable within 20 days from and after the date of the statement. In the event that any such statements or statements are not paid within 20 days of issuance, a charge of 1% will be added to the current billing charge. This charge is applicable to all customers.

(10) BILLING. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and

notices of any nature, relative to the sewer service, will be addressed to the owner and/or occupant and delivered to the addressee by bulk mail.

(11) **FAILURE TO RECEIVE BILL NO PENALTY EXEMPTION.** Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(12) **DELINQUENT ACCOUNTS.** Pursuant to the authority granted under Sections 66.0703 and 66.0809 of the Wisconsin State Statutes, the following procedure shall apply to the collection of delinquent accounts for sewer service.

(A) **Notice of Payment Due.** On October 15 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate within the Village to which sewer service has been furnished prior to October 1, by the Sewerage System Utility and payment for which is owing and in arrears at the time of giving such notice. The Village Treasurer shall furnish the Clerk with a list of all such lots or parcels of real estate, and a notice shall be given by the Clerk. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sewerage System Utility; that unless the same is paid by November 1 thereafter a penalty of 10% of the amount of such arrears will be added thereto; unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which water, sewer or electric service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate.

(B) **Failure to Pay.** On November 16 the Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears and payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the water, sewer or electric service was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

(C) **Request for Hearing.** The owner or occupant may within 10 days of the date such notice is sent, request a hearing on any charge disputed. Such a request for hearing shall be in writing and shall be filed with the Village Clerk. No such charge shall be placed upon the tax roll if a properly filed request for hearing is pending. All hearings shall be held by the Village Public Works Committee within 30 days.

### **13.08 ACCOUNTS AND FUNDS.**

(1) The operation, maintenance and replacement portion of the sewer user charge shall be used for payment of any items defined in 13.04(20) and 13.04(27).

(2) The debt service fund shall contain all revenues transferred from special assessments, retained plant charges, WWTF capacity charges, interceptor capacity charges, property taxes, Residential Equivalency Charges, debt portion of the sewer user charge and other sources intended for debt or capital expenditures. This fund shall be used only for the payment of principal and interest and fees directly related to debt payment, or for direct capital expenditures.

(3) The funds received from the operation of the sewer utility shall be deposited at regular intervals in depositories to be designated by the Village Board and shall be set aside into separate and special funds provided for by the Board for the reasonable and proper operation and maintenance of the sewer utility.

(4) A separate and segregated replacement fund shall be established and this fund shall be used only for equipment replacement in accordance with DNR requirements.

### **13.09 PROHIBITED DISCHARGES.**

(1) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Village Engineer.

Storm water other than that exempted above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village Engineer. Unpolluted industrial cooling water or process water may be discharged upon approval of the Village Engineer to a storm sewer or natural outlet.

(2) No person shall discharge or cause to be discharged to the collection system either directly or indirectly any of the

following described wastes or wastewater:

- (A) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
  - (B) Any wax, grease, or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit (0 degrees to 65 degrees Centigrade).
  - (C) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the WWTF or sewerage system in a quantity that may cause acute worker health and safety problems.
  - (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (E) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers. (100% passing 1/2" screen, 90% passing 1/4" screen).
  - (F) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
  - (G) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the Sewerage System.
  - (H) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the Sewer System.
  - (I) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with the wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the Sewerage System, or which would cause the Village wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES Permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
  - (J) Any radioactive wastes greater than allowable releases as specified by the current United States Bureau of Standards Handbooks dealing with the handling and release of radio-activity.
  - (K) Free or emulsified oil and grease exceeding on analysis of 100 mg/l of either, or combinations of 100 mg/l of both free or emulsified oil and grease.
  - (L) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of one-half (0.5) mg/l by weight as cyanide in the wastes.
  - (M) Wastes or wastewater which:
    - 1. Cause unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate).
    - 2. Cause excessive discoloration in the wastewater treatment facilities discharge.
    - 3. Has a total BOD, suspended solids, nitrogen, or phosphorous loading in excess of the wastewater discharge permit described in Section 13.15.
    - 4. Is discharged without application for a wastewater discharge permit or contractual agreement as required under Section 13.15.
    - 5. Cause damage to the collection system or impair the treatment process.
    - 6. Any pollutants which create a fire or explosion hazard in the WWTF or sewerage system, including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21.
    - 7. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (3) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the Sewerage System. Where, in the opinion of the Superintendent, slugging does occur, each person producing such a discharge into the collection system shall beget and maintain at his own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24-hour period.
- (4) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in

violation of any of the requirements of their WPDES permit.

(5) No person shall connect to and discharge to the collection system, unless there is capacity available in all downstream components of the Sewerage System as determined by the Village Engineer.

**13.10 ACCIDENTAL DISCHARGES.** Any person who accidentally discharges wastes or wastewater prohibited under Section 13.09 to the sanitary sewer shall immediately report such discharge to the Superintendent.

**13.11 PRETREATMENT FACILITIES.**

(1) The Village may require pretreatment facilities of any person discharging or planning to discharge industrial waste, if the waste or wastewater:

- (A) Could cause damage to the collection system.
- (B) Impairs the treatment process.
- (C) Cause the Village to incur treatment costs exceeding those of domestic wastewater.
- (D) Have any of the characteristics of the "Prohibited Discharges" described in Section 13.09 of this Ordinance.
- (E) Cause the wastewater treatment facilities to exceed its total design loading for volume BOD, suspended solids or any other pollutant.
- (F) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids or any other pollutant.

(2) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.

(3) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review to the Superintendent and Village prior to the start of construction.

(4) In accordance with Wisconsin Administrative Code NR 114, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the Wisconsin Department of Natural Resources.

**13.12 SAND AND GREASE TRAP INSTALLATIONS.** Grease, oil and sand interceptors shall be provided at restaurants, repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuous, efficient operation at all times.

**13.13 WASTEWATER MEASUREMENT AND SAMPLING**

(1) Wastewater flows from users who do not obtain their water from the Water Utility shall be assigned a Residential Equivalent Connection as determined from Section 13.19 unless:

- (A) Village requires the installation of a meter to measure the water amount.
- (B) Any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system, the owner or occupant of such property shall cause to be installed necessary metering equipment as approved by the Village Engineer to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Village Engineer shall determine the estimated volume of water discharged into the Sewer System.
- (C) The Village Engineer may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined or if the user discharges over 5,000 gallons on any day. The metering devices shall be owned and maintained by the property owner or user and may not be removed without consent of the Village Engineer.
- (D) Metering requirements for municipalities served by Section 66.0301 Wisconsin Statutes intermunicipal agreements shall be established by the Village Engineer as part of the intermunicipal agreement.

**13.14 INDUSTRIAL WASTE ANALYSIS, MEASUREMENT, AND SAMPLING.**

(1) **SAMPLING AND METERING MANHOLES.** All persons discharging industrial wastes into the Sewer System shall, at their expense, construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all wastes or wastewater. These manholes shall be located and constructed in a manner approved by the Village Engineer. Plans and specifications shall be submitted to the Village Engineer prior to construction.

(2) The Village or its designee will monitor flow, collect samples and perform laboratory tests on industrial waste discharges and septage discharges as necessary to verify quantity of flow and/or character and concentration of an industrial waste or septage. The Village test results shall be used to determine the applicable surcharge. The costs incurred for the monitoring, collection and samples and laboratory tests by the Village from outside designees shall be billed to and paid by the industrial waste discharger.

(3) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24-hour flow proportional sample. Samples shall be taken at intervals to be established by contractual agreement under Section 13.15 or at intervals as determined by the Superintendent and the Village Engineer.

(4) When Wisconsin Administrative Code Sections NR 101 or NR 202 require the submittal of the character, and concentration of wastes, waste volume and production information to the District or Wisconsin Department of Natural Resources (DNR), the user shall, at their expense, have the waste character and concentration determined by a DNR certified testing laboratory. A copy of the test results and DNR reports shall be submitted to the Superintendent and the Village Engineer.

(5) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with 40 CFR 136 methods approved by the Superintendent and shall comply with state and federal law.

### **13.15 WASTEWATER DISCHARGE PERMIT SYSTEM.**

(1) **WASTEWATER DISCHARGE PERMIT.** A wastewater discharge permit is required under this section if a person's discharge into the Village's Sewerage System has any of the following:

- (A) A BOD greater than 200 mg/l.
- (B) A suspended solids concentration greater than 250 mg/l.
- (C) A nitrogen concentration greater than 45 mg/l.
- (D) A phosphorous concentration greater than 5 mg/l.
- (E) A volume of 5,000 gallons per day or greater is discharged by any user at one or more points of discharge.
- (F) Any of the characteristics listed under Section 13.09.
- (G) Any such persons planning to discharge, changing the characteristics of their discharge or whose discharge permit has expired shall make application to the Village within 60 days prior to the discharge. All persons currently discharging shall make application to the Village within 60 days after passage of this Ordinance and must have an executed permit within 60 days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the Village's sewer system. No person shall discharge waste or wastewater into the Village sewer system without a wastewater discharge permit, if required by the section.

(2) **PERMIT APPLICATION.** Users seeking a wastewater discharge permit shall complete and file with the Village an application on the form prescribed by the Village. In support of this application, the user shall submit the following information:

- (A) Name, address, and standard industrial classification number of applicant.
- (B) Average daily volume of wastewater to be discharged.
- (C) Wastewater constituents and characteristics as determined by a method approved by the Village Engineer.
- (D) Time and duration of discharge.
- (E) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (G) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
- (H) Each product produced by type, amount and rate of production.
- (I) Number and type of employees, and hours of work.
- (J) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

(3) **PERMIT CONDITIONS.** Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Approving Authority. The conditions of wastewater discharge permits shall be uniformly enforced by the Village in accordance with this Ordinance, and applicable State and Federal regulations. Permit conditions will include the following:

- (A) The Residential Equivalency Charge, Sewer Use Charge and Schedule for Surcharge fees for the wastewater to be discharged to the sewer system.
- (B) The average and maximum wastewater constituents and characteristics.
- (C) Limits on rate and time of discharge or requirements for flow regulations and equalization.
- (D) Requirements for installation of sampling and metering manholes or discharging monitoring stations.
- (E) Pretreatment requirements.
- (F) Requirements for maintaining plant records relating to wastewater discharges as specified by the Superintendent, and affording the Village access thereto.

(G) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.

(H) All persons required to make application for a wastewater discharge permit, shall before issuance of the permit, enter into a contractual agreement with the Village. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the Village.

(I) Other conditions as deemed appropriate by the Village to insure compliance with this Ordinance.

(4) **DURATION OF PERMITS.** A permit shall be issued for one (1) year and shall be automatically renewed on a year to year basis, thereafter, unless the person is notified by the Village within 60 days prior to the expiration of the permit or any renewal thereof or unless the discharger has signed a discharge monitoring agreement with the Village which specifies a different duration period. After such notification by the Village the permit shall expire on the end of that year. The terms and conditions of the permit shall be subject to modification and change by the Village during the life of the permit, if so required because of any Ordinances, statutes or rules and regulations of the Approving Authority of any applicable state or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) **TRANSFER OF A PERMIT.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(6) **REVOCAION OF PERMIT.** Any user who violates any of the conditions of his permit contractual agreement, or this Ordinance; or of applicable State and Federal regulations, is subject to having his permit revoked.

(7) **DISCHARGE MONITORING AGREEMENT.** The Village may require an industry or any high volume or high strength waste discharger to enter into a Discharge Monitoring Agreement if in the judgment of the Village such an agreement is necessary to properly evaluate the users discharge to the Sewerage System and/or to obtain adequate information to properly assess a surcharge. In the absence of a Discharge Monitoring Agreement, the Village may assign a surcharge to a user which in the Village's judgment is appropriate of the users discharge. The Village may assess a surcharge to a user even though the Village does not require the user to enter into a Discharge Monitoring Agreement. A sample of a Discharge Monitoring Agreement is on file with the Village.

#### **13.16 ADMISSION TO PROPERTY.**

(1) The Village, its agents and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of this Ordinance, pursuant to Section 66.0119, 66.0121, and 66.0417 of the Wisconsin Statutes. The Village, its agents and employees shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewerage system.

(2) While performing the necessary work on private property referred to above, the Village, its agents and employees shall observe all safety rules applicable to the premises established by the company; and the Village shall indemnify the company against loss or damage for personal injury or property damage caused by the Village, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(3) The Village, its agents and employees shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, observation, inspection, measurement, sampling, repair and maintenance of any portion of the sewerage system lying within said easement, all subject to the terms, if any, of the easement agreement.

**13.17 CONFIDENTIALITY OF CRITICAL INFORMATION.** When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for use by the Village or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

#### **13.18 VIOLATIONS.**

(1) Any person who fails to comply with any of the provisions of this Ordinance or with an order of the Village, issued in pursuance of this Ordinance, or tampers with metering or sampling, shall be liable to the Village for any expense, loss or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this Ordinance, shall be fined not less than \$500.00 nor more than \$10,000.00 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this Ordinance shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this Ordinance shall not be cause for reducing or eliminating charges due and penalties for violations.

(2) If any user discharges a waste or wastewater including septage that is inhibiting to the sewer system or wastewater treatment facility, said user shall pay a penalty of up to \$500.00 per violation upon conviction. Each day a violation occurs shall constitute a separate violation. Said penalty shall be added to the monthly or quarterly billing statement, if not paid within 30 days of conviction or such other time as set by the court.

(3) In addition to the Court proceedings and penalties described in the foregoing sections of this Ordinance, whenever a person violates any provision of this Ordinance or fails to comply with any order of the Village, the Village may order that an action be commenced on behalf of the Village in the Circuit Court for Waukesha County for the purpose of obtaining an injunction restraining the person violating the Ordinance or failing to comply with the Order, from making any further discharges into the Sewer System of the Village.

(4) Any licensed disposer discharging to the wastewater treatment facility or to a public sewer found to be violating a provision of this Ordinance or of any conditions of the approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

**13.19 RESIDENTIAL EQUIVALENT CONNECTION TABLE AND UNMETERED WASTEWATER FLOW**

**ASSIGNMENTS.** This section shall be used to help determine the appropriate REC's for any charges under Section 13.06 as maybe appropriate. For unmetered users of the sewerage system the following table shall be used to determine the Residential Equivalent Connection (REC) or estimated gallons of wastewater discharged to the sewerage system except as provided for in Section 13.13.

<u>RESIDENTIAL USERS</u>	<u>REC</u>
Condominium	1.0
Single family home	1.0
Duplex	2.0
Multiple Family (2 bedrooms or less)	0.75/unit

For unmetered commercial and industrial users of the sewerage system their wastewater flow shall be determined by the Village Engineer based upon evidence of usage from a previous location when relocating to Sussex, similar uses in the Village of Sussex or surrounding communities, previous usage in Sussex, expected increased usage based upon expansion, or any other information to determine the actual flow likely to be used by the operation. The REC may be determined by dividing the wastewater flow obtained from the table by the flow of the average residential user. The minimum REC for any account shall not be less than 1.00 REC (outside of a multiple family with less than 2 bedrooms where each unit is separately billed). Upon completion of the REC computations all REC's will be rounded to the nearest 0.25 REC.