

# CHAPTER 13

## MUNICIPAL UTILITIES

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**SUBCHAPTER I: INTRODUCTION**

This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Frederic. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, 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 wastewater discharged into the Village sewerage system. This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the settling of charges and fees, and the issuing of permits to certain users. Revenues derived from the applications of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater 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. This Ordinance shall supersede any previous Ordinance, rules, or regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

**SUBCHAPTER II: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms in this Ordinance shall be as follows:

(1) Ammonia nitrogen (NH<sub>3</sub>-N). One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of Ammonia nitrogen shall be made in accordance with procedures set forth in "standard methods" of Chapter NR 149 of the Wisconsin Administrative Code.

(2) Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".

(3) Building sewer. A sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection with a community sewer or interceptor.

(4) Carbonaceous biochemical oxygen demand (CBOD). The quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20 degrees Centigrade when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.

(5) Combined sewer. A sewer designed to receive or receiving both wastewater and storm or surface water.

(6) Commercial user. Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic wastewater.

(7) Commission. The Wisconsin Public Service Commission.

(8) Communities served. Any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system.

(9) Compatible pollutants. Biochemical oxygen demand, suspended solids, phosphorus, ammonia, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

(10) DNR. Wisconsin Department of Natural Resources.

(11) Domestic wastewater; normal domestic strength wastewater. Water carried wastes normally discharging into the sanitary sewers from dwellings (including apartment houses and condominiums) and commercial establishments, free from storm water and industrial waste. Domestic wastewater shall have a strength equal to or less than 200 mg/l BOD<sub>5</sub>, 250 mg/l suspended solids, and elemental phosphorus equal to or less than 12 mg/l.

(12) EPA. The federal Environmental Protection Agency.

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

(14) Flow proportional sample or composite sample. A sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

(15) Garbage. The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

(16) Holding tank waste. The scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks, and other temporary holding facilities; and shall include wastes from a soil absorption field. Such term is synonymous with the term "septage". The term does not include the waste from a grease trap.

- (17) Incompatible pollutant. Any pollutant that is not a compatible pollutant.
- (18) Industrial discharge or 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 user, including but not limited to cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater that is not sanitary sewage.
- (19) May. Permissible.
- (20) Municipal wastewater. The wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institution, together with any groundwater, surface water, and storm water that may have entered inadvertently the sewerage system. Also termed "sewage".
- (21) Municipal water system. A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district, or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (22) Noncomplying. A well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
- (23) Parts per million. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million U1V gallons of water.
- (24) Person. Any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.
- (25) Private sewer. A sewer serving two or more buildings and not directly controlled by a public authority.
- (26) Public sewer. A sewer owned and maintained by a municipality, governmental agency or public utility.
- (27) Pump installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.
- (28) Residential user. Any user whose premises are used primarily as a domicile for one of more persons and discharges only domestic wastes, but not including dwellings classified as "Commercial User"
- (29) Sanitary sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (30) Septage. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (31) Served by. Any property having a water supply pipe extending onto it which is connected to the municipal water system.
- (32) Sewer. A pipe or conduit that carries wastewater or drainage water.
- (33) Shall. Mandatory.
- (34) Slug load. Any substance release at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (35) Suspended solids (SS). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, as EPA otherwise determines.
- (36) Total Kjeldahl nitrogen (TKN). The quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (37) Total phosphorus (TP). The quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (38) Unsafe well or pump installation. One which produces water which is contaminated with bacteria or with other substances exceeding the drinking water standards of chapter s. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

**SUBCHAPTER III: GENERAL PROVISIONS**

**13.01 MANAGEMENT OF UTILITIES.** (1) VILLAGE BOARD RESPONSIBLE. The Village Board shall manage, operate and control the Frederic Water Utility and the Frederic Wastewater Utility.

(2) SUPERVISION. The Director of Public Works shall have charge of the wells, pumping stations, transmission and distribution lines, tanks, service and meters, wastewater system and such other work as the Village Board may direct.

**13.02 APPLICATION.** The application of this chapter and its rules, regulations and rates shall apply to all persons residing within the corporate limits of the Village and any person by attachment to the wastewater system or otherwise by contract or agreement coming within the Village sewer and water service area subsequent to the effective date hereof and all entities hauling wastes or trucking wastes and discharging to the wastewater system.

**13.03 UTILITY RECEIPTS AND EXPENDITURES.** (1) RECEIPTS. All utility receipts shall be collected by the Utility Secretary. Delinquent sewer and water charges shall be collected pursuant to the provisions of §§66.0821, 66.0809, 66.0811 and 66.0813, Wis. Stats.

(2) EXPENDITURES. The Treasurer shall pay all utility expenditures, as provided in §66.0607, Wis. Stats.

**13.04 CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES.** The construction and maintenance of all wastewater and water facilities of the Village shall conform to standards and requirements established by the Director of Public Works in accordance with and provisions of the latest editions of "Standard Specifications for Sewer and Water Construction in Wisconsin," which are adopted by reference and made a part of this chapter.

**13.05 UTILITY METERS.** (1) METER FINANCING. The basic water supply meter and anything incidental to reading the usage shall be the property of and be supplied by the Village. The basic water supply meter and incidental equipment shall be installed according to Village requirements.

(2) SEWER DEDUCT METERS. Sewer discharge meters may be installed to meter water that is used outside and that does not enter the sewer collection system.

(a) The sewer deduct meter shall be supplied by the Village with any incidental equipment required for reading the usage. The cost of the sewer deduct meter shall be charged as a part of the service and the cost shall be borne by person applying for the meter, at the time of application for the deduct meter. The deduct meter is only required if a user wishes to deduct the volume of water that does not enter the sewer system from the sewer charge calculation.

(b) All costs associated with the sewer deduct meter purchase, installation and maintenance will be the responsibility of the person applying for the meter. A member of the Public Works Department must inspect installation of the meter before first use. Refer to sewer deduct policy.

**13.06 to 13.10 RESERVED.****SUBCHAPTER IV: FREDERIC WATER UTILITY**

**13.11 RULES AND REGULATIONS.** (1) GENERAL. The rules and regulations governing the operation of the Frederic Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

(2) OPERATING RULES. (a) All persons now receiving water service from the Utility or who may hereafter make application therefore shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission.

(b) The applicable provisions of Wis. Adm. Code PSC 185 relating to water service are hereby adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this subchapter.

**13.12 WATER MAIN TAPPING PERMIT REQUIRED.** No person shall hook up to the Village water system until a tapping permit is obtained from the Director of Public Works.

**13.13 SEPARATE CONNECTION REQUIRED.** Each principal building served by the Utility shall have a separate and independent water service from the public main.

**13.14 CROSS-CONNECTION TO WATER SERVICE.** (1) DEFINED. A cross-connection shall be defined as any physical connection or arrangement between 2 otherwise separate systems, one of which contains potable water from the Village 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 2 systems.

(2) CROSS-CONNECTION AND INTERCONNECTION RESTRICTED. No person shall establish or maintain 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 may enter the supply or distribution system of the Village unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility Administrator and by the state Department of Natural Resources in accordance with Wis. Adm. Code NR 811.25(3).

(3) DUTY TO INSPECT. It shall be the duty of the Utility Commission to cause inspections to be made of all properties served by the public water system where cross-connections with the public water systems are possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Commission and as approved by the Wisconsin Department of Natural Resources.

(4) **RIGHT OF ENTRY.** Upon presentation of credentials, the representative of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under §66.0119, Wis. Stats. 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.

(5) **ENFORCEMENT.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures necessary to eliminate danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under ch. 6 of this Code, except as provided in sub. (6) below. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

(6) **EMERGENCY DISCONTINUANCE.** If it is determined by the Director of Public Works that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under ch. 6 of this Code within 10 days of such emergency discontinuance.

(7) **STATE CODE ADOPTED.** The State Plumbing Code, Wis. Adm. Code COMM 62, is hereby adopted by reference.

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

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

(3) **WELL ABANDONMENT REQUIRED.** All wells on premises served by the municipal water system shall be properly filled-and-sealed in accordance with Section 6 of this ordinance no later from 1 year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by the Village of Frederic under terms of Section 5 of this ordinance.

(4) **WELL OPERATION PERMIT.** Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 1 year after connection to the municipal water system or date of discovery or construction of a well. The Village of Frederic shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Frederic or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

(A) The well and pump installation shall comply with the *Standards for Existing Installations* described in s. NR 812.42, Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Clerk.

(B) The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least 1 coliform bacteria sample collected within prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

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

(D) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

(E) The private well shall have a functional pumping system or other complying means of withdrawing water.

(F) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(5) WELL FILLING-AND-SEALING PROCEDURES. (A) All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of s. NR 812.26, Wisconsin Administrative Code.

(B) All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of, a Certified Water System Operator employed by the Village of Frederic or by a Wisconsin licensed Well Driller or Pump Installer, per s. 280.30 Wisconsin Statutes.

(C) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and] shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

(D) A well filling-and-sealing report form DNR#3300-005, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within 30 days of the completion of the well abandonment.

(6) PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$50.00 nor more than \$1000.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

**13.16 RESTRICTED USE OF WATER DURING EMERGENCIES.** (1) **LAWN SPRINKLING RESTRICTIONS.** The Village President may impose mandatory lawn sprinkling restrictions on all water users in the Village in order to avoid undue stress upon the resources and reserve capacity of the Water Utility. The restrictions may apply to all properties or to alternate sides of the street as deemed necessary. Alternate side restrictions would apply to even numbered sides of the street on even numbered calendar days and odd numbered sides of the street on odd numbered calendar days, respectively. Restrictions may be for all day or for specified times each day. Separate restrictions for water gardens, trees, bushes, flowers, etc., may be imposed by the Village President when and if necessary.

(2) **COMPLIANCE WITH RULES AND REGULATIONS REQUIRED.** Except as provided in sub. (3) below, it shall be unlawful for any person to use or allow water to be used in any fashion contrary to the rules and regulations issued under this section.

(3) **EXCEPTIONS.** Persons having newly seeded or sodded lawns are exempt from the provisions of this section, upon approval of the Director of Public Works.

**13.17 to 13.19 RESERVED**

**13.20 PENALTY.** Any person who shall violate any of the provisions of this subchapter or rules or regulations of the Village or who shall connect a service pipe without first having obtained a permit therefore or who shall violate any provisions of the Wisconsin Statutes, the Wisconsin Administrative Code or any other materials which are incorporated by reference shall, upon conviction, forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This shall not bar the Village Board from enforcing the connection duties required by law. The Utility shall have the right of recovery from all persons any expense incurred by the Utility for the repair or replacement of any water pipe, curb stop, gate valve, hydrant or valve box damaged in any manner by any person by the performance of any work under its control or by any negligent act. Owners or operators of motor vehicles shall be held liable for the cost of repair of any hydrant damaged by them and the Utility shall not be responsible for the damage to the motor vehicle by reason of such accident.

**SUBCHAPTER V: WASTEWATER UTILITY**

**13.21 INTRODUCTION AND GENERAL PROVISION.** This chapter regulates the use of public and private sewers and drains, discharge of septage into the public wastewater system, and the discharge of waters and wastes into the public wastewater systems within the Village. It provides for uniform requirements for discharges into the wastewater collection and treatment system and enables the Village to comply with administrative provisions and other discharge criteria which are required or authorized by State or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village wastewater system and the issuing of permits to certain users. If there is any conflict between this subchapter and any applicable State Statute, the Statute shall be controlling.

**13.22 USER RULES AND REGULATIONS.** The rules, regulations and Wastewater Utility rates of the Village shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village wastewater system or wastewater treatment facility and every such person, company or corporation by connecting with the wastewater system or wastewater treatment facility shall be considered as expressing their assent to be bound thereby. The following rules and regulations for the government of licensed plumbers, wastewater system users and others are hereby adopted and established.

(1) **PLUMBERS.** No plumber, pipefitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the wastewater system without first receiving a license from the State and obtaining a permit from the Director of Public Works. All service connections to the sewer main shall comply with the State Plumbing Code.

(2) **MANDATORY HOOKUP.** (a) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended shall connect to such system within 365 days of notice in writing from the Village Board. Upon failure to do so, the Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property. However, the owner may, within 30 days after the completion of the work, file a written option with the Board stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed 10 equal installments and that the amount shall be so collected with interest at the current rate from the completion of the work, the unpaid balance being a special tax lien, all pursuant to §144.06, Wis Stats.

(b) The Village Board has determined that the failure connect to the wastewater system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort and safety of the Village.

(3) **SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the Village serviced by its wastewater system are hereby declared to be a public nuisance and a health hazard. From and after the effective date of this subchapter, the use of septic tanks, holding tanks or any private sewage disposal system within the area of the Village serviced by the wastewater system shall be prohibited.

(4) **APPLICATION FOR WASTEWATER UTILITY SERVICE.** (a) Every person desiring to connect to the wastewater system shall file an application in writing to the sss on such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the wastewater system of the Village are referred to herein as "users".

(b) If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application. If the Village approves the application, it shall issue a permit for services as shown on the application.

(5) **HOLDING TANK DOMESTIC WASTE.** Owners of self-contained recreational vehicles may dispose of the vehicle's domestic holding tank waste by obtaining a permit from the Village Board to dump said waste at a designated dumping station directed by the Director upon the payment of a fee. See the Village Fee Schedule in the office of the Clerk. No septage disposal is permitted.

(6) CONNECTION CHARGE. Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.

(7) TAP PERMITS. After sewer connections have been introduced 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 exhibits the proper permit for the same from the Director of Public Works.

(8) USERS 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 for the wastewater system.

(9) BACKFLOW PREVENTOR. All floor drains in residences and businesses constructed after the effective date of the adoption of this Code shall have a back-flow prevention valve installed at the owner's expense.

(10) USER USE ONLY. No user shall permit other persons or other services to connect to the wastewater system through his lateral.

(11) USER TO PERMIT INSPECTION. Every user shall permit the Director of Public Works, or a designated Public Works employee, 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, all in accordance with this subchapter and §196.171, Wis. Stats.

(12) UTILITY RESPONSIBILITY. 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 from the main to the building 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 be come necessary to shut off the sewer within any district of the village, the Director of Public Works shall, if practicable, give notice to each and every consumer affected of the time when such service will be shut off.

(13) EXCAVATIONS. (a) In making excavations in streets for highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public.

(b) 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 shall be maintained at such excavations.

(c) In refilling the opening, after the service pipes are laid, granual fill shall be laid in layers of not more than 9 inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good as before is was disturbed and satisfactory to the Director of Public Works. No opening of the streets for tapping the pipes shall be permitted when the ground is frozen.

(14) TAPPING MAINS. (a) No persons, except those having special permission from the Village Board 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 Plumbing Inspector to ensure that new sewers and connections to the wastewater system are properly designed and constructed.

(b) Pipes should always be tapped on top and not within 6 inches of the joint or within 24 inches of another lateral connection. All service connections to mains shall comply with the State Plumbing Code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.

(15) INSTALLATION OF HOUSE LATERALS. (a) All service pipes (laterals) on private property shall be installed in accordance with Wis. Adm. Code COMM 82, "Design, Construction, Installation, Supervision and Inspections of Plumbing," especially Sec. 82.04, "Building Sewers."

(b) As required by Wis. Adm. Code COMM 82.04(5), all laterals shall 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."

(16) EXTENSIONS. The Village Board shall extend sewer main to a new user in accordance with the following charges and conditions: (a) When an extension of a sewer main is required by the prospective user, said person shall make an application on such a form as is prescribed for that purpose for such an extension, in writing, to the Village Board by filing of such an application. The Director of Public Works shall first determine the logical location of the newxt manhole or manholes. Next, the Director 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 extensions shall be constructed in compliance with local and State laws, ordinances and regulations.



(b) The person who requests the extension shall either be assessed pursuant to sec. 8.08 of this Code or charged pursuant to sec. 19.09 of this Code.

(c) In addition to the charge provided for in par. (b) above, each user shall pay the full cost of the lateral from the main to his building. The Village Board may also, at any time, establish or amend specific connection and lateral charges for any main not covered by other provisions in this subchapter or when the Village has made an extension and the user has failed to provide lateral or connection charges. It is further provided that the Board may amend or alter any connection or lateral charge after its establishment under the terms of this subchapter or previous ordinances or resolutions.

**13.23 REGULATIONS.** (1) GENERAL DISCHARGE PROHIBITIONS. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Village: (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the Village wastewater facility or wastewater treatment works. This includes but is not limited to gasoline, naphtha, fuel oil, lubricating oil and benzene.

(b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or exceed the limitation set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the Toxic Pollutant List set forth in Wis. Adm. Code NR 215.

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

(f) Any substance which may cause the Village effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(g) Any substance which will cause the Village to violate its WPDES and/or other disposal system permits.

(h) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the Village treatment works resulting in interference, but, in no case, wastewater with a temperature at the introduction into the treatment works which exceeds 104°F.

(j) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the treatment works.

(k) Any unpolluted water including, but not limited to, noncontact cooling water.

(l) Any wastewater containing any radioactive waste or isotopes of such half life or concentration as exceed limits established by the Village Board in compliance with applicable State or Federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any storm water, surface water, ground water, roof run—off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Director of Public Works.

(o) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(p) Any septage into a sewer manhole or any storage area located in the collection system, which would cause the septage to be delivered to the wastewater treatment facility.

(q) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.

(r) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.

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

(t) Wastewater containing more than 300 mg/L of oil or grease of animal or vegetable origin.

(u) Wastewater containing polychlorinated biphenyls.

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

(w) No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the Village's WPDES permit and any modification or reissuance thereof.

(2) LIMITATIONS ON WASTEWATER STRENGTH. (a) *National Categorical Pretreatment Standards.* National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.

(b) *State Requirements.* State requirements and limitations on discharges to the treatment works shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.

(c) *Right of Revision.* The Village Board reserves the right to amend this subchapter to provide for more stringent limitations or requirements on discharges to the treatment works where deemed necessary to comply with the objectives set forth in this subchapter.

(d) *Dilution.* No discharger shall increase the use of potable or process water in any way nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this subchapter.

(e) *Supplementary Limitations.* The Village Board reserves the right to set discharge wastewater concentrations and/or mass limitations on a case by case basis. The Board may impose mass limitations on dischargers who are using dilution to meet the pretreatment standards or requirements of this subchapter or in other cases where the imposition of mass limitations is deemed appropriate by the Village Board.

(f) *Accidental Discharges.* Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this subchapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide his protection shall be submitted to the Village Board for review and shall be approved by the Board before construction of the facility. Review and approval of such plans and operating procedures by the Board shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this subchapter. Dischargers shall notify the Board immediately upon the occurrence of a slug-load or accidental discharge of substances prohibited by this subchapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug-load of prohibited materials shall be liable for any expense, loss or damage to the Village wastewater facilities or wastewater treatment works in addition to the amount of any forfeitures imposed on the Board on account thereof under State or Federal law. Signs shall be permanently posted in conspicuous places on discharger's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

**13.24 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES.** (1) INDUSTRIAL DISCHARGES. If any waters, wastes or septage are discharged or proposed to be discharged to the public wastewater system contain substances or possess the characteristics enumerated in sec. 13.23 of this subchapter and which, in the judgement of the Village Board, may be detrimental to the wastewater system, the Village Board may:

- (a) Reject the wastes, or
- (b) Require pretreatment to an acceptable condition for discharge to the wastewater system, or
- (c) Require a control over the quantities and rates of discharge, or
- (d) Require payment to cover the added cost of handling and treating the waste.

(2) 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 their waste, including domestic sewage.

(b) Control manholes or access facilities shall be located and built in a manner acceptable to the Director of Public Works. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Engineer.

(c) Control manholes, access facilities and related equipment shall be installed by the person discharging the industrial waste, at his expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible and in property operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Director of Public Works prior to the beginning of construction.

(3) MEASUREMENT OF FLOW. The volume of flow used for computing the sewer service and the cost recovery charges for non-septage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility.

(4) PROVISION FOR DEDUCTIONS. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Director of Public Works that more than 10% of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.

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

(6) WASTE SAMPLING. (a) Industrial wastes and septage discharge into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of said waste at least quarterly. The determinations shall be required by the Director of Public Works.

(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 Director of Public Works. A minimum of a least quarterly sampling shall be necessary to determine wastewater service charges.

(c) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Village board or its 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.

(7) PRETREATMENT. When required, in the opinion of the village Board, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater system, the discharger shall provide, at his expense, such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(8) GREASE AND/OR SAND INTERCEPTORS. All users served by the Utility shall require the installation of grease, oil, and sand interceptors at repair garages, gasoline stations, car washes, and other industrial or commercial establishments, where necessary in the opinion of the Director to prevent discharge of sand, flammable wastes, oil, or grease in amounts exceeding the limits specified. Depending on the type of industry, monthly monitoring may be required. No industry shall be monitored less than quarterly. Monitoring shall be done so the industry will be properly billed for sewer use charges. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. All such traps shall be constructed and maintained by the user at his expense, in accordance with the Wisconsin Plumbing Codes and the specifications of the municipality and shall be readily accessible for cleaning and inspection. In maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director of Public Works. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(9) ANALYSES. (a) All measurements, tests and analyses of the characteristics of water, waste and septage to which reference is made in this subchapter shall be determined in accordance with the latest edition of "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 Director of Public Works.

(b) Determination of the character and concentration of the industrial waste shall be made by the person discharging it or their agent, as designated and required by the Village Board. The Board 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 contest the determination, the Board may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under Wis. Adm. Code NR 149 and be acceptable to both the Board and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(10) **SUBMISSION OF INFORMATION.** Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Director of Public Works prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(11) **SUBMISSION OF BASIC DATA.** Within 3 months of the effective date of this subchapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Director of Public Works a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater system. Similarly, each person desiring to make a new connection to the public sewer for the purpose of discharging industrial wastes shall prepare and file with the Director a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(12) **EXTENSION OF TIME.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village Board.

**13.25 WASTEWATER SEWER CHARGES AND FEES.** The wastewater charges and fees are incorporated in the Village Fee Schedule on file in the office of the Clerk.

**13.26 to 13.29** (Reserved)

**13.30 VIOLATIONS AND PENALTIES.** (1) **DAMAGES.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment which is a part of the wastewater system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(2) **WRITTEN NOTICE OF VIOLATION.** (a) Any person connected to the wastewater system found to be violating a provision of this subchapter shall be served by the Director of Public Works with a written notice stating the nature of the violation and providing a reasonable time for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any licensed disposer discharging to the wastewater system found to be violating a provision of this subchapter of any conditions of the village board approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and shall state the reasons for revoking the septage disposal approval.

(3) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater system which cause damage to the wastewater system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which shall be established by the Village Board.

(4) **CONTINUED VIOLATIONS.** Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than \_\_\_\_\_ dollars, (\$\_\_\_\_\_), together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

**LIABILITY TO VILLAGE OF FREDERIC FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to the Village of Frederic for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

**DAMAGE RECOVERY.** The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

**PENALTIES.** Any person who shall violate any of the provision of this Ordinance or rules or regulations of the Village of Frederic or who shall connect a service pipe or discharge without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \_\_\_\_\_ nor more than \_\_\_\_\_ and the costs of prosecution. This, however, shall not bar the Village of Frederic from enforcing he connection duties set out in Section 13.22 (2) for mandatory hookup.