

CHAPTER 22

SEWER UTILITY

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22.01 INTRODUCTION AND GENERAL PROVISIONS

- (a) **INTRODUCTION.** This Chapter regulates the use of private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the Village of Pulaski. 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, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sanitary sewer system.
- (b) **PURPOSES.** This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Chapter shall be used to defray the Village's 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 Chapter shall supersede any previous Village Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable Statute, the State Statute shall be controlling.

22.02 DEFINITIONS

- (a) **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
- (1) **"Approving Authority"** shall mean the Village Board of the Village of Pulaski, or its duly authorized committee, agent or representative.
 - (2) **"Biochemical Oxygen Demand (BOD)"** shall mean 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 Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from oil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
 - (4) **"Building Sewer"** shall mean the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.
 - (5) **"Compatible Pollutants"** shall mean biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.
 - (6) **"Debt Service Charges"** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection, treatment, and interceptor system.
 - (7) **"Equivalent Meter Charge (EMC)"** is a billing unit for allocating an equivalent meter charge for multiple users sharing a common meter. For the purpose of allocating an EMC, each residence, apartment, condominium, duplex unit, trailer, or commercial establishment sharing a common meter shall be assigned an EMC. Each user shall be assigned a minimum of one EMC which is equivalent to a 1-inch meter charge.
 - (8) **"Floatable Oil"** is 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 system.
 - (9) **"Garbage"** shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
 - (10) **"Ground Garbage"** shall mean the residue from the preparation,

cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.

- (11) **"Incompatible Pollutants"** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility, or that will pass through the treatment plant untreated.
- (12) **"Industrial Waste"** shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (13) **"Licensed Disposer"** shall mean a person holding a license under s. 146.20(3)(a), Wis. Stats.
- (14) **"Limited Service User"** (**"LSU"**) shall mean a person who discharges wastewater to the Pulaski Wastewater System but does not use the wastewater treatment facility.
- (15) **"Municipal Wastewater"** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (16) **"Natural Outlet"** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (17) **"Normal Domestic Strength Wastewater"** shall mean wastewater with concentrations less than 325 mg/L BOD, 325 mg/L suspended solids, 11 mg/L phosphorus, and 45 mg/L TKN.
- (18) **"Normal User"** shall be a user whose contributions to the wastewater treatment facility consist only of normal domestic-strength waste originating from a house, apartment, condominium, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
- (19) **"Operation and Maintenance Costs"** shall include all costs associated with the operation and maintenance of the wastewater collection, treatment, and interceptor facilities and those treatment charges to the Village by the GBMSD. These costs, including costs associated with extraneous (clear water) flows, shall be divided equitably among the various sewer users.
- (20) **"Parts Per Million"** shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (21) **"Person"** shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society,

- institution, enterprise, government agency, or other entity.
- (22) **"pH"** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in moles per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
 - (23) **"Public Sewer"** shall mean any sewer provided by or subject to the jurisdiction of the Village of Pulaski. It shall also include sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the Village's sanitary sewer system, even though those sewers may not have been constructed with Village funds.
 - (24) **"Replacement Costs"** shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the facilities.
 - (25) **"Sanitary Sewage"** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may be present.
 - (26) **"Sanitary Sewer"** shall mean 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.
 - (27) **"Septage"** shall mean 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.
 - (28) **"Service Pipes"** shall mean the building drain and all building sanitary sewer piping extending from the interior drain of the building to the sanitary sewer main.
 - (29) **"Sewage"** is spent water of a community. The preferred term is "municipal wastewater".
 - (30) **"Sewer Service Areas"** are the areas presently served and anticipated to be served by a sewage collection system. State regulations (NR 121.05) require that water quality management plans delineate sewer service areas for urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer service areas for communities under 10,000 population.
 - (31) **"Sewer Service Charge"** is a service charge levied on users of the wastewater collection treatment, and interceptor facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs associated with said facilities. This includes an equivalent meter charge (EMC) for users sharing a common meter.
 - (32) **"Sewer System"** means the common sanitary sewers within a

sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the sewerage system owner.

- (33) **"Sewerage System"** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (34) **"Shall"** is mandatory; "May" is permissible.
- (35) **"Slug Load"** shall mean any substance released at a discharge rate and/or concentration which causes interferences to wastewater treatment processes.
- (36) **"Standard Methods"** shall mean the examination and analytical procedures set forth in Federal Regulations 40 CFR Part 136.
- (37) **"Storm Drain"** (sometimes termed "storm sewer") shall mean drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- (38) **"Stormwater Runoff"** shall mean that portion of the rainfall that is drained into the sewers.
- (39) **"Suspended Solids"** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (40) **"Unpolluted Water"** is water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (41) **"Wastewater Facilities"** shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial wastes and septage and dispose of the effluent.
- (42) **"Wastewater Treatment Works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.
- (43) **"Watercourse"** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (44) **"Wisconsin Pollutant Discharge Elimination System (WPDES) Permit"**

is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for a municipal wastewater treatment facility.

22.03 MANAGEMENT, OPERATION AND CONTROL

- (a) **MANAGEMENT.** The management, operation, and control of the sewer and treatment system for the Village is vested in the Village Board; all records, minutes and all written proceedings thereof shall be kept by the Village Clerk.
- (b) **CONSTRUCTION.** The Village Board shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village Board shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Chapter, without liability therefore; and the Village Board shall have power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- (c) **MAINTENANCE OF SERVICES.** The individual property owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Village; except, for damage resulting from negligence on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any 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 sewer service shall be installed for each building.
- (d) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary for the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Village Board shall proceed with all necessary steps to acquire such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.
- (e) **TITLE TO REAL ESTATE AND PERSONAL PROPERTY.** All property, real, personal, and mixed, acquired for the construction of the sewer system; all plans, specifications, diagrams, papers, books and records connected with the said sewer system; and, all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.

22.04 USER RULES AND REGULATIONS

- (a) **GENERAL PROVISIONS.** The rules, regulations, and sewer rates of the Village hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer system, including LSUs, and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such orders as the Village may hereafter adopt, are violated, the use of service may be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and may not be re-established except by order of the Village Board and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The Village Board reserves the right to change the sewer user rules, regulations, and sewer rates from time to time as they may deem advisable; and, to establish special rates or enter into special contracts where necessary for the proper and efficient operation of the wastewater system.
- (b) **PLUMBERS.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village. All service connections to the sewer main shall comply with State plumbing code.
- (c) **USERS - MANDATORY HOOKUP.**
- (1) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human occupation 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. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such cost shall be assessed as a special tax lien against the property; however, the owner may within thirty (30) days after the completion of the work file a written option with the Village Board stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed ten (10) equal monthly installments and that the amount shall be so collected, with interest thereon at such rate per annum, as shall be established by the Village

Board, from the completion of the work on the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.

- (2) In lieu of the above, the Village Board at its option may:
 - a. Impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to the minimum quarterly charge for the sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06.
 - b. Commence court action to require connection to the Village sewers and for the Village costs associated therewith.
- (3) This Chapter ordains that the failure to connect to the sewer 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 residents and shall constitute a public nuisance.
- (d) **PRIVATE SYSTEMS PROHIBITED.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.
- (e) **APPLICATION FOR SEWER SERVICE.** Every person connecting with the sewer system shall file an application in writing to the Village Board in such form as is prescribed for that purpose. Applications will be furnished at the office of the Village Clerk. The application must state fully and truly all the contemplated uses which will be allowed except upon further application and permission regularly obtained from the Village Board. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village are referred to herein as "Users". If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village Board approves the application, it shall issue a permit for services as shown on the application.
- (f) **APPLICATION FOR SEPTAGE DISPOSAL.** Every licensed disposer wishing to discharge septage to the Village's wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Village Board in such amount and form as is prescribed for that purpose. Forms for such application will be furnished at the office of the Village Clerk. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed at the Village's wastewater treatment works. All Village approvals for septage disposal shall have the conditions that any time the wastewater treatment works has

operation problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal from outside of the septage service area until such time as corrective action or mitigative measures have been taken.

- (g) **LATERAL COSTS.** Persons attaching to a sewer main shall have the lateral from the sewer main installed at his or her own expense.
- (h) **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 Village Clerk.
- (i) **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 sewer system.
- (j) **BACKFLOW PREVENTOR.** All sewer service laterals for new connections shall have a backflow prevention valve of a type prescribed by the Village installed at the owner's expense.
- (k) **USER USE ONLY.** No user shall allow others or other services to connect to the sewer system through his or her lateral.
- (l) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Village Clerk must be notified in writing. The owner of the premises shall be liable for any damages which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents. Whenever a premises served by the system is to be demolished, the lateral located on the owner's property shall be removed and suitably capped at the property line at the owner's expense.
- (m) **USER TO PERMIT INSPECTION.** Every user shall permit the Village Board 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, all in accordance with this Chapter and applicable state statutes and codes.
- (n) **UTILITY RESPONSIBILITY.** The Village shall not be liable or responsible for any losses or damages associated with or by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor, from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The Village reserves the right to cut off or suspend the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off or suspend sanitary sewer service within any portion of the Village, the Village

Clerk shall, if practicable, give notice to each and every consumer within the Village, of the time when such service will be shut off or suspended.

(o) **EXCAVATIONS.**

- (1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (2) No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.
- (3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel, and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village Board.

(p) **TAPPING THE MAINS.**

- (1) No person, 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 permits or order from the Village Board to ensure that new sewers and connections to the sewer system are properly designed and constructed.
- (2) Pipes should always be tapped on a 45-degree angle from a horizontal plane, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Service connections to an existing sewer main shall be made by means of a saddled "Y" or specially adapted "T".

(q) **INSTALLATION OF HOUSE LATERALS.** All service pipes (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing," especially, Section ILHR 82.04 "Building Sewers". The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe (the "laterals") and before backfilling and tested before or after backfilling.

(r) **EXTENSIONS.** The Village may extend sewer mains to a prospective user in accordance with the following charges and the following conditions:

- (1) When an extension main is required by the prospective user, said person shall make an application for such an extension in writing to the Village Board by filing a written application for the same with the Village Clerk. After the filing of such an application, the Village Engineer shall determine the location of the next manhole or

manholes and shall design the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area and obtain all local and state approvals. 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.

- (2) The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among all such users, as they mutually agree to or as shall otherwise be determined and assessed by the Village.
 - (3) Upon such other conditions as the Village may reasonably require.
- (s) **SEPTAGE ACCEPTANCE LOCATION.** Septage shall only be discharged to the Village sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Village Board. Septage discharges to the Village's septage holding facility at the wastewater treatment facility shall be limited to the posted normal working hours of the facility.
- (t) **ADDITIONAL AUTHORITY.** The Village may at any time establish specific connection charges for any main not covered by any other provisions in this Chapter. It is further provided that the Village may amend or alter any connection charge after its establishment under the terms of this Chapter or previous Ordinance or Resolution.

22.05 USE OF THE PUBLIC SEWERAGE SYSTEM

- (a) **PROHIBITIONS AGAINST DISCHARGE.** No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any Village sanitary sewer or the wastewater treatment facility:
- (1) Any stormwater, surface water, groundwater, roof run-off or sub-surface drainage or any other unpolluted water to the sanitary sewer without permission from the Village. Such waters shall be discharged to a storm sewer or other waterway with permission of the Village.
 - (2) Wastewater with a closed cup flashpoint of less than 140°F. This includes any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.
 - (3) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes,

which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.

- (4) Any waters or wastes having a pH lower than 5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel or the wastewater facility.
- (5) Any waters or wastes having a pH in excess of 9.
- (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Any discharge into the sanitary sewerage system that is in violation of the requirements of the GBMSD's ordinances, WPDES permit, and the modifications thereof.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit or that will cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (9) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease. Furthermore, all restaurants are required to install and maintain grease interceptors as defined in §22.07(f) of this Chapter and in accordance with the Wisconsin Plumbing Code.
- (10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (11) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the Village for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Village.
- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
- (14) Quantities of flow, concentrations, or both which constitute a slug

load as defined herein.

- (15) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (16) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause:
 - a. Unusually high BOD₅, chemical oxygen demand or chlorine requirements, such as, but not limited to, whey in such quantities as to constitute a significant load on the wastewater treatment facility.
 - b. Unusual flow or concentrated wastes constituting a slug load as defined herein.
 - c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (b) **SEPTAGE DISPOSAL.** No person or licensed disposer shall dispose of septage (holding tank or septic tank waste) into any storage area or sewer manhole located within the Village without written approval of the Village Board.
- (c) **SPECIAL AGREEMENTS.** No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facility by reason of the admission of such wastes and no extra costs are incurred by the Village.
- (d) **PERMIT REQUIRED.** It shall be unlawful to discharge to any natural waterway within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- (e) **ADDITIONAL PROVISIONS RELATED TO LIMITED SERVICE USERS.** In addition to all other applicable provisions of this Chapter, LSUs shall be further responsible for the following:
 - (1) LSUs must enter into a Special Agreement with the Village prior to any discharges to the wastewater system which discharge agreement

shall establish the maximum wastewater characteristics applicable to the LSU's discharge.

- (2) LSU discharges shall not be discharged to the Village's aerated lagoon and shall not received pretreatment from the Village.
- (3) LSU shall be responsible for any pretreatment of their wastewater required to meet established wastewater characteristics as well as all other permits or agreements necessary for discharge to the GBMSD system.
- (4) LSU discharges must pass through a metering station prior to discharge to the Village wastewater system, which metering station shall be constructed by the LSU to Village specifications at the LSU expense.
- (5) LSU shall be responsible for and pay all costs and associated with their limited use of the Village wastewater system including administrative costs, GBMSD charges, and any additional costs incurred by the Village as a result of the discharge.

22.06 SEWER USER CHARGE SYSTEM

- (a) **POLICY.** It is the policy of the Village Board to obtain sufficient revenues to pay the debt service costs and the costs of the operation, maintenance and replacement of the sewerage facilities through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage facilities pays a proportionate share of the cost of such facilities.
- (b) **REASSIGNMENT OF SEWER USERS.** The Village will reassign sewer users into appropriate Sewer Service Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- (c) **USER CHARGE METHODOLOGY.** The following methodology shall be used to calculate the debt service and Operation and Maintenance Costs and Replacement Cost charges for the treatment of Village and outside wastewaters:
 - (1) Debt Service Charges
 - a. Village and Outside Users. The Village and outside users portion of the debt service cost shall be paid by a combination of advalorem taxes and user charges. The debt service costs for the 1993-1994 treatment system improvements shall be paid on a unit cost basis proportionate to flows and loadings. This shall be calculated by allocating the debt service costs to the various loading parameters and dividing this cost by the annual design loadings for each parameter. The remaining debt from

the original plant and improvements shall be paid by advalorem taxes.

(2) User Charge

a. Village Users. Operation and Maintenance Costs and Replacement Cost charges for the collection, treatment, and interceptor facilities shall be segregated into "fixed costs", being those costs that are independent of volume and strength parameters, and "variable costs", those costs that are volume and strength related. Those costs shall be determined on:

1. The "fixed costs" shall be paid for by a base meter charge imposed upon all connections to the system. The annual base meter charge shall be as follows:

$$\text{BMC} = \frac{\text{FC}}{\text{EM}}$$

Where:

BMC = Annual Base Meter Charge (BMC) for a 1-inch Equivalent Water Utility Meter (Also includes an equivalent meter charge (EMC) for multiple users connected to a common meter)

EM = Total Number of 1-inch Equivalent Meter Units Discharging to the Sewer System

FC = Annual Fixed O, M & R Cost for the Sewerage System

2. The "variable costs" shall be paid by all customers on the basis of a cost per 1,000 gallons of usage. The "variable costs" shall be allocated to the respective billing parameters; flow, BOD, SS, P, and TKN. This allocated cost is then divided by the total annual loadings to obtain the unit cost per billing parameter.

3. These unit costs are then applied to "normal users" on the basis of a cost per 1,000 gallons of metered water use or wastewater discharged at a strength of 325 mg/L BOD, 325 mg/L SS, 11 mg/L P, and 45 mg/L TKN. High strength dischargers shall pay a surcharge per pound for wastes exceeding those concentrations.

b. Outside Users. In addition to the unit costs paid by all Village and industrial users, outside users will be required to pay a "fixed charge" equivalence. The additional fixed charge equivalence shall include all fixed costs paid by Village users.

These fixed costs shall be allocated to the various billing parameters and divided by annual usage to obtain unit costs. The unit costs for outside users shall be paid on a cost per 1,000 gallons of unsewered waste. The base charge shall be based on domestic strength waste (325 mg/L BOD, 325 mg/L SS, 11 mg/L P, 45 mg/L TKN). A surcharge rate shall be charged on the basis of waste strength in excess of domestic strength Waste. The concentration of wastes used for computing surcharges shall be established by waste sampling. Such sampling shall be performed as often as necessary by the Village and shall be binding as a basis per surcharge.

- c. Limited Service Users. The user charge of an LSU shall include treatment charges imposed by GBMSD for the discharge loadings, a charge for the transportation system, administrative costs and any additional cost incurred by the Village as a result of the receipt of the LSU's wastewater discharge.
- (d) RESERVED
- (e) The sewer service rate charge for the Pulaski Sewer Utility shall be \$3.90 per 1000 gallons of metered water or wastewater discharge. Future sewer service rate charges may be made by the Village Board by resolution after a public hearing thereon and after publication as a Class I notice, pursuant to Chapter 985, Wis. Stats., of any new approved rate. The approved rate increase notice shall also be mailed to all users prior to the effective date of the rate increase. (*Ord. No. 499-2011*)

22.07 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES

- (a) **INDUSTRIAL DISCHARGES**. If any waters or wastes are discharged, or proposed to be discharged to the public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in §22.05 and which, in the judgment of the Village, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Village may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require a control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §22.06.
 - (5) Classify the industrial discharger as a Limited Service User under the provisions hereof.

- (b) **CONTROL MANHOLES.** Each discharger of industrial wastes into a public sewer, including LSUs, shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of such wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board. Control manholes, access facilities, and related equipment shall be installed by the industrial waste discharger, at its expense, and shall be maintained by the waste discharger so as to be in safe condition, accessible, and in proper operating condition at all times. Plans and specifications for installation of the control manholes or access facilities and related equipment shall be approved by the Village Board prior to construction.
- (c) **METERING OF WASTE.** Devices for measuring the volume of waste discharged may be required by the Village if such volume cannot otherwise be estimated. Where required by the Village, 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 prior written consent of the Village.
- (d) **WASTE SAMPLING.** Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or licensed disposer as often as may be deemed necessary by the Village. 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 Village. Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Village. Access to sampling locations shall be granted to the Village or its duly authorized representative 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.
- (e) **PRETREATMENT.** Industrial dischargers, including LSUs, shall adhere to the pretreatment requirements of the GBMSD as contained in the GBMSD Sewer Use Ordinance. When required to modify or eliminate wastes that are harmful to the structures, processes, or operation of the Village's sewerage system, the interceptor sewer, or the GBMSD sewerage system, the discharger shall provide at its expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.
- (f) **GREASE AND/OR SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the

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 Village. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.

- (g) **ANALYSES.** All measurements, tests, and analyses of the characteristics of waters, wastes, and septage to which reference is made in this Chapter shall be determined in accordance with Federal Regulations 40 CFR Part 135. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village. Determination of the character and concentration of the industrial wastes shall be made by the discharger or the discharger's agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the discharger contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the discharger. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
- (h) **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 Village prior to the start of any construction if the effluent from such facilities is to be discharged into the public sewers.
- (i) **SUBMISSION OF BASIC DATA.** Industries desiring to make a new connection to a public sewer for the purpose of discharging industrial process wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (j) **EXTENSION OF TIME.** When a proposed discharger can demonstrate that circumstances exist which would create an unreasonable burden to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the Village Board.

22.08 PAYMENT OF CHARGES

- (a) **PAYMENT AND PENALTY.** The sewerage service charge shall be billed on a quarterly basis and shall be payable to the Village not later than 20 days after the date specified by the Village. A penalty of one percent per month shall be added to all bills not paid by the date fixed for final payment.
- (b) **CHARGES A LIEN.** All sewage charges shall be a lien upon the property

serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

- (c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Chapter shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with NR 162.11. Any surplus outside the purview of NR 162.11, in said account, shall be available for the payment of principal and interest on any bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness; and, the Village may resolve to pledge each surplus or any part thereof for any such purpose.
- (d) **EXCESS REVENUES.** Excess revenues collected for a user class will be applied to operation and maintenance costs attributable to that class for the next year.
- (e) **ANNUAL AUDIT.** The Village shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.

22.09 VIOLATIONS AND PENALTIES

- (a) **DAMAGES.** No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to liability for any and all resulting damage, loss or interruption of service caused by such action.
- (b) **WRITTEN NOTICE OF VIOLATION.** Any person connected to the sewerage system found to be violating a provision of this Chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this Chapter or of any conditions of the Village Board's 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.
- (c) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, as specified hereunder, be liable for all reasonable damages resulting therefrom.
 - (d) **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 shall, upon conviction thereof, forfeit not less than Twenty-Five dollars (\$25.00) nor more than Five Hundred dollars (\$500.00) per day of continued violation, together with the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense. Nothing in this ordinance shall preclude the Village of Pulaski from maintaining an appropriate action to prevent or remove a violation of any provisions of this ordinance.
 - (e) **LIABILITY FOR LOSSES.** Any person violating any provision of this Chapter shall become liable to the Village for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.
 - (f) **DAMAGE RECOVERY.** The Village shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.
 - (g) **PENALTIES.** Any person who shall violate any of the provisions of this Chapter or the rules or regulations contained therein, or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, with respect to use, operation, and maintenance of the system, shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 for each violation, together with the costs of prosecution. The provisions hereof shall not bar the Village from enforcing the mandatory hookup or any other rights or remedies which the Village may have at law or in equity. Each day in which said violation continues, shall be deemed a separate offense.
 - (h) **ADDITIONAL PENALTY PROVISIONS RELATED TO LIMITED SERVICE USERS.** In addition to all other penalty provisions under this Chapter, LSUs shall be subject to the following additional penalty provisions:
 - (1) Any violation of the maximum wastewater characteristics established for the LSU shall be subject to the penalty provisions of this Chapter as well as suspension or termination of service. For purposes of these provisions, a violation shall be considered to have occurred whenever the discharge rate to the wastewater system or the flow proportional sample results for any day exceeds the levels contained

in the Special Agreement between the Village and the LSU by ten (10%) percent or whenever the average monthly level for any discharge parameter established under that Special Agreement exceeds the level established under that Agreement by five (5%) percent.

- (2) Each violation of a specified loading or discharge level shall be considered a separate violation subject the penalty under this Chapter. All violations that occur or result from a discharge on a single day will be considered a single violation.
- (3) The minimum penalty for each LSU violation under this Chapter shall be \$1,000 per violation; provided, that any LSU discharge that results in an exceedance greater than fifty (50%) percent of the discharge parameter established under the Special Agreement shall result in a minimum penalty of not less than \$2,500. The penalties hereunder shall double for any violation of a specified loading or discharge level that occurs within thirty (30) days of a preceding violation. Three (3) violations hereunder within a thirty (30) day time period shall be grounds for termination of service. *(Ord. #434)*