

CHAPTER 13
MUNICIPAL UTILITIES
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MUNICIPAL WASTEWATER COMMITTEE

13.01 INTENT AND APPLICABILITY:

- (1) **Intent.** This ordinance establishes the terms for operation, management, and use of the Village of Ephraim's sewerage system and the management and discharge of septage within the Village boundaries. Except as provided herein, the ordinance shall be administered by the Village Wastewater Committee.
- (2) **Use of Revenues.** Revenues derived from wastewater collection and treatment shall be used to defray the costs of operating and maintaining the sewerage system and to provide funds for capital outlay, debt service, depreciation, and replacement of that system. The charges and fees charged for wastewater collection shall be established within the framework of the Wisconsin Statutes.
- (3) **Severability.** The invalidity of any section, clause, sentence, or provision in this Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.
- (4) **Applicability.** This chapter applies to all users of the sewerage system.

13.02 RESPONSIBILITIES AND POWERS:

(1) **Wastewater Committee:**

- (a) Composition. The Wastewater Committee shall consist of five members, appointed by the Village Board for a term of 5 years, beginning the first day of June. One member of the Wastewater Committee shall be a member of the Village Board. The terms of Committee members shall expire successively, on each year, on each succeeding first day of June. A person can be reappointed to the Committee but cannot serve more than two consecutive terms, either partial or full five years in duration. In case of vacancies and appointments to the Committee, the Board shall give first consideration to persons recommended by the Wastewater Committee.
- (b) Powers and Duties. The Wastewater Committee acts on behalf of the Board. The Committee has both the authority and direct responsibility to oversee wastewater operations on a routine basis and to implement and enforce this ordinance. The Wastewater Committee shall be responsible, in cooperation with a professional Plant Manager, for the daily operation of the sewerage system, and enforcement of septage management and disposal rules and policies within the sewer service area. Such authority includes but is not limited to, developing and recommending wastewater budgets and wastewater usage rates, seeking approval from the Board for expenditures not included in the approved budget(s), and hiring, managing, and compensating wastewater personnel. The Wastewater Committee shall participate with the Board in developing uniform policies pertaining to salaries and wages for employees. The Chairman of the Wastewater Committee or its representative shall present Committee recommendations regarding the establishing, altering, or enforcing of policies and ordinances to the Board, with final action remaining the responsibility of the Board. The Wastewater Plant Manager shall report to the Wastewater Committee and communicate with office staff as needed to ensure administrative and clerical support. The Chairperson of the Committee and/or the Plant Manager shall report to the Board

and shall maintain communication with Village office staff. The Committee shall have the power to enter upon any land for the purpose of enforcing this ordinance.

(c) Committee Process. The Committee shall meet at least monthly. The Committee shall choose from among their number a chairperson who will develop agenda and call meetings, ensuring that the Committee meets at least once a month. The member of the Board serving on the Wastewater Committee cannot serve as chairperson of the Committee. The Committee shall appoint a secretary to accurately record the proceedings of the Committee meetings. The Village Clerk shall provide accurate monthly sewerage system financial reports and shall keep all records, minutes, and written proceedings of the Committee and maintain such documents on file in the Administrative Office of the Village. The Village Treasurer shall keep financial records pertaining to the sewerage system. Sewerage system receipts shall be directed to the Village Treasurer. The Committee shall establish with the administrative office a procedure for communicating, on a regular basis, a record of accounts payable related to their activities.

(2) Village Board.

The Board has delegated primary responsibility for routine wastewater operations, septage management, and related enforcement activities to the Wastewater Committee. The Board shall review and approve proposed Wastewater Committee budgets and proposed wastewater usage rates, review Committee requests for expenditures not included in the Committee budget(s) and wages and benefits for wastewater personnel. Once a budget is in place, it is expected that the Board will support such agreed-upon expenditures.

13.03 DISCHARGE OF HOLDING TANK WASTEWATER AND SEPTAGE

(1) Acceptance Of Septage and Holding Tank Wastes.

Subject to rules established pursuant to this chapter and Wis. Stat. §281.49, as may be amended from time to time, the Village may accept holding tank wastewater and septage for treatment. The holding tank owner shall be responsible for arranging and paying for transport of such wastes by state-licensed haulers.

(2) Conditions Of Acceptance of Wastes at The Wastewater Treatment Plant.

- (a) Holding tank wastewater and septage shall be accepted only from state-licensed haulers.
- (b) Holding tank wastewater and septage shall be discharged to the sewerage system only at the wastewater treatment plant.
- (c) At the time and point of every discharge, the licensed hauler shall provide to the Village written documentation of the sources of each load by the name of the property owner, address, amount, source (holding tank, septic tank, etc.) and such other information as the Village may require. This documentation shall be signed by the driver and shall bind the driver, the employer of the driver, and/or the licensed hauler under whose license the driver works as to truthfulness.
- (d) The licensed hauler shall be responsible to pay the imposed charge for acceptance and treatment.
- (e) If any wastes are discharged or proposed to be discharged under this section to the sewerage system containing substances or characteristics enumerated in

§13.04 EMC and/or which in the judgment of the Village may have deleterious effects upon the sewerage system or receiving waters or which otherwise may create a hazard to life or health or constitute a nuisance, the Village may reject the wastes and/or may require a supplemental payment to cover the added cost of handling and treating the wastes and may require payment to cover the cost of additional sampling or testing.

- (f) The discharge approval granted under §13.03(3)(a) EMC for any licensed hauler found to violate a provision of this chapter or of any pertinent Village administrative order in the course of handling, hauling, or discharging wastes within the Village may be terminated upon written notice by the Village.

(3) Licensed Hauler Requirements.

- (a) Pursuant to Wis. Stat. §281.49(5) as may be amended from time to time, all licensed haulers seeking to dispose of septage into the sewerage system shall apply for and obtain permission to dispose prior to September 1 of each year.
- (b) Any licensed hauler disposing of wastes into the sewerage system shall carry public liability insurance covering all waste operations by the hauler or agents or employees thereof within the Village. The licensed hauler shall furnish to the Village a certificate certifying such insurance to be in full force and effect.
- (c) Any licensed hauler disposing of wastes into the sewerage system shall provide the Village with a bond or letter of credit on terms acceptable to the Village.
- (d) Pursuant to Wis. Stat. §281.49(3), as may be amended from time to time, licensed haulers shall comply with the following terms for wastewater pretreatment and disposal into the sewerage system:
 - 1. Each hauler shall keep and make available for Village inspection a log book which specifies quantities, locations, and times of pickup from each customer.
 - 2. Pursuant to Wis. Admin. Code §NR 113.07, as may be amended from time to time, each hauler shall dispose of wastewater generated within the sewer service area at the wastewater treatment plant.

(4) **Holding Tank Wastes and Other Septage Within the Village.** All wastewater from holding tanks or septic tanks located within the sewer service area must be disposed of at the wastewater treatment plant, subject to the terms of Wis. Admin. Code §NR 113.07(1), as may be amended from time to time.

(5) **Septage Billing.** Charges for septage disposed of at the wastewater treatment plant will be calculated pursuant to §13.07(4)(e) EMC of this chapter and billed to the hauler.

13.04 USE OF THE SEWERAGE SYSTEM

(1) **Prohibited and Regulated Discharges.** Except as otherwise provided herein, no person shall discharge or cause to be discharged any incompatible pollutants, including any of the following liquids or solid wastes to any public or private onsite wastewater treatment system, any holding tank, or septic tank whose contents may later enter the wastewater treatment plant:

- (a) 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 sewerage system.

- (b) Toxic or poisonous substances, including but not limited to phenols and polychlorinated biphenyls (PCBs), in sufficient quantity, singly or by interaction with other wastes, to: Injure or interfere with treatment processes; constitute a hazard to humans or animals, flora or fauna; create a nuisance; or create any hazard in the receiving waters of the wastewater treatment plant or interfere with the handling or disposal of sludge.
- (c) Waters or wastes having a pH lower than 5 or greater than 10 or otherwise having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewerage system.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of sewerage system, such as but not limited to, ethylene glycol, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Any discharge that is in violation of the requirements of the Village WPDES permit and the modifications thereof.
- (f) Wastewater having a temperature higher than 150⁰ F or that may cause wastewaters at the wastewater treatment plant to exceed 104⁰ F.
- (g) Waters or wastes which contain more than 100 parts per million by weight of oils, fat, or grease.
- (h) Garbage that has not been properly shredded.
- (i) Waters or wastes containing iron, chromium, copper, zinc, mercury, or similar substances to such degree that the composition of wastewater at the wastewater treatment plant exceeds the applicable limits established for such materials.
- (j) Waters or wastes containing odor-producing substances or producing odors exceeding applicable limits or substances that result in air pollution as defined in Wis. Stat. §285.01(3), as may be amended from time to time.
- (k) Radioactive wastes or isotopes of such half-life or concentration as may exceed applicable limits.
- (l) Pollutants containing substances that are not amenable to treatment or reduction by the treatment processes employed such that the wastewater treatment plant effluent may not meet applicable discharge limits or limits on sludge composition required by the WPDES Permit.
- (m) Waters or wastes which by interaction with other water or wastes in the sewerage system release obnoxious gases, form suspending solids which interfere with the collection system or create conditions deleterious to sewerage system structures and treatment processes.
- (n) Materials that contain or cause:
 - 1. Unusually high BOD, chemical oxygen demand, phosphorus, nitrogen,

or chlorine levels in such quantities as to constitute, in the Plant Manager's judgment, a significant load on the wastewater treatment plant.

2. Unusual flows or concentrated wastes constituting a slug load as defined herein.
3. Unusual concentrations of inert suspending 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.
4. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(o) Stormwater, surface water, groundwater, including roof or surface runoff.

(p) Hauled waste not approved for discharge under §13.03 EMC.

(2) Waste Interceptors.

(a) Grease, oil, and sand interceptors shall be provided and installed by the owner of any operation *selling food to the public and holding a Wisconsin Department of Agriculture Retail Food license, Wisconsin Department of Agriculture Whole Food processing License, State of Wisconsin Department of Health Services Restaurant License or State of Wisconsin Department of Health Services Caterer's License* ~~involving commercial food preparation or food service and by any other operation where such interceptors are determined by the Wastewater Committee to be necessary~~ for the proper handling of liquid wastes containing oils, fat or grease in any amounts in excess of those specified in this chapter or any flammable wastes, sand or other harmful materials. *Added March 8, 2010.*

(b) All interceptors shall be of a design, type, and capacity in conformance with the State Plumbing Code and shall be located so as to be readily and easily accessible for cleaning and inspection.

(c) Inspection and cleaning of grease intercepts.

1. All exterior grease interceptors must be inspected and cleaned by a licensed pumper or hauler by June 1st each year. The Ephraim Wastewater plant manager shall have the authority to require more frequent cleanings.
2. All interior grease interceptors must be cleaned and inspected by the restaurant owner or authorized employee by June 1st of each year.
3. All grease interceptor inspections and cleaning must be recorded on a form provided by the Ephraim Wastewater plant manager. Forms must be submitted to the plant manager by June 15th of each year.
4. Failure to execute the inspection and cleaning of the grease interceptor will result in a citation issued to the property owners. The Ephraim wastewater plant manager will have the grease interceptor inspected and cleaned. The property owner will be billed the cost of the inspection and cleaning of the grease interceptor along with a service charge by the Ephraim Wastewater Department. The citation and costs associated with the inspection and cleaning will be issued pursuant to §13.11 of the

sewer user ordinance.

5. Waste from interceptor cleaning shall not be disposed of in the sanitary sewer system.
6. Grease liquefiers or solvents of any kind shall not be used to clean grease interceptors.
7. Interceptors need not be inspected when a restaurant is not open for business (In this case the Plant manager should be notified.) *Added 4/13/09*

- (3) **Non-Contact Cooling Waters and Similar Waters.** Non-contact cooling waters and discharges from swimming pools, whirlpools, and similar installations shall not be discharged into the ground or the bay. Such waters shall be pumped into the sewerage system if the property is serviced by the Village collection system subject to prior notice to and approval by the plant manager. Backwash from private pools is exempt from these requirements.
- (4) **Special Agreements.** The Wastewater Committee may enter into special agreements for acceptance of wastes of unusual strength or character to the sewerage system, provided that there is no impairment of the function of the sewerage system and that the Village's extra costs for managing and treating such wastes are paid by the user.
- (5) **Tampering Prohibited.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, interfere, deface or tamper with any structure or equipment that is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall additionally be liable in suit to the Village or to affected property owners for costs of repair and other damages.
- (6) **Bypassing and Other Tampering Prohibited.** No person shall bypass or cause Village-required measuring, monitoring, diversion, or other devices to be tampered with or altered or to function other than as intended by the Village.

13.05 CONNECTIONS

- (1) **Responsibility.** Except as otherwise provided herein, installation, inspection, maintenance, and repair of all private sewers, including protection from frost shall be the responsibility of the property owner at his or her own costs. All maintenance or repair activities that involve portions of private sewers located within public rights-of-way or easements shall require advance approval from the Wastewater Committee.
- (2) **Connection Required.**
 - (a) General Requirements.
 1. Pursuant to Wis. Stat. §281.45 as may be amended from time to time, the owner(s) of every building in the Village intended for human occupancy, including but not limited to residences and properties used for employment, recreation, retail, and other uses, that abut any street, alley or other right-of-way in which there is located a public sanitary sewer, shall at the owner's expense, install suitable toilet facilities and connect such facilities directly to the proper public sewer. The requirements in this section apply to any building that is commercial in use, including shops, galleries, and showrooms where articles are shown for immediate or subsequent sale

and other commercial buildings open to human occupancy on a full- or part-time basis.

2. Any building within the sewer service area that is commercial in usage, including shops, galleries, and showrooms where articles are shown for immediate or subsequent sale and other buildings open to human occupancy on a full- or part-time basis, shall have plumbing and restroom facilities. Such facilities shall be either in the building or structure or in another building or structure that is within the same complex where the owner of the building without plumbing and restroom facilities has legal easement rights to use and to allow customer-client-occupancy use of such facilities. The terms of such easements shall obligate the properties served by off-site plumbing and restroom facilities to pay all fees, charges, and penalties imposed by the Village for sewer service to the property where the plumbing and facilities are located.

- (b) Notice. If the Wastewater Committee deems that a property is accessible to a public sewer, a "notice to connect" order will be sent to the property owner by the Board. The property owner will then have 90 days to connect. The Village notification to connect shall be in the form of a written notice mailed by ordinary mail to persons and addresses as shown for such applicable property on the Village tax roll. The 90-day period shall commence on the 10th day following the date of mailing to allow time for mail to be forwarded to property owners not living in the Village.
- (c) Gray Water Connection Required. All sources of gray water, including but not limited to laundry wastewaters, water softener discharges, and all sources of gray water shall be connected to the sewerage system.

(3) Remedies for Failure to Connect.

- (a) The Village declares that failure to connect to the sewerage system in accordance with this ordinance, is contrary to the public good and compromises health and safety standards, and constitutes a public nuisance. In such cases, the Board shall at the Wastewater Committee's recommendation, take legal action to require the property owner to meet the requirements set forth in this Ordinance.
- (b) Upon failure of any property to achieve connection as specified herein, the Board may cause such connection to be made and shall bill the property owner for the costs. If such costs are not paid within 30 days of such billing, such costs shall be assessed as a special tax against the property. In addition, or in lieu of the above, the Board may impose a penalty for the period that the property is in non-compliance with a mandatory connect order after 10 days written notice. The amount of the penalty shall be an amount equal to 150% of the fixed monthly sewer service charge for the period in which the failure to connect continues. Upon failure to make such payment, penalty charges shall be assessed as a special tax against the property, pursuant to Wis. Stat. §281.45, as may be amended from time to time.

(4) Connection Requested.

(a) Permit Application.

1. No unauthorized person shall uncover, make any direct or indirect

connections with or openings into, alter any connections to, use, alter or disturb any public sewer or other part of the sewerage system without first obtaining a written permit from the Village.

2. Every person proposing a direct or indirect connection with the sewerage system shall file an application in writing with the Wastewater Committee in such form as prescribed for that purpose and with such application fee as may be required by the Village Board. The application must state fully and truly all the uses the owner intends for the building(s) proposed to be connected. The application shall include an as-built drawing showing the proposed connection to the public sewers, and the property to be served as well as any meters, measuring devices, ejectors, lifters, pumps, filters, or other apparatuses that may be required. Such drawing shall demonstrate compliance with Wis. Admin. Code chapter §81-87, as may be amended from time to time, as well as any other specifications, required by the State Plumbing Code and by this ordinance.
 3. No work toward the construction of the private sewer shall commence prior to the issuance of the permit.
- (b) Licensed Contractors. No person shall do any plumbing or pipe fitting work in connection with the sewerage system without having a valid and properly rated license from the State. Current licenses and certifications shall be on file with the Village on forms provided by the Village before any such work may commence.
- (c) Application Review and Conditions for Approval. The Wastewater Committee shall review and process connection permit applications, subject to the following considerations:
1. The Committee shall consider location, topography, proximity to the public sewer, volume of the expected flow, installation and maintenance cost, and any other factor relevant to the provision of effective and efficient sewerage collection service.
 2. The Wastewater Committee may negotiate with owners regarding routing of private sewers, including the question of networking private sewers to serve multiple buildings or building drains on a parcel. The decision of the Committee shall be referenced in issued permits. Prior Committee approval shall be required for any proposed sharing of a private sewer by more than one building or unit, preceded by review by the Village attorney of written documentation by and between the owners of the property under which all owners or all persons with ownership interest in all buildings served by the shared private sewer have reciprocal easement rights and joint and several liability for maintenance of all aspects of the shared private sewer and that all requirements of the Department of Commerce shall be met. Pursuant to §13.07(4)(a) EMC, each condominium unit shall have a separate account.
 3. It shall be a condition of approval of an application for connection to the sewerage system that the owner and all parties who are involved in establishing the connection shall comply fully with all applicable Village, County, and State rules and regulations.
 4. If it appears that the service applied for will not be adequate for the contemplated use, or if the Wastewater Committee otherwise determines

that approval will not be in the best interest of the Village, the application may be rejected. If the Committee approves the application, it shall issue a permit for services as described in the approved application.

5. The Wastewater Committee shall specify whether the arrangements for connection are to include any meters, measuring devices, ejectors, lifters, pumps, filters, or other apparatus. If there is a question regarding the REU on a property, the Committee may meter that property until such REU may be reasonably determined for billing purposes, and any costs incurred by the Village shall be the responsibility of the property owner. Property owners install, at their own expense, all required facilities in accordance with Village requirements, to allow and facilitate all required inspections and any required meter readings.
6. The Wastewater Committee may impose conditions in addition to those specifically listed herein as necessary to ensure efficient and effective management of the sewerage system.

(5) Prohibited Connections.

- (a) No person, except those having permission from the Wastewater Committee or Plant Manager, shall uncover, make any openings into, tap into, or disturb any component of the sewerage system. The kind and size of pipe connecting to the sewerage system line shall be specified in the permit from the Wastewater Committee. This is to ensure that new sewers and connections are properly designed and constructed. All connections, including any connection to the sewerage system through existing private sewer connections, shall require active inspection and supervision by the Village or agents thereof.
- (b) No person shall connect roof downspouts, exterior foundation drains, sump pumps, area way drains, or other sources of surface runoff or groundwater to a sewer connected directly or indirectly to the municipal sewer.

(6) Standards for Connection Process. All connections to the sewerage system and related materials, equipment, and other appurtenances shall comply with the terms of the permit issued under §13.05(4) EMC of a notice order issued under §13.05(2) EMC and the following requirements:

- (a) Standards and Inspection. All private sewers shall be installed by a State-licensed plumber and in accordance with Ch. Comm. 82, Wis. Admin. Code, "Design, Construction, Installation, Supervision, and Inspection of Plumbing," including §Comm. 82.04, as may be amended from time to time, and with specifications adopted by the Village. All installations shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling. The Wastewater Committee will specify standards for inspection and testing. Licensed plumbers working for property owners are authorized to conduct the testing and inspection but shall certify that the installation meets all applicable Village and State standards over the signature and seal of the licensed plumber.
- (b) Excavations. Any excavations in any public right-of-way for the installation, repair, or maintenance of a private sewer shall be subject to prior notice and approval by the Village. In making excavations in public rights-of-way for private sewer installation or repairs, excavated paving material and earth removed must be deposited in a manner that minimizes inconvenience to the public, as determined

by the Wastewater Committee or its designee. No person shall leave any such excavation in any public right-of-way open at any time without barricades, and at night warning lights must be maintained at such excavations. In refilling the opening after the pipes are laid, the earth must be backfilled in layers of not more than 9" in-depth, and each layer thoroughly compacted to prevent settling. The restoration, including the replacement of sidewalks, ballasts, and paving, must meet the approval of the Wastewater Committee or its designee and must meet current Village standards for street, sidewalk, and other construction within the right-of-way. The Village may require bonds or other performance guarantees for responsibilities under this subsection.

- (c) Materials. All private sewers from the point of connection with the sewerage system to the building foundation wall shall be constructed of new pipe meeting Village specifications. The only exception is when existing pipe system is tested and found by the Village to be in conformance with Village specifications. The Wastewater Committee shall also notify owners, as needed, of the necessity for sewage ejectors or grinder pumps at locations within private sewers as specified by the Committee. All units must be prepackaged factory-assembled units complete with pump and tank. Pumps may be either sewage ejectors or grinder pumps meeting the State Plumbing Code with all work in accordance with that Code. On a case-by-case basis, the Village may allow reuse of an existing large capacity holding tank serving an existing commercial property for other purposes unrelated to the sewerage system. Such use shall conform to applicable State Codes.
- (d) Grinder Pumps. If a grinder pump installation is required, the property owner shall work with the Plant Manager and the selected plumbing firm to develop an appropriate system design and a plan for maintenance of the grinder pump. The final design shall be subject to Village approval.

(7) Maintenance and Alterations of Connections.

- (a) Alterations. After sewer connections have been made to any building or upon any premises, no person shall make any alterations to the connection unless the party has a proper permit for such alteration from the Wastewater Committee through the processes in §13.05(4) EMC. Subject to §13.05(4) EMC, no user shall allow others to connect to the sewerage system through the user's private sewer. Additional conditions on continued use of the sewerage system may be imposed by order of the Wastewater Committee or its representative in the interest of protecting the sewerage system.
- (b) Maintenance. Private sewers and all related appurtenances connected directly or indirectly to the sewerage system shall be maintained in strict compliance with the terms of the permit issued under §13.05(4) EMC and other requirements of this ordinance.
- (c) Failure to Maintain. Failure to maintain a private sewer or any equipment or apparatus required by this ordinance shall constitute a violation of this section. In addition to its rights of enforcement under §13.11 EMC, the Wastewater Committee or its designee shall have the authority to order compliance with the provisions of this ordinance, including orders directing the maintenance or compliance with the specifications of the application for connection and/or any

conditions placed on the installation or continued use of the sewerage system to assure adequate and proper maintenance of private sewers in accordance with the purpose of this section. Such order shall be in writing and shall specify a reasonable time for compliance.

1. Failure to comply with an order under this section shall constitute a violation of this section and may be enforced as provided at §13.11 EMC.
2. When the Wastewater Committee or its designee determines there is an immediate need for repair or replacement of any equipment in the control of the user to prevent or correct a public nuisance, the Plant Manager may order the owner to make such repair or replacement. Conditions that may be deemed a public nuisance include but are not limited to those that are needed to prevent or correct a discharge or backup of sewage, damage to the sewerage system, a leak, continued leak, or other failure of a private sewer. Upon failure to make the repair or replacement in the time specified in the order, the Village may make the repair or replacement, and tax the costs as provided in §10.03 EMC. Such action to abate the nuisance may be brought in addition to any action for compliance with this regulation under §13.11 EMC.
3. Nothing in this section shall limit the authority of the Village or its designees to bring action to abate a public nuisance as provided in Chapter 10 EMC and to impose penalties in accordance with §13.11 EMC.

(d) Suspension of Service for Village Maintenance. The Village may suspend service at any time for the purpose of making repairs or for any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the public sewer within all or part of the Village, the Wastewater Committee or Plant Manager shall, as practicable, give reasonable notice to each and every consumer within the sewer service area.

(e) Grinder or Ejector Pump Inspection and Maintenance. Any sewage ejector or grinder pump and other appurtenant equipment located within private sewers connecting to the public sewers shall be kept in good operating order and shall be inspected ~~on an annual basis~~ every three years. It shall be the responsibility of the owner to verify such inspection based on an inspection list provided by the Plant Manager or designee. 7/15/2005.

1. The purpose of such inspection will be to ensure the ejector or grinder pump and other equipment related to the private sewer employing such pump is properly maintained, in good working order, and are not likely to fail or backup.
2. If repair or maintenance of an ejector or grinder pump is needed, as determined by the Plant Manager or designee, the Plant Manager or designee may order the replacement or repair of such pump or any other equipment or apparatus within the private sewer.
3. In the event that a dispute exists concerning the appropriate manner of repairing or the need to repair or replace a grinder pump or other part of the private sewer under this section, the parties may agree to request a licensed plumber, selected by Plant Manager or designee, to determine the appropriate course of action. The plumber so selected shall determine the

appropriate method of repair or replacement and both parties upon agreeing to arbitration shall be bound to that determination. The plumber selected under this section will not be eligible to do the replacement or repair work. The cost of the arbitrating plumber shall be equally divided between the parties. It is understood that this section is not mandatory or a prerequisite preceding to ordinance enforcement action or public nuisance to enforce the provisions of this section.

- (8) **Village Connection Stubs.** The Wastewater Committee shall determine points of connection between public sewers and adjoining properties. At each such point, the Wastewater Committee shall provide a connection stub at a location determined by the Committee to be the dividing line between the public right-of-way or edge of the public easement and the adjoining property. The Committee shall maintain records of the as-built location of such stubs. In case of suspected malfunctioning, the adjoining property owners shall be responsible for inspecting and maintaining the stub length fully to the public sewer as an extension of inspection of the connecting private sewer. Connections that are completed after December 31, 1987, may at the discretion of the Wastewater Committee be required to be installed at the property owner's expense to the public sewer. The stub portion of such a sewer as described herein shall be Village owned and maintained regardless of who paid for the installation cost of the stub portion.
- (9) **Notice of Discontinuation.** Whenever premises served by the sewerage system are to be vacated or whenever any user desires to discontinue service from the system whether on a temporary or permanent basis, the property owner shall notify the Plant Manager in writing. In cases of seasonal service of premises serviced by ejector/grinder pumps and feeding into a pressurized main, the Plant Manager or designee shall coordinate opening and closing of the curb stop valve. In all cases, it shall be the responsibility of the owner of the private sewer system to take such actions as may be necessary to prepare the private sewer system for the temporary disconnection and to assure that such system will not malfunction, back-up, or cause any damage to the public system or private or public property. The Plant Manager or designee may inspect the private system at time of any disconnect or reconnect pursuant to §13.11(2) EMC. Seasonal usage or temporary removal of meters shall not eliminate monthly fixed charges.

13.06 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS.

- (1) **Policy.** The Village declares that failure to install and maintain suitable toilet facilities and a state and county approved private onsite wastewater treatment system to serve properties not connected to the sewerage system in accordance with this section is contrary to the public good, compromises health, safety, and welfare standards, and constitutes a public nuisance.
- (2) **Certificate Required.** No person shall construct any privy, privy vault, septic tank, cesspool, holding tank, mound system, in-ground pressure system, conventional system, or other facility intended or used for the private disposal of wastewater except as provided in this section.
- (a) In-ground private onsite wastewater treatment systems are permitted only if soil conditions meet state and county standards. Holding tanks will not be used except as last resort. The Wastewater Committee reserves the right to mandate that owners upgrade private on-site waste treatment facilities to comply with the

requirements of Wis. Admin. Code Ch. Comm 83, as may be amended from time to time, at the owners' expense.

- (b) No person shall construct or maintain any of the systems referenced in this section without having obtained written certification from the Wastewater Committee that, in the judgment of the Committee, the sewerage system is not accessible and cannot be made accessible in a cost-effective manner to serve the property in question. In addition, a permit issued by the Door County sanitarian evidencing conformance with all applicable provisions of the Wisconsin Administrative Code will be required.
- (3) All private onsite wastewater treatment systems located within the sewer service area or otherwise located within the Village of Ephraim shall be maintained pursuant to the requirements of Wis. Admin. Code Ch. Comm 83, Subchapter V, as may be amended from time to time.

13.07 WASTEWATER CHARGES

- (1) **Purpose.** It is the purpose of this section to provide the Village with a fair and equitable means of recovering all costs of owning, operating, and maintaining the sewerage system including depreciation, through a system of sewerage service charges as described in this section. It is the intent that each user or class of users shall pay a fair and proportionate share of the connection, operation, maintenance, and replacement costs of the sewerage system.
- (2) **Applicability.** The provisions of this section apply to all users, including users owning property exempt from property tax, except for the property tax levy components of the wastewater charges system in §13.07(4) EMC.
- (3) **Revenues.** In addition to the provisions in §13.08 EMC, revenues collected through wastewater charges in §13.07(4) EMC shall be deposited into two separate non-lapsing funds. The first fund shall be for operation and maintenance revenues. The second fund shall be a segregated, interest-bearing account, which shall be designated the Replacement Fund Account.
- (4) **Wastewater Charges.**
 - (a) Connection Charges.
 - 1. Assessment of Connection Charge.
 - a. A special assessment connection charge shall be levied at the time approval is given by the Wastewater Committee for connection under §13.05(4) EMC to the sewerage system or at the expiration date of an order from the Committee to connect under §13.05(2) EMC. Subject to sub. b, assessments shall be levied on an installment basis.
 - b. Assessments levied under this section may be paid by one of the following two methods: (1) The property owner may pay by annual installments subject to a limit of five equal installments where the charge is based on less than 3.0 REUs and 15 equal installments where the charge is based on 3.0 or more REUs. Pursuant to Wis. Stat. §66.0703 and §66.0715(2), as may be amended from time to time, annual interest of 7.5% will be charged on deferred payments; (2) Alternatively, the property owner may pay the assessment on or before

October 1 in the year following levy of the assessment. In order to use this payment method, the property owner shall file a written notice with the Village Clerk of this intended payment arrangement within 30 days from the publication date of the installment assessment notice. In the event a timely payment is not received, the Village Clerk shall place the initial assessment on the next succeeding tax roll.

- c. Interest for installment payments shall be calculated in arrears and will be billed for annually. If a property owner decides to pay off the remainder of their assessment after beginning to pay on the installment plan, that property owner shall pay back the remainder of the principal owed and all interest that would have been due at the next payment period.
 - d. Where multiple units under different ownership are served by a single lateral, the assessment will be charged to each unit pursuant to Wis. Stat. §703.21, as may be amended from time to time. The owners of the units served by a single lateral may enter into a private agreement by which the Village may bill and be paid by a single entity for all charges accruing through that private sewer provided such agreement has the written approval of legal counsel to the Village.
2. Supplemental Connection Charge. A user whose property is subject to a zoning classification change made after payment of the connection charge shall pay a supplemental connection charge as appropriate.
 - a. The supplemental connection charge shall be based upon the difference in the connection charge paid and the connection charge due at the time of the zoning reclassification for properties in the subject zoning classification.
 - b. A supplemental connection charge shall be billed through the process in §13.08 EMC.
 3. Rates. The rates upon which connection fees are based shall be established by recommendations of the Wastewater Committee and resolution of the Village Board and shall be based on a residential equivalent user (REU) system. The Board shall review and, as necessary, adjust connection fees on a biennial basis.

(b) Sewer Service Charges.

1. In General. Sewer service charges shall be charged to each user based on the methods in this section.
2. Sewer Service Charge Rates and Adjustments. Sewer service charge rates shall be established by recommendation of the Wastewater Committee and resolution of the Village Board based on a residential equivalent user (REU) system. The Wastewater Committee and Village Board shall review and adjust sewer service rates on a biennial basis, as necessary to meet the sewerage system's operation, maintenance, and replacement costs.
3. General Method for Determining Service Charge.
 - a. Components of Charge. Charges for sewer service use shall consist of

a charge for the collection, treatment, and disposal of normal domestic wastewater, and surcharges for the treatment and disposal of waste components discharged to the sewerage system in excess of those appearing in normal domestic wastewater. The sewer service charge includes the annual operation and maintenance costs and replacement fund costs.

- b. Calculation of Charge. The total sewer service cost shall be allocated to each user on the basis of a residential equivalent user (REU) system. REUs are assigned to each user based on the best information reasonably available to the Village regarding the quality of wastewater (domestic vs. high strength) and volume contributed by individual or class of users.

(c) Individual Monitoring.

1. The Wastewater Committee may specify methods of measuring or estimating flows from users of the sewerage system. The Committee may direct the installation of meters in as many locations within the sewerage system, on private sewers, or within private plumbing as may be deemed necessary by the Village to get reasonably accurate indications of contributed sewage. Owners may install shunts to allow water usage for lawn watering or similar purposes where the water does not enter the Village sewerage system. In the event the Wastewater Committee determines the subsequent need for installation of a water meter as previously described, the owner will be responsible for any additional costs associated with removing or relocating said unit. See §13.11 EMC for penalties for tampering or bypassing.
2. The Wastewater Committee may determine the composition of contributing sewage and thereafter impose additional charges to that user if treatment of that sewage requires additional processing. The Committee may also impose special charges for such matters as inspections, meter replacement or upgrades, monitoring of samples, and the like.

(d) Capital Costs Charge. A Village-wide tax levy shall be included within the general tax levy of the Village for Village governmental purposes starting with the tax levy adopted in December of 1987. The amount of such levy for each year will be that portion of the year's principal and interest (P&I) due for debt retirement that relates to the sewerage system, divided into a mil rate based on the current property valuation. The levy on sewered properties includes the P&I for both the Wastewater Treatment Plant and the collection system; the levy on non-sewered properties includes P&I only for that portion attributed to the Wastewater Treatment Plant and outfall line.

(e) Hauled Waste Charge. Any party that discharges or contracts to have discharged, wastes from holding tanks, septic tanks, or similar sources to the sewerage system shall pay a hauled waste charge. These charges will be based on the actual cost to treat holding tank or septage gallonage, calculated by the same methods used for sewer service charges in §13.07(4)(b) EMC.

13.08 BILLING AND COLLECTION

- (1) **Billing.** Sewer service charges shall be billed and collected on a quarterly basis in arrears. Payment for all service charge bills shall be payable within thirty (30) days following mailing and shall be payable at such places as shall be determined from time to time by the Wastewater Committee or the Board.
- (2) **Late Fees.**
 - (a) Except for deferred collections of connection charge assessments under §13.07(4)(a) EMC, a late payment charge of 1.5% of any unpaid balance shall be assessed and added to the bill for such services when the amount of the bill is not paid within 30 days thereafter (the due date) and this late payment charge plus any previously assessed late payment charge remaining shall be assessed and added to the bill then remaining unpaid. Late payments of connection charges under deferred payment arrangements shall be governed by state law.
 - (b) A licensed hauler's bill is due in full within 30 days of the statement date. On the 31st day, a 5% penalty will be added to the outstanding amount on the bill. Starting on the 41st day, the hauler will not be allowed to use the Wastewater Plant for dumping until all outstanding bills are paid in full. The administrative office shall immediately report delinquent accounts to the Plant Manager.
- (3) **Billing Adjustments.**
 - (a) Except as provided in this subsection or as otherwise authorized by the Village, no charge imposed based on the metered flow shall be thereafter remitted or changed.
 - (b) Should inspection by the Wastewater Committee or its representatives reveal that any statement filed by a user does not accurately represent actual conditions; the Wastewater Committee shall redetermine the charge due and order that a new bill for the deficiency be sent to the user. This deficiency billing shall be retroactive to the date of the last inspection of the metering facilities of the user, by the duly authorized agents of the Wastewater Committee or Board. Interest charges shall be applied to the deficiency as provided for by law.
 - (c) Claims by users that meter-determined quantities of contributed flow are inaccurate shall be filed with the Village. If the Wastewater Committee finds any overpayment by a user, such amount will be refunded without interest upon the user's written application.
- (4) **Responsibility of Condominium Owners and Similar Entities.** Any user charges that are billed as a matter of convenience to any condominium unit owner's association, timeshare or interval ownership unit association, cooperative association, management agent, or similar entity shall be deemed a joint and several liability of each and all unit owners served or benefited by the service for which the charge is made. Village enforcement powers shall extend to units as well as to the commons and the collective association, whether incorporated or unincorporated.
- (5) **Responsibility of Lessor.** All wastewater charges and special assessments on a rental property shall become the responsibility of the lessor in the event of non-payment by the lessee. Bills shall be mailed to the lessee on a monthly basis, and if payments are not received in 30 days thereof, a subsequent bill shall be mailed to the lessor. The lessor of the premises shall be liable for any damages incurred to the property of the Village as a

result of the actions, or inactions, of the lessee.

- (6) **Liens.** All user charges shall be an official imposition of the Village, shall be collected and taxed, and shall be a lien on the property served pursuant to Wis. Stat. §66.0809 and §66.0821, as amended from time to time in the same manner as are property taxes. All sums which have accrued during the preceding year and which are unpaid by the first day of October of the next year shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

13.09 ALLOCATION OF REVENUES:

- (1) The Board, on the recommendations of the Wastewater Committee, shall allocate revenues from the various components of the wastewater charge system to costs of the sewerage system in accordance with borrowing resolutions by the Village Board on January 12, 1987, or as these may be amended, revised, or replaced from time to time.
- (2) The borrowing resolutions described in sub. (1) are hereby adopted by reference as part of this chapter and the terms thereof constitute an appropriation by the Board to the requirements for operation, maintenance, repairs, depreciation and replacement, interest, retirement of debt, and cost of new construction of the sewerage system, all in accord with such resolutions.
- (3) The Village will apply excess revenues collected from a user class to operation and maintenance costs attributable to that class for the next year.

13.10 EXPANSION OF PUBLIC SEWERS:

The Village Board may, at its discretion, approve expansion of the public sewers either by its own action or following the recommendation of the Wastewater Committee in accordance with this section.

- (1) **Public Requests.** Applications to extend the public sewers by members of the public shall be made to the Wastewater Committee. The application shall include all information required by the Village.
- (2) **Costs.**
 - (a) Unless otherwise agreed to by the Village Board, an applicant shall be responsible for all costs associated with the proposed expansion including but not limited to installation costs. The applicant shall make a cash deposit or shall deliver an irrevocable letter of credit guaranteeing 100% of the payment of estimated Village engineering costs to accomplish the necessary study, review, and design work on the proposed expansion. Any deficiencies in the deposit based on actual costs shall be a further obligation of the requesting property owner(s). Overages in payment shall be refunded to the property owner(s).
 - (b) For expansions initiated by Village decision only, the Village shall initially pay the engineering and related costs. If the Village Board proceeds with the project, the Wastewater Committee and the Board, with public input, shall develop a plan to pay for the system.
- (3) **Review.** The Wastewater Committee shall review applications made under this section and make a recommendation to the Board. The Board shall make the final decision on the application. If approved, the Village Board may set the terms for the public sewer expansion by agreement with the applicant.

- (4) **Ownership.** Upon completion of installment, all sewers constructed pursuant to this section shall become the exclusive property of the Village, regardless of who paid the costs for same.
- (5) **Sanitary Sewer Strategic Engineering Study.** Any proposed sewer connection or expansion of the sewer service area shall consider the Mead & Hunt Engineering Study as adopted in August 1996, as well as any additional engineering studies commissioned by the Village.

13.11 ENFORCEMENT

- (1) **Enforcement Staff.** This ordinance shall be enforced by the Plant Manager or designee and the Wastewater Committee.
- (2) **Right Of Entry in An Inspection.** Any designated officer or agent of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, and document review. No such person shall have authority to inquire into any process beyond that point having direct bearing on the kind and source of discharge or possible discharge to the sewerage system or waterways.
- (3) **Notice of Violation.** Any user that has violated or is violating a provision of this chapter may be served with a written notice of violation by officers or agents of the Village stating the nature of the violation and/or with a Village citation. Nothing in this section shall limit the authority of the Village to take any action, including emergency or other enforcement action, without first issuing a Notice of Violation. Nor is this section to be read to limit the ability of the Village to exercise its summary abatement authority under §10.03 of this Code of Ordinances, to the extent authorized by law. The offender shall cease the violation, make all corrections and meet all such other conditions specified within the period of time stated in such notice.
- (4) **Violation Constitutes a Public Nuisance.** Any violation of the provisions of this ordinance or any other rule, regulation, or special order promulgated by the Wastewater Committee or the Board shall constitute a public nuisance subject to injunction and abatement in accordance with the procedures of Wis. Stat. §823.02 or Chapter 10 of this Code of Ordinances, as may be amended from time to time.
- (5) **Special Orders.** In the event of any known or threatened violation of the provisions of this ordinance, the Plant Manager or a designee of the Wastewater Committee may issue a special order in the name of the Village directing the person causing or responsible for the violation to comply with such ordinance, rule or regulation within a specified time. All special orders shall be in writing and shall specify what action is required to comply with the order. Special orders shall be hand-delivered or delivered by certified mail, return receipt requested. When hand-delivered, the Village official shall make a reasonable attempt to deliver the order to the person who appears to be in control of the facility. A special order is effective and enforceable upon hand delivery or upon receipt of mail confirmation.
- (6) **Emergency Orders.** The Plant Manager or designee of the Wastewater Committee may issue special emergency orders in the name of the Village to prevent damage to the sewerage system from misuse, injury to employees of the Village, interference with the process of sewage collection, treatment or disposal, or substantial risk to the public health, safety, and welfare. An emergency order may include but is not limited to an

order for suspension of wastewater service. Emergency orders shall be in writing and shall specify the action required, and the time allowed for compliance. Emergency orders shall be hand-delivered or delivered by certified mail, return receipt requested. When hand-delivered, the Village official shall make a reasonable attempt to deliver the order to the person who appears to be in control of the facility. An emergency order is effective and enforceable upon hand-delivery or upon receipt of mail confirmation.

- (7) **Penalties For Violations.** Any person who fails to comply with the provisions of this ordinance or any rule, order or special order of the Plumbing Inspector shall, upon conviction thereof, forfeit not less than Ten (\$10) Dollars nor more than One Thousand (\$1,000) Dollars for each day such violation or failure continues, together with penalty assessment and costs of prosecution as provided by law.
- (8) **Continuing Violation.** Except as otherwise provided, any person who is responsible for any violation and/or for allowing a violation to continue beyond the aforesaid notice time limit provided shall, upon conviction thereof, be subject to a penalty as provided in §25.04 of this Code of Ordinances. The Village may also pursue injunctive relief against the violator and may commence action to recover damages in amounts not less than the equivalent of all lost revenues, costs of investigation, and prosecution of the actions.
- (9) **Restitution.** Any person found in violation of this ordinance or any other rule, regulation, or special order shall pay to the Village such damages, losses, or expenses as may be sustained by the Village as the result of the violation, together with such costs as may be collectible by law.
- (10) **Remedies Cumulative.** The remedies provided by this section shall be cumulative and in addition to all other remedies provided by this ordinance or by any other law.
- (11) **Duty of Village Attorney to Prosecute.** It shall be the duty of the Village Attorney, upon receipt of competent evidence from the Wastewater Committee, Plant Manager, Board, or Plumbing Inspector that a violation of this ordinance constitutes a threat to the public health and safety, to commence an action in the Door County Circuit Court to abate such violation and nuisance.
- (12) **Appeals.** A final decision of the Village Board under this chapter shall be reviewable in accordance with the provisions of Wisconsin Statutes Ch. 68 as may be amended from time to time.

13.12 GROUNDWATER MONITORING

It is the policy of the Village to encourage property owners to have an annual test of their well water and to provide a copy of the testing results to the Village.

13.13 DEFINITIONS

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

BIOCHEMICAL OXYGEN DEMAND (a/k/a BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C., expressed as milligrams per liter.

BOARD. The Village of Ephraim Board of Trustees.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, or other drainage pipes inside the walls of the building or proposed building and conveys it to the building sewer beginning 5' (1.5 meters) outside

the interface of the building wall.

CAPITAL COST CHARGES. A charge for the costs associated with repayment of debt incurred for the construction and/or rehabilitation of any portion of the sewerage system.

COLLECTION SYSTEM. The common public sanitary sewers within the 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, including private sewers, which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "collection system."

COMMITTEE. The Village of Ephraim Wastewater Committee.

COMPATIBLE POLLUTANTS. Pollutants and other parameters including biochemical oxygen demand, suspended solids, phosphorus, pH, fecal coliform bacteria plus additional parameters identified in any Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued to the Village and its wastewater treatment plant if such plant is designed to and is otherwise able to treat such additional pollutants to a substantial degree.

CONNECTION STUB. The publicly-owned pipe and related structures that connect a private sanitary sewer to the public sanitary sewer.

DWELLING UNIT. A room or rooms connected together constituting a separate establishment, physically separated from any other dwelling areas that may be in the same structure and containing its own bathing and sleeping areas to facilitate human occupancy.

GARBAGE. The residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

GRAYWATER. Wastewater contaminated by waste materials, exclusive of urine, feces, or industrial waste, deposited into plumbing drain systems.

GRINDER PUMP. Equipment and other appurtenances designed to liquefy garbage contained in wastewater and transport the residual wastewater to a connected sewer.

GROUND GARBAGE. 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 1/2" in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.

HAULED WASTES. Wastes including but not limited to septage and holding tank wastewater received for treatment and disposal at the wastewater treatment plant.

HOLDING TANK. An approved watertight receptacle for the collection and holding of sewage.

HOLDING TANK WASTEWATER. Wastewater from a holding tank.

INCOMPATIBLE POLLUTANTS. Wastewater, holding tank wastewater, or septage with pollutants that will adversely affect or disrupt the collection system, wastewater treatment plant processes, effluent quality, or sludge quality if discharged to the sewerage system.

LICENSED HAULER. A person holding a license pursuant to Wis. Stat. § 281.48(3) and in compliance with Wis. Admin. Code Ch. NR 113, as both may be amended from time to time.

MUNICIPAL WASTEWATER. 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.

NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

NONCONTACT COOLING WATER. Water used for cooling which does not come into contact with any raw material, intermediate or finished product, or waste and has been used in heat exchangers, air or refrigeration compressors, or other cooling means where contamination with process waste is not normally expected.

NORMAL DOMESTIC WASTEWATER. Sewage that has a biological oxygen demand (BOD) of 250 mg/l, and total suspended solids (TSS) of 275 mg/l or less. Holding tank and septage TSS and BOD shall be determined from average lab analyses from the previous year.

OPERATION AND MAINTENANCE COSTS. All costs associated with the operation and maintenance of the sewerage system.

OWNER. Legal owners of record and all tenants or rental occupants who shall be jointly and separately liable for responsibilities as defined herein for owners.

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 gallons of water.

PERSON. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

PH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen ion concentration of 10^{-7} .

PLANT MANAGER. The person responsible for operation and management of the sewerage system.

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (a/k/a POWTS, PRIVATE SEWAGE SYSTEM). A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure.

PRIVATE SANITARY SEWER (a/k/a PRIVATE SEWER, SERVICE PIPES, or LATERALS). The property owners privately owned sanitary sewer beginning at the end of the building drain and extending to the connection with the public sewer at the connection stub.

PRIVY. A cavity in the ground or a portable above-ground device constructed for toilet uses which receives human excrement either to be partially absorbed directly by the surrounding soil or stored for decomposition and periodic removal.

PUBLIC SANITARY SEWER (a/k/a PUBLIC SEWER, COLLECTION SEWERS). Any sanitary sewer that is a part of the sewerage system. A public sanitary sewer extends from its point of origin to the wastewater treatment plant and includes the connection stub.

REPLACEMENT FUND COSTS. All costs associated with establishing a fund to replace equipment as required to maintain capacity and performance during the design life of the sewerage system.

RESIDENTIAL EQUIVALENCY UNIT (REU). Unit of average flow of wastewater into the sewerage system by year-round residential users. The REU is used as the basis for calculating sewer service charges.

SEWAGE (a/k/a SANITARY WASTES). A combination of liquid and water-carried wastes discharged from toilet and/or sanitary plumbing facilities, together with any ground, surface, and stormwater as may be present.

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. Unless specifically called a storm sewer, all references to sewer shall refer to sanitary sewer. Sanitary sewers are categorized as either public or private.

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

SEPTIC TANK (a/k/a SEPTAGE TANK). A tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation, and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.

SEWER (a/k/a DRAIN). Any pipe or similar conveyance that carries wastewater or water-borne wastes.

SEWER SERVICE AREA. Areas presently served and anticipated to be served by the sewerage system including areas that are served pursuant to agreement with the Village.

SEWER SERVICE CHARGE. A service charge levied on users of the sewerage system for payment of such costs associated with operation, maintenance, and replacement of the sewerage system.

SEWERAGE SYSTEM. All public structures, conduits, pipes, equipment, facilities, and processes owned by or in the control of the Village of Ephraim by which sewage, septage holding tank wastewater industrial waste, and associated sludges are collected, treated and disposed.

SHALL is mandatory; **MAY** is permissible.

SLUDGE (a/k/a Biosolids). The solid, semi-solid or liquid residue generated during the treatment or pretreatment of wastewater.

SLUG LOAD. Any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Unless otherwise specified, all procedures directed or authorized herein shall be performed by Standard Methods.

STORM DRAIN OR STORM SEWER. Drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS (a/k/a total suspended solids). Solids that either float on the surface of or are in suspension in water, wastewater, holding tank wastewater, septage, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods."

UNPOLLUTED WATER. 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

benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER. Any person who discharges or disposes of sewage, septage, or other wastes into the sewerage system.

WASTEWATER TREATMENT PLANT. An arrangement of devices and structures for treating wastewater, holding tank wastewater, septage industrial wastes, and sludge, including outfall pipes and associated facilities.

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

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. A document issued by the State Department of Natural Resources that establishes effluent limitations, monitoring requirements, and other terms and conditions for effluent discharges from the sewerage system to the receiving waters.

13.14 SEVERABILITY; EFFECTIVE DATE:

- (1) If any section, subsection, paragraph, or sentence of this ordinance is for any reason deemed unconstitutional or otherwise unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.
- (2) This ordinance shall take effect upon its passage and publication according to law.

13.15 STORMWATER DRAINAGE SYSTEM PERMIT:

- (1) **Purpose.** It is the purpose of this ordinance to address the management of stormwater drainage within the Village along State Trunk Highway 42 (STH 42) as it proceeds along the Eagle Harbor Waterfront and along certain portions of Cherry, German, and Hidden Springs roads. These areas have had a history of erosion, ponding, and flooding due to the topography of the area. The Village has constructed a stormwater collection system to intercept stormwater drainage in that area and bring it to Eagle Harbor as illustrated in the as-built plans attached to and hereby incorporated in this ordinance (Village System). The Village intends to allow residents to connect to the Village System at the option of the property owner, in the manner provided by this ordinance. The Village will require a permit fee associated with connecting to the system, annual inspections of the sump area, pump, valves, and connections, and will require the property owner to be responsible for the inspection, maintenance, and operation of the connection point as well as to assume the risk for any back flow or other damage caused by the connection to Village System.
- (2) **Applicability.** The rules, regulations, and fees set forth in this ordinance shall apply to those properties serviced by the Village System.
- (3) **Establishment of Village System.**
 - (a) Village System Created. In order to protect the health, safety, welfare of the public, Village assets, and natural resources, the Village Board constructed a stormwater collection system along STH 42 and at certain portions of Cherry, German, and Hidden Springs Road as illustrated in the appended as-built drawings (herein referred to as the Village System) with the intent that it would be available to adjacent property owners to assist with stormwater drainage issues

under the terms and conditions of this ordinance.

- (b) Authority. The Village is acting under the authority of Article I, Stormwater Runoff, of this chapter, Chapters 61 and 66 of the Wisconsin Statutes, and particularly without limitation the following sections: §66.0621, §66.0627, §61.34, §61.354, §66.0701, §66.0703, §66.0809, §66.0811, §66.0813 and §66.0821.

(4) Powers and Duties.

- (a) Facilities. The Village, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the Village to be proper and reasonably necessary for the Village System. These facilities may include, without limitation by enumeration, surface, underground drainage facilities, sewers, watercourses, retaining walls and ponds, and such other facilities as will support a stormwater drainage system. The Village may also designate minimum requirements for those connecting to the Village System and may regulate the inspection and maintenance of any connections to the system.
- (b) Oversight. The Wastewater Committee (Committee) shall serve as the oversight committee for the Village System and shall review the permit and administrative fees, maintenance, and operations policies for the System, subject to the direction of the Village Board. The day-to-day operations of the Village System shall be under the supervision of the. Wastewater Operator in Charge (OIC) who shall report to the Committee.
- (c) Inspection and citation authority. The OIC or designee shall be authorized to issue and enforce by citation orders issued for violations of this ordinance. The OIC also shall have the authority to order the suspension of permits issued hereunder and the disconnection of systems connected to the Village System as provided in this ordinance. The OIC or designee shall be authorized to enter and remain on private property upon reasonable notice to inspect connections and order compliance with respect to connections to the Village System and may seek special inspection warrants where such access is denied.

- (5) **Permit Required**. No person or legal entity who owns or has a possessory controlling interest in a building served by a private stormwater drainage system may connect to the Village System without first obtaining a permit under this ordinance.

- (a) Required inspection. Prior to connection to the Village System the owner of any property connecting to the system, shall allow the OIC or designee or hire a licensed plumber, to inspect the stormwater collection facilities in the building and the connection to the Village System. Licensed plumbers working for property owners are authorized to conduct the testing and inspection but will be required to certify that the installation meets all applicable Village and State standards over the signature and seal of the licensed plumber. The Village may conduct the annual inspection and charge the owner a standard fee set by the Village. The Permit application and Permit shall be on a form provided by the Village.
- (b) Annual inspection. At or about each anniversary of the permit, and within 30 days of notice from the Village the owner of any property connecting to the system shall have an inspection of the connection performed in the same manner as provided in (a) of this section.

- (c) Orders for corrections or repairs. The OIC or his/her designee may order any correction or repair to any facility connecting to the Stormwater System. Upon failure to make any ordered repair or connection, the OIC may disconnect the connection to the Village System until the same is done so to the satisfaction of the OIC or designee.

(6) Permit/ Inspection Fees.

- (a) Permit Fee. The permit fee for connection to the Village System shall be established by the Village Board upon recommendation of the Committee and shall reflect the actual cost of inspection, administration, and any other costs incurred by the Village in administering and inspecting the connection to the Village System. No permit will be issued and no connection to the Village System shall be allowed unless the permit fee is paid.
- (b) Inspection Fee. If the OIC determines it necessary to secure compliance with this ordinance, or if the permittee requests the OIC to conduct an inspection, the fee for such service shall be charged reflecting the actual cost of time necessary to make that inspection. The Committee shall review and recommend to the Village Board an hourly rate to be for the service.
- (c) Collection of Fees and Costs. All fees and costs under this ordinance shall be invoiced to the address of the Permittee due to be paid in full in 30 days. The invoice shall note that if the fee or cost is not paid within 30 days the Village may in addition to any other method allowed by law, collect the fee or cost by adding the cost or fee to the tax bill and collecting it as a special tax.

(7) Connection Requirements. To be eligible for a permit hereunder the private collection facilities serving the connecting property (sump pump, pit, drain tiles, etc. serving the property of the Permittee) and the connection to the Village System shall comply with the following requirements.

- (a) Wisconsin Codes. All current Wisconsin Administrative Codes for Stormwater and Clearwater Plumbing Systems (as of 10/28/2020 SPS 382.36)
- (b) Underground Connection. Except as provided herein, all lateral connections to the Village System from any private collection system shall be underground, connected to, and discharging directly into the Village System. Exposed hoses or conduits or other over ground conveyance shall not connect or discharge water into the Village System. Any private collection facilities that are currently connected to the Village System shall either disconnect or come into compliance with this section before the effective day hereof. Any private collection facilities discharging into the Village System that are not in compliance with this paragraph shall either cease discharge into the Village System or come into compliance with this paragraph.
- (c) Responsibility to repair and maintain. In addition to conducting and being financially responsible for the required annual inspections, the permittee shall be responsible to repair and maintain all sump pump, pit, valves, and lateral to connection points required by this ordinance and applicable state and local law. Failure to arrange for and complete the inspection within 60 days of notice shall be grounds for suspension of the permit.

- (d) Prohibition of Contaminants. No Permittee shall permit any contaminant or pollutant to be introduced into the Village System and will be responsible for paying any and all fines, cleanup, or other costs associated with the discharge of any contaminant or pollutant into the Village System.
- (e) Notice of Disconnection. If a permittee determines to disconnect from the Village System they shall do so by written notice and shall cause or permit an inspection to ensure the system is properly disconnected. The permittee shall pay the actual cost of the disconnection and related inspection.

(8) Additional Permit Conditions.

- (a) Assumption of Risk. By seeking and obtaining a permit hereunder or connecting to the Village System the permittee owner recognizes that there is a possibility of backup of the Village System. The Permittee recognizes the responsibility to provide and maintain backup prevention valves to minimize any damage that may occur as a result of stormwater backup through the system. Permittee agrees that as a condition of obtaining and maintaining the permit under this ordinance, the permittee shall assume any risk of damage to person or property that may be caused by a backup and to save and hold the Village harmless therefore.
- (b) Damage to the Village System. If it is determined that damage has been caused to the Village System by the action of any permittee the actual cost of any damage caused to the Village System at time of connection, due to contribution of contaminants or otherwise shall be invoiced to the permittee and collected as provided in this ordinance. If any such damage occurs the permit issued under this chapter shall be suspended until all repairs and clean-up are completed and paid for. Nothing in this section shall prohibit the OIC from initiating a nuisance action or taking any other enforcement action provided by law.
- (c) Effect of Suspension of Permit. If a Permit is suspended for any violation of this ordinance or any other applicable code, the Permittee will be required to disconnect from the System, resubmit a permit application, allow the OIC or designee to inspect the private collection system and connection point and pay the inspection fee and Permit fee. Issuing a notice of suspension shall not foreclose the OIC from Issuing an order or citation for violation of this ordinance.

(9) Notice and Enforcement.

- (a) Annual Notice. The OIC or designee shall annually notify the owners of properties connected to the Village System of the need for inspection and the permit fee. The property owner shall notify the OIC of the arrangements for the inspection or request the Village to inspect within 30 days of notice. The inspection shall occur within a reasonable time of the notice, not to exceed 60 days.
- (b) Authority upon Violation of this Ordinance. If a Permittee fails to timely arrange or have conducted a required inspection, or if the OIC believes the Permittee is connected to or operating the private collection system in a manner contrary to this ordinance or in a manner that may cause damage to the Village System, the OIC may take any of the following actions:
 - i. Order the property owner to disconnect from the Village System until the violation is addressed.
 - ii. Suspend the permit

- iii. Demand inspection of the property to ensure proper connection or the disconnection of the property or other reason authorized by this ordinance.
- iv. Issue an order or citation for violation of this ordinance.
- v. Upon notice to the Permittee and after having given the Permittee the opportunity to correct the condition, to correct any condition (which may include the excavation, cutting, and capping of the Permittee's lateral) that in the discretion of the OIC may cause direct harm to the Village System and invoice the actual cost of such correction to the Permittee.

(10) Appeal of Determination of OIC

- (a) Appeals. A Permittee may appeal any order or determination of the OIC, including an order to suspend the permit issued hereunder, to the Committee within 14 days of the receipt of the order or determination. This provision shall not limit or delay a municipal forfeiture action and any orders shall remain in effect until the appeal process is completed.
- (b) Determination of Cost. The Committee will determine whether the determination of the OIC is fair and reasonable and consistent with the provisions of this code. The Committee may confirm the decision of the OIC, modify or withdraw the directive. The Committee shall hold a hearing and will inform the Permittee in writing of their decision within 30 days of the appeal.
- (c) Appeals. Decisions of the Committee may be appealed in writing to the Village Board within 30 days from its decision of the Committee. The Village Board may review the record of the Committee and take additional evidence at its option. The decision of the Village Board shall be made within 60 days of appeal and shall be final.
- (d) Nothing in this Chapter shall suspend the authority of the Village to abate public nuisances as provided at §9.03 et sig of this code in addition to any other remedy provided by law or in this ordinance. The introduction of contaminants or pollutants or any noxious substances into the Village System is presumed to be a public nuisance subject to summary abatement to protect the integrity of the system and prohibit pollution of Eagle Harbor.