

VILLAGE OF BLOOMINGTON

CHAPTER XI (ELEVEN)

UTILITIES

GENERAL REFERENCES

Water

- 11.01 Management of Waterworks.**
- 11.02 Application for Service.**
- 11.03 Water Rates.**
- 11.04 Funds.**
- 11.05 Repeal of Inconsistent Ordinances.**
- 11.06 Water Service Regulations.**
- 11.07 Cross Connection Control.**
- 11.08 Private Well Abandonment.**
- 11.09 Street Excavations for Water and Sewer Excavations.**

Sewers

- 11.10 Plumbing Regulations.**
- 11.11 Compulsory Connection to Public Sewer and Water Facilities.**
- 11.12 Compliance.**
- 11.13 Definitions.**
- 11.14 Application of Service.**
- 11.15 Rates and Charges.**
- 11.16 Liability for Service Costs.**
- 11.17 Use of Sewage System.**
- 11.18 Hook-Up.**
- 11.19 Payment and Collection of Quarterly Rates.**

Telecommunications

- 11.20 Cable Television.**

Wellhead Protection

- 11.21 Wellhead Protection.**

TABLE OF CONTENTS

11.01	MANAGEMENT OF WATERWORK.....	6
(1)	PUBLIC WORKS COMMITTEE.	6
(2)	DUTIES OF COMMITTEES.....	6
11.02	APPLICATION FOR SERVICE.	6
(1)	WATER LATERAL INSTALLATION CHARGE.	6
(2)	WATER SYSTEM EXTENSION CHARGES.	6
(3)	SERVICE PIPE AND FIXTURE INSTALLATION.....	7
(4)	ESTABLISHMENT OF LIMITS.....	7
11.03	WATER RATES.	8
11.04	FUNDS.	8
11.05	REPEAL OF INCONSISTENT ORDINANCES.	9
11.06	WATER SERVICE REGULATIONS.	9
(1)	ESTABLISHMENT OF SERVICE.	9
(2)	METERS.....	9
(3)	COMBINED METERING.....	10
(4)	PAYMENT OF BILLS.	10
(5)	SEASONAL CUSTOMERS.	11
(6)	WATER SERVICE PIPE INSTALLATIONS.....	11
(7)	RECORDS.....	12
(8)	WATER WASTE AND FIXTURE MAINTENANCE.	12
(9)	TURNING ON WATER.....	12
(10)	DAMAGE TO WATERWORKS PROPERTY.....	12
(11)	REPAIRS OF SERVICE.	12
(12)	REPAIRS TO METERS.....	12
(13)	STOP BOXES.	12
(14)	FAILURE TO READ METERS.....	13
(15)	RECONNECTION CHARGE.....	13
(16)	ABANDONMENT OF SERVICE.	13
(17)	TEMPORARY METERED SUPPLY.	13
(18)	WATER FOR CONSTRUCTION.....	14
(19)	BULK WATER.	14
(20)	FIRES AND FIRE HYDRANTS.....	14
(21)	OPERATION OF VALVES AND HYDRANTS.....	15
(22)	INSPECTION OF PREMISES.	15
(23)	VACATION OF PREMISES.	16
(24)	SURREPTITIOUS USE OF WATER.	16
(25)	REPAIRS OF MAINS.	16
(26)	HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.	16
(27)	SETTLING MAIN OR SERVICE TRENCHES.....	17

(28)	PROTECTIVE DEVICES.	17
(29)	RELIEF VALVES.	17
(30)	AIR CHAMBERS.	17
(31)	LEAD WATER SERVICE LINE REPLACEMENT.	17
(32)	NO CLAIMS FOR DAMAGES.	20
(33)	OWNER LIABLE FOR UNPAID WATER BILL.	20
(34)	DISCONNECTION AND REFUSAL OF SERVICE.	20
(35)	DEPOSIT AND GUARANTEE RULES.	22
(36)	PAYMENT NOT HONORED BY FINANCIAL INSTITUTION CHARGE.	24
(37)	PENALTIES.	24
11.07	CROSS CONNECTION CONTROL.	24
(1)	DEFINED.	24
(2)	PROHIBITED.	24
(3)	INSPECTIONS.	24
(4)	RIGHT OF ENTRY.	24
(5)	DISCONTINUANCE.	24
(6)	EMERGENCY DISCONTINUANCE.	25
(7)	STATE CODE.	25
11.08	PRIVATE WELL ABANDONMENT.	25
(1)	PURPOSE.	25
(2)	COVERAGE.	25
(3)	DEFINITIONS.	25
(4)	WELL OPERATION PERMITS.	26
(5)	ABANDONMENT PROCEDURES.	27
(6)	REPORTS AND INSPECTION.	27
(7)	PENALTIES.	27
11.09	STREET EXCAVATIONS FOR WATER AND SEWER EXCAVATIONS.	27
11.10	PLUMBING REGULATIONS.	27
(1)	GENERAL PROVISIONS.	27
(2)	PLUMBING LICENSE REQUIRED.	29
(3)	INTERIOR PLUMBING WORK.	29
(4)	FORFEITURE OF LICENSE.	29
(5)	PRIVATE WASTEWATER DISPOSAL.	29
(6)	PROTECTION FROM DAMAGE.	30
(7)	PENALTY.	30
(8)	WRITTEN NOTICE OF VIOLATIONS.	31
(9)	ACCIDENTAL DISCHARGE.	31
(10)	LIABILITY TO THE VILLAGE FOR LOSSES.	31
(11)	MISREPRESENTATION.	31
(12)	RIGHT OF APPEAL.	31

(13)	DIFFERENCES OF OPINION.....	31
(14)	CONFLICT.....	32
(15)	SEVERABILITY.....	32
11.11	COMPULSORY CONNECTION TO PUBLIC SEWER AND WATER FACILITIES.	32
(1)	GENERAL PROVISIONS.....	32
11.12	COMPLIANCE.....	38
(1)	AUTHORITY.	38
(2)	POWERS AND AUTHORITY OF INSPECTORS.....	39
11.13	DEFINITIONS.....	40
11.14	APPLICATION OF SERVICE.....	50
11.15	RATES AND CHARGES.....	50
(1)	DEDUCTION FOR WATER NOT DISCHARGED INTO SEWER SYSTEM:	50
(2)	CHARGES FOR OTHER THAN NORMAL WASTEWATER.	50
(3)	INDUSTRIAL WASTE PRETREATMENT.....	51
(4)	CONTRACT BASIS.....	51
(5)	AUDIT.	52
(6)	USER CLASSIFICATION.	52
(7)	SEWER RATES.	53
(8)	SANITARY SEWER SYSTEM CONNECTION.....	53
(9)	SANITARY SEWER SYSTEM EXTENSION CHARGES.....	53
(10)	LATE PAYMENTS AND FAILURE TO PAY SERVICE CHARGES.	54
(11)	REPLACEMENT FUND.	54
(12)	NOTIFICATION.	54
(13)	FREE SERVICE.....	54
11.16	LIABILITY FOR SERVICE COSTS.	54
11.17	USE OF SEWAGE SYSTEM.....	55
(1)	DISCHARGE PROHIBITED.	55
(2)	STORM SEWERS.	55
(3)	INSPECTIONS.....	56
(4)	REMOVAL OF ILLEGAL CONNECTIONS.	56
(5)	SUMP PUMP AND RIGID PIPE REQUIRED.	56
(6)	SUMP PUMP AND RIGID PIPE: METHOD OF INSTALLATION.	57
(7)	SURCHARGE.	57
(8)	NON-PAYMENT OF SURCHARGE.	57
(9)	EXCEPT AS HEREINAFTER PROVIDED.	57
(10)	CONTROL OF INDUSTRIAL DISCHARGES:.....	58
(11)	LIMITED DISCHARGES:.....	66
(12)	SEPTIC TANK AND HOLDING TANK WASTE.....	67
(13)	LIMITATIONS ON DISCHARGE OF SEPTAGE AND HOLDING TANK WASTE.	70
(14)	DISCHARGE TO PUBLIC SEWER.....	70

(15)	TOXIC POLLUTANTS.	70
(16)	POLLUTANT INTERCEPTORS.	70
(17)	CONSTRUCTION DOCUMENTATION.	71
(18)	PRETREATMENT AND FLOW-EQUALIZATION MAINTENANCE	71
(19)	POTENTIAL REQUIRED INFORMATION.	71
(20)	SPECIAL AGREEMENTS.	72
(21)	ACCIDENTAL DISCHARGES.	72
(22)	EXEMPTION METERS.	73
(23)	INDUSTRIAL METERING.	73
(24)	DILUTION.	73
11.18	HOOK-UP.	73
(1)	GENERAL PROVISIONS.	73
11.19	PAYMENT AND COLLECTION OF QUARTERLY RATES.	75
11.20	CABLE TELEVISION.	76
(1)	GRANT OF FRANCHISE.	76
(2)	DEFINITIONS.	76
(3)	INITIAL SERVICE AREA AND EXTENTION POLICY.	77
(4)	TRANSFER OF FRANCHISE OR CONTROL.	77
(5)	TECHNICAL STANDARDS.	77
(6)	GRANTEE’S USE OF VILLAGE RIGHTS.	77
(7)	METHOD OF INSTALLATION.	78
(8)	AUTHORITY TO TRIM TREES.	78
(9)	INDEMNITY.	78
(10)	SERVICES PROVIDED.	79
(11)	SUBSCRIBER PRIVACY.	79
(12)	UNAUTHORIZED CONNECTIONS OR MODIFICATIONS.	79
(13)	FRANCHISE REVOCATION AND EXPIRATION.	79
(14)	SEVERABILITY.	80
(15)	COMPLIANCE TO LAWS, RULES AND REGULATIONS.	80
(16)	PROTECTION OF NONSUBSCRIBERS.	80
(17)	LOCAL TELEPHONE NUMBER.	80
(18)	CONFLICT WITH OTHER ORDINANCES.	80
11.21	WELLHEAD PROTECTION.	80
(1)	CONSTRUCTION OF ORDINANCE.	80
(2)	DEFINITIONS.	81
(3)	GROUNDWATER PROTECTION OVERLAY DISTRICT.	81
(4)	EXEMPTIONS AND WAIVERS.	83
(5)	ENFORCEMENT.	84

11.01 MANAGEMENT OF WATERWORK

(1) PUBLIC WORKS COMMITTEE.

The operation of the Water Utility and Water Department of the Village shall be under the jurisdiction of the Public Works Committee.

(2) DUTIES OF COMMITTEES.

The Public Works Committee shall have entire charge and management of the waterworks system, together with the sanitary sewer and storm sewer, and shall supervise the same under the general control of the Village Board. The Committee shall see that all officers and employees under its jurisdiction perform their duties and shall, from time to time, report and recommend to the Village Board any repairs, additions or improvements they deem necessary.

11.02 APPLICATION FOR SERVICE.

Application for Village water shall be made at the office of the Village Clerk. Every applicant shall agree to comply with all rules and regulations of the Water Department. In case of any violation thereof by a consumer, the water supply furnished him may be discontinued.

(1) WATER LATERAL INSTALLATION CHARGE.

- (a) The Water Utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Wis. Stats. Chapter 66.

(2) WATER SYSTEM EXTENSION CHARGES.

- (a) The Water Utility of the Village shall extend water mains to a new customer or consumer in accordance with the following charges and the following conditions:
 - (1) When an extension main is required by the prospective customer, the consumer shall make an application for such an extension in writing to the Village Board of Trustees by filing such an application with the Village Clerk.
 - (2) After the filing of such an application, the Village Board shall first determine if fire protection service is needed in this particular area. If fire protection service is needed, the Board shall next determine the size of the main and the logical location of the next fire hydrant. Where a fire hydrant is required, no extension shall be made for a distance less than to the next fire hydrant. If no general fire protection is needed, the Board shall determine the minimum size and type of water pipe.
 - (3) Such extensions shall be installed the full length of the applicant's property frontage.
 - (4) The consumer or consumers who request the extension shall pay the entire cost of the public watermain extension, including all necessary appurtenances (i.e. hydrants, valves,

etc.). If more than one consumer is involved, the general service share shall be divided among these consumers.

- (5) The cost of the watermain extension and its appurtenances, must be paid by the applicant to the Village Clerk, prior to any construction or installation of the water service.
 - (6) If the Village installs the watermain extension and the final cost exceeds the original price, the applicant shall pay the difference to the Village Clerk. If the final cost of the watermain extension is less than the original price, the Village Clerk Shall pay the difference to the applicant.
 - (7) Each applicant for water lateral installation shall install the requisite water service lateral at their own expense. Such installation shall be under the direction and supervision of the Village.
- (b) This section shall not apply to extensions that are made to newly platted subdivisions containing 20 lots or more. For all such extensions, the Village Board shall make a determination of the amount to be paid by the owner of the lots by the procedure set forth in § 60.0703, Wis. Stats.
 - (c) The Village Clerk shall establish the necessary forms for administration of this section and set up necessary records within their office so that an examiner can ascertain the status of any parcel of land included within any such extension.
 - (d) No reimbursement of contributions for cost of general service shall be made after 10 years have expired from the date of the payment of the first contribution for construction of the particular main in question. Anyone connecting to a main partially constructed by contributions from consumers after the expiration of such 10 years shall pay the specified charges for attaching to an existing main as set forth herein.
- (3) SERVICE PIPE AND FIXTURE INSTALLATION.

All Plumbing work, appurtenances and fixtures shall be installed in the manner required by the Village Public Works Director and shall be subject to their inspection and approval. No work underground shall be covered up until examined by their authorized representative. All service piping shall be installed in accordance with § PSC 185.52, Wis. Adm. Code, construction standards.

(4) ESTABLISHMENT OF LIMITS.

(a) REASON FOR LIMITING EXTENSIONS OF SERVICE.

The Village hereby determines, pursuant to § 66.0813, Wis. Stats., that it is necessary to specifically limit the areas the Municipal Water and Sewer Utilities serves for the following reasons:

- (1) To provide adequate fire protection for persons and property within the corporate limits of the Village.

- (2) To protect the public health and safety of the Village's residents without placing an undue financial burden on the Village taxpayers.
- (3) To effectively coordinate Water and Sewer Utility Operations with other municipal public works activities.

(4) To conserve and protect the available water supply.

(b) **LIMITATION ON DIVISION OF USE.**

No division or subdivision of any existing usage shall be allowed such that a present customer and/or user of the water and sewer services can add additional users onto its specific lateral or laterals serving its individual properties.

(c) **RIGHT OF FURTHER LIMITATION RESERVED.**

The Village reserves the right to further limit such area by subsequent action.

(d) **APPLICATION FOR EXTENDING SERVICE.**

Each application for water and water service and sewer service to be provided shall be subject to the action of the Village Board and shall include the applicant's agreement to annex to the Village all properties to be provided water and water service and sewer service. Where the Village Board approves an extension to the distribution system, the Director of Public Works and/or Village Engineering Firm shall approve the plans for the extensions and the applicant shall have the extensions installed at its own expense. Upon annexation, the water and sewer main distribution system and water and sewer service provided for under this subsection shall become the property of the Village.

11.03 WATER RATES.

The Public Works Committee shall have the power to establish such rates for the operation of the waterworks plant and system of the Village of Bloomington as are authorized by the Public Service Commission of the State of Wisconsin. Users shall be billed the applicable Fixed Service Charge and Usage Rate per the current rate schedule.

11.04 FUNDS.

The revenues, moneys and funds belonging to or delivered from the ownership and operation of the utility property by the Village shall be held, invested and disposed of in accordance with the provisions of subsection 66.069(1)(c), Wisconsin Statutes, and other provisions of law.

No funds of said public utility shall in any case be transferred to the Village Treasurer for the use of the Village except in accordance with the provisions of Section 66.069, subsection (1), paragraph (c) of the statutes.

Any excess funds accumulated by said utility, unless deposited pursuant to law, may be invested only in bonds or certificates for which a utility of a Village is security or general obligations of the United States or any municipal corporation in the state.

11.05 REPEAL OF INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

11.06 WATER SERVICE REGULATIONS.

(1) ESTABLISHMENT OF SERVICE.

All persons now receiving a water supply from the Bloomington Water Department, or who may hereafter make application thereof, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Application for water service shall be made in writing on a form furnished by the water department. The application will contain a legal description of the property to be served, name of applicant, the use to be made or service, size of the service and meter desired, and such other information as the utility may require.

Service will be furnished only if:

- (a) Premises have a frontage on a regularly platted street or public strip in which a cast iron or other long life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule,
- (b) applicant has installed or agrees to install a service pipe from curb stop to the point of use laid not less than six (6) feet below the surface of an established or proposed grade and according to utility's specifications, and
- (c) premises have adequate piping beyond metering point.

(2) METERS.

All water furnished by the Village of Bloomington shall be accurately metered by the use of water meters which shall be furnished by the utility. Each water meter shall be installed and connected under the direction of the utility and in accordance with its rules and regulations and in accordance with PSC Rules Schedule X-1.5.

Water used by the Village of Bloomington on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the current billing rates.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

(a) Inspection of Meters, Pipes and Fixtures.

All water meters and fixtures, service pipes, appliances and appurtenances on private premises connected with the Village water system shall be open to inspection by the proper officials and employees of the utility and Village at all reasonable hours. Leaky service pipes leading to a meter shall be repaired by the consumer upon notice from the proper authorities; and in the event the necessary repairs are not promptly made, the water supply to the meter shall be discontinued until the repairs shall be made.

(b) Meter not to be Obstructed.

All ordinary meter maintenance shall be furnished by the utility. The owner of any building or premises where a meter is located shall see that the meter is kept free from obstruction and is conveniently accessible at all times for purposes of reading, inspection or repairing. The water supply shall be discontinued from any meter not so kept, and shall not be resumed until this section is complied with and the cost of discontinuing and resuming the water supply is paid.

(c) Unauthorized Connection or Tampering.

No person, unless properly authorized by the utility, shall connect, remove or otherwise disturb any water meter, or break the seal thereof.

(d) Unmetered Service.

Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the current volumetric rate, excluding any service charges.

Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 8,000 gallons of water quarterly, including the service charge for a $\frac{5}{8}$ -inch meter. If the utility determines that actual usage exceeds 8,000 gallons of water quarterly, an additional charge for the estimated excess usage shall be made according to the current rates. This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter, and charges shall be based on the current rates.

(3) COMBINED METERING.

Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

(4) PAYMENT OF BILLS.

Bills for the rates and charges as herein established by the Village of Bloomington shall be sent quarterly following the billing period, and shall be paid in the office of the Village Clerk or other

designated collection station. If any charge for the services of the system shall not be paid by the 20th day of the month in which it shall become due and payable, a delayed payment charge of 3% of the amount of the bill shall, but not less than 50 cents, shall be added thereto and collected therewith. This ONE-TIME 3% percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185. All water and/or sewer account balances that are outstanding as of September 1 will be placed on your property tax bill with an additional 3% penalty. The outstanding portion of your account that is applied to the tax bill includes the third and fourth quarters of the previous year, and the first and second quarters of the current year, plus any interest. You have until October 31 of each year to pay your account in full to avoid the 3% penalty.

Failure to receive a quarterly bill, or your absence from the Village on the due date, will not serve as a claim to waive late payment charges.

The Village reserves the right to revoke discharge permits and to disconnect service to any user whenever water bills become delinquent

All amounts continue to be due whether or not the water is disconnected, and no water shall be reconnected until the Village is paid in full for all amounts due it and, in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of all bills for a period of two years.

(5) SEASONAL CUSTOMERS.

Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges year-round, including the period of temporary disconnection unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection. Upon reconnection, the utility shall apply a charge and require payment of any unpaid charges.

(6) WATER SERVICE PIPE INSTALLATIONS.

(a) TYPE OF PIPE.

All water service pipes extending from the water main to a meter shall be of a quality conforming to the standards and regulations of the Village Water Department. All water service pipes to the curb stop from the water main shall be laid and repaired by the Village.

All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

(b) NEW WATER SERVICES.

All tapping of mains shall be done by the Village. The charge for this service shall be per the current Water Schedule.

(7) RECORDS.

The Village Clerk shall keep all papers and records pertaining to the management of the water works. The records shall contain the names of all patrons serviced by meters, a description of premises supplied, collections made and such other items as the Village Board may, from time to time, require. The Village Clerk shall see that the provisions of all contracts by or with the Village relating to the waterworks are complied with, and shall credit all accounts and claims and submit the same to the Village Board with adequate explanations.

(8) WATER WASTE AND FIXTURE MAINTENANCE.

Consumers shall prevent unnecessary waste of water and shall keep their sprinklers, pipes, hydrants, faucets, valves, hose, and apparatus in good condition at their own expense, excepting ordinary meter maintenance which shall be furnished by the Village. Water at washbasins, water closets, urinals, baths or any other place shall not be left running for any purpose. The Village reserves the right to shut off the water supply for any violation hereof. During alarms of fire or while fires are in progress, the use of fountains, lawn and street sprinklers, etc., is prohibited.

(9) TURNING ON WATER.

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

(10) DAMAGE TO WATERWORKS PROPERTY.

No person shall deface, mark or in any way damage or meddle with the fire hydrants, valves, gates, standpipe or other appurtenances or buildings of the waterworks of the Village or attempt to work or operate without authority any of such hydrants, valves, gates, or appurtenances.

(11) REPAIRS OF SERVICE.

The service pipe from the main to the curb stop will be maintained by the utility. The customer will maintain the service pipe from the curb stop to the point of use. If a customer fails to repair a service pipe within a reasonable time following notification of need for repairs, the water will be shut off until repairs are completed.

(12) REPAIRS TO METERS.

Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.

(13) STOP BOXES.

The stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation

problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises

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

(14) FAILURE TO READ METERS.

Where the utility is unable to read a meter after two successive trials, the fact will be plainly indicated on the bill, the minimum charge applied and the difference adjusted when the meter is again read.

If the meter fails to operate, the bill will be based on the average use during the past several years unless there is some reason why the use was not normal. If the average use cannot be properly used, the bill will be estimated by some equitable method.

(15) RECONNECTION CHARGE.

The utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. The minimum service contract period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer at his request has been disconnected prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same or some other location, a Reconnection Charge, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.

A customer shall be considered as the same customer if the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

(16) ABANDONMENT OF SERVICE.

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

(17) TEMPORARY METERED SUPPLY.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, the charge for furnishing and setting the meter is provided in the current Water Schedule.

All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, less service charge will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor or upon the user becoming a property owner.

(18) WATER FOR CONSTRUCTION.

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb stop shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

(19) BULK WATER.

All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.

Bulk water sales are:

- (a) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
- (b) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or,
- (c) Water supplied from hydrants or other temporary connections for general service type applications, except that applies for water supplied for construction purposes.

A service charge per the current water schedule and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers. In addition, for meters that are assigned to bulk water customers for more than 7 days, the applicable service charge will apply after the first 7 days.

The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.

(20) FIRES AND FIRE HYDRANTS.

(a) CONNECTIONS FOR FIRE PURPOSES.

Proprietors of factories, lumber yards, halls, stores, elevators, warehouses, hotels or public buildings, being regular consumers of Village water, who desire to lay large pipes with hydrants and hose coupling to be used in case of fire, shall be permitted to connect with the street mains at their own expense, upon application to the Village Public Works Director and under their supervision, shall be allowed to use the water for fire purposes only. All such pipes must be provided with a suitable valve, sealed by the Public Works Director, and a stop and

waste cock attached at the bottom of the pipes on the inside of the building. If the seal is broken for the extinguishment of fire, the party shall immediately give notice to the Public Works Director and, if the seal shall have been broken for any other use, the person so doing shall be in violation of this section and subject to a penalty as provided in this Municipal Code. No standpipe will be allowed upon premises where the water is taken for other than fire purposes.

(b) PUBLIC FIRE PROTECTION SERVICE.

Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

(c) PRIVATE FIRE PROTECTION SERVICE - UNMETERED.

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices. For all private fire protection service, the unmetered rates set forth, or as may be filed with the Public Service Commission, shall apply.

(d) USE OF HYDRANTS.

No person authorized to open hydrants shall delegate his authority to another or permit any unauthorized person to take the wrenches or tools from him or from any fire engine or hose house where the same may be kept, except for purposes strictly connected with the Fire Department.

(21) OPERATION OF VALVES AND HYDRANTS.

Any person who shall, without authority of the Director of Public Works, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or fire department practice, or who shall wantonly injure or impair the same shall be subject to the penalty hereinafter provided. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the water department will not be responsible for the damage to the motor vehicle by reason of such accident.

(22) INSPECTION OF PREMISES.

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

(23) VACATION OF PREMISES.

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

(24) SURREPTITIOUS USE OF WATER.

When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

- (a) The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.
- (b) The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.
- (c) The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

(25) REPAIRS OF MAINS.

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

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to ensure the safety of the public.

(26) HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.

Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any customer for any period exceeding six (6) hours.

No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe

casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

(27) SETTLING MAIN OR SERVICE TRENCHES.

Trenches in streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first 12 inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

(28) PROTECTIVE DEVICES.

The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

(29) RELIEF VALVES.

On all “closed systems” (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.

(30) AIR CHAMBERS.

An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

(31) LEAD WATER SERVICE LINE REPLACEMENT.

(a) INTENT AND PURPOSE.

The Village of Bloomington’s Board of Trustees finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the Village’s water system and in private systems and, to that end, declares the purposes of this section to be as follows:

- (1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under federal law.

- (2) To reduce lead in Village drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in Village drinking water for the health of Village residents.
- (3) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes.
- (4) To meet the Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80-141.90 and Wis. Admin Code NR 809.541-809.55), as may be amended.

(b) IDENTIFICATION OF LEAD SERVICE LINES.

- (1) Upon notice from the Utility, any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility's water distribution system shall allow the Utility to inspect the customer service line to determine the material of construction as authorized pursuant to Section 196.171 et. seq., Wisconsin Statutes.
- (2) Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for inspection of the service line. If entry is refused, such representatives may obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (3) The Utility shall create and maintain a record of the location of all identified lead service lines served by the Utility.
- (4) The Utility shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility's water distribution system that has been inspected and determined to be constructed of lead.

(c) LEAD SERVICE LINE REPLACEMENT.

- (1) All lead service lines must be replaced regardless of whether on the Utility-side or the customer-side. All customer-side lead service lines discovered prior to June 23, 2025 shall be replaced immediately. All customer-side lead service lines discovered on or after June 30, 2025 shall be replaced within one year from the date of discovery.
- (2) REPLACEMENT PRIORITY.

Owners, managers, or persons otherwise exercising control over properties connected to the Utility's water distribution system with customer-side lead service lines shall be

required to replace said lines according to the following order of priority and based on the replacement schedule established by the Village of Bloomington:

- a. Schools or licensed childcare facilities.
- b. Properties where a leak or failure has been discovered on either the Utility-side or customer-side portion of a lead service line.
- c. Properties at which confirmed water sample test at the tap shows lead concentrations at or above 15 parts per billion (ppb).
- d. Properties where more than 20 people regularly have access to drinking water during any eight-hour period.
- e. Properties where the Utility is replacing its side of the lead service line to the property.
- f. All other properties.

(3) OWNER TO REPLACE LEAD SERVICE LINES.

The owner shall, at the owner's expense, replace the customer-side lead service lines. In all cases, the Utility shall supply an appropriate connection point as part of its work.

(4) FINANCING OF REPLACEMENT. Disputes regarding the eligibility for financing may be appealed to the Village of Bloomington.

(5) WATER SYSTEM RECONSTRUCTION. The Director of Public Works or designee shall inspect all private connections to the public water mains at the time that the utility system water main is to be reconstructed.

- a. Any existing private lead service line shall be considered illegal.
- b. Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
- c. As the reconstruction progresses, the Director of Public Works or designee shall inspect each private water service connection for the presence of lead or, in the event inspection has been made previously, determine the materials used in the private water connection from inspection records.
- d. If the private water service line does not contain lead, the Village shall reconnect the same to the utility system at an appropriate point near the right-of-way line.

- e. If the private water service line is found to contain lead, the Director of Public Works or designee shall immediately notify the owner in writing of that fact.
- f. Pursuant to subsection 11.06.19(c)(3), the owner shall, at the owner's expense, replace the lead service line. In all cases, the Village shall supply an appropriate connection point as part of its work.

(32) NO CLAIMS FOR DAMAGES.

No person shall enter a claim for damage against the Village of Bloomington, as a water utility, or any officer thereof, for damage to any pipe, fixture, or appurtenances by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially of the water supply for the extension, alteration, or repair of any water main or premises supply, or for the discontinuance of the premises water supply for the violation of any rules or regulations of the Board of Waterworks Commissioners. No claims will be allowed against the Village, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by the stoppage for repairs, on account of fire or other emergency.

(33) OWNER LIABLE FOR UNPAID WATER BILL.

The owner of any building or premises where the water meters and water fixtures, appliances and appurtenances may be, shall be responsible for the proper care of the same whether the same be in the possession of himself or his tenant, and the owner shall be liable and responsible for any unpaid water rent due from the consumption of water on his premises if the tenant shall neglect to pay; and such unpaid water bill shall be collected by adding the same to the tax roll of the premises and collected as taxes from the owner.

(34) DISCONNECTION AND REFUSAL OF SERVICE.

- (a) Reasons for Disconnection. Service may be disconnected or refused for any of the following reasons:

- (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
- (2) Violation of the Utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
- (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
- (4) Diversion of service around the meter.

- (b) Disconnection for Delinquent Accounts.

- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer, at least five (5)

calendar days prior to disconnection, a written disconnect notice which may be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance. The Utility shall make a reasonable effort to contact the customer by telephone or personally prior to any disconnection. No disconnection shall be made on a day, or a day immediately preceding a day, when the business office of the Utility is not available to the public for the purpose of transacting all business matters.

- (2) The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
- (3) The Utility shall notify the Grant County Department of Health and Social Services at least five (5) calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The Utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within 24 hours after disconnection, the Utility shall notify the Grant County Sheriff's Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

(c) Deferred Payment Agreement

- (1) The Utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are reasonable, the parties shall consider the following:
 - a. The size of delinquent account.
 - b. The customer's ability to pay.
 - c. The customer's payment history.
 - d. The time that the debt has been outstanding.
 - e. Reasons why the debt has been outstanding.
 - f. Any other relevant factors concerning the circumstances of the customer.
- (2) A deferred payment agreement shall not include a finance charge.

- (3) If an applicant for service has not fulfilled the terms of a deferred payment agreement, the Utility shall have the right to disconnect service or refuse service in accordance with these rules and, under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
- (4) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

(d) Dispute Procedures.

- (1) Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing, as rendered, is in dispute, or that any matter related to the disconnection is in dispute, the Utility shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter into a deferred payment agreement, when applicable, in order to settle the dispute.
- (2) After the customer has pursued the available remedies with the Utility, they may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) Any party to the dispute after informal review may make a written request for formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay 50 percent of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
- (4) In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in §66.0809, Wis. Stats.

(35) DEPOSIT AND GUARANTEE RULES.

(a) For Property Owners.

A deposit may be required if the credit of the consumer has not been established satisfactorily to the utility

(b) For Renters.

Either of the following alternatives may be used:

- (1) A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.

- (2) A deposit will be required of the renters where property owners have notified the utility in writing that they preferred to have the water bills paid by the renter.

(c) Deposit.

- (1) The amount of deposit required may be a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1.00 per month for each class of water service furnished.
- (2) The deposit shall be refunded upon requests of the customer after 2 years' service with payments within the prompt payment period and, without such request, shall be refunded voluntarily by the utility after 3 years' service with payments within the prompt payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the utility.
- (3) A new or additional deposit may be required upon reasonable written notice of the need for such a requirement, in any case, where a deposit has been refunded or is found to be inadequate, or where the customer's credit standing is not satisfactory to the utility. The water service of any customer who fails to comply with these requirements may be disconnected upon 5 days' written notice.
- (4) Deposits shall bear simple interest at the rate of 5% per annum payable from the date of the deposit to the date of refund or discontinuance of service, whichever is earlier.

(d) Guarantee

- (1) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice to the utility of discontinuance of service at the location covered by the guarantee agreement or six (6) months after discontinuance of service or at the guarantor's request upon 30 days' written notice to the utility.
- (2) Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. The water service of any customer who fails to comply with these regulations may be disconnected upon 5 days' written notice.
- (3) The guarantor shall receive copies of all final disconnect notices sent to the customer whose account he has guaranteed.
- (4) If the utility is not able to collect any bill for water service even though deposit and guarantee rules are on file, the bill may be put upon the tax roll as provided in section 66.069 Wis. Stats.

(36) **PAYMENT NOT HONORED BY FINANCIAL INSTITUTION CHARGE.**

The utility shall assess a \$30.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.

(37) **PENALTIES.**

The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

11.07 CROSS CONNECTION CONTROL.

(1) **DEFINED.**

A cross connection shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the Village water system and the other water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

(2) **PROHIBITED.**

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the Village, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the utility and the Wisconsin Department of Natural Resources under §NR 811, Wis. Adm. Code.

(3) **INSPECTIONS.**

The utility shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the utility and as approved by the Wisconsin Department of Natural Resources.

(4) **RIGHT OF ENTRY.**

Upon presentation of credentials, the representative of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.0119, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) **DISCONTINUANCE.**

The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures

deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in sub. (06) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with this section.

(6) EMERGENCY DISCONTINUANCE.

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

(7) STATE CODE.

The Village adopts by reference the State Plumbing Code, Chapter ILHR 82, Wis. Adm. Code. This section does not supersede the State Plumbing Code and the Village Plumbing Code but is supplementary to them.

11.08 PRIVATE WELL ABANDONMENT.

(1) PURPOSE.

To prevent unused and improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water, unsafe or noncomplying wells, private wells that are no longer in use, for which a well permit has expired or that fail to meet the requirements of NR 812 must be properly filled and sealed.

(2) COVERAGE.

Except as provided herein, all private wells located on any premises which are served by the public water system of the Village shall be properly filled and sealed. Only those wells for which a well operation permit has been granted by the Village Clerk may be exempted from this requirement; subject to conditions of maintenance and operation and operation as set forth in the permit.

(3) DEFINITIONS.

MUNICIPAL WATER SYSTEM

A system for the provision to the public of piped water for human consumption, when such system has at least 15 service connections or regularly serves at least 25 year-round residents, owned or operated by a city, village, county, town, town sanitary district, utility district or public institution, or a privately owned water utility serving any of the above.

NONCOMPLYING

A well or pump installation which does not comply with the provisions of Ch. NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

PUMP INSTALLATION

The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

UNSAFE

A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Ch. NR 109 or 140, Wisconsin Administrative Code, or for which a health advisory has been issued by the Department of Natural Resources.

UNUSED

A well or pump installation which is not in use or does not have a functional pumping system.

WELL

An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

WELL ABANDONMENT

The filling and sealing of a well according to the provisions of Ch. NR 812, Wisconsin Administrative Code.

(4) WELL OPERATION PERMITS.

A permit may be granted to a well owner to operate a well for a period not to exceed 12 months if the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Village of Bloomington, or its agent, may conduct inspections or have water quality tests conducted at the applicants' expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit application and renewals shall be made on forms provided by the Village Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation meet the requirements of Chapter NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Wisconsin Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Wisconsin DNR.
- (b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three (3) samplings, two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
- (c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

- (d) No physical connection shall exist between the piping of the public water system and the private well.

(5) ABANDONMENT PROCEDURES.

- (a) All wells to be abandoned under the jurisdiction of this section or rule shall be filled and sealed according to the procedures outlined in Chapter NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- (b) The owner of the well, or the owner's agent, shall notify the Village at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Village or the Village's agent.

(6) REPORTS AND INSPECTION.

A well abandonment report shall be submitted by the well owner to the Wisconsin DNR on forms provided by the agency and available in the office of the Village Clerk. The report shall be submitted immediately upon completion of the filling and sealing of the well. The filling and sealing must be observed by a representative of the Village. The owner must submit a copy of the well abandonment report to the Village within 10 days of the completion of the well abandonment.

(7) PENALTIES.

Any well owner violating any provision of this section shall, upon conviction, be subject to a penalty as provided in Section 11.06(24). Each day of violation is a separate offense. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

11.09 STREET EXCAVATIONS FOR WATER AND SEWER EXCAVATIONS.

See Section 8.05 of this code.

11.10 PLUMBING REGULATIONS.

(1) GENERAL PROVISIONS.

- (a) Management. The Village Sewer Utility shall be managed by the Village Board of Trustees.
- (b) Purpose and Intent. The Ordinance sets forth uniform requirements for discharges into the Village wastewater facilities and enables the Village to protect the public health in conformity with all applicable local, state, and federal laws relating thereto.
- (c) The Purpose of this Ordinance is:
 - (1) To assure proper design and construction of all connections to the Village wastewater facilities.

- (2) To prevent the introduction of pollutants into the Village wastewater facilities which will interfere with the normal operation of the facilities or contaminate the resulting treatment works sludge.
- (3) To prevent the introduction of pollutants into the wastewater facilities which do not receive adequate treatment in the Village treatment works, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the facilities.
- (4) To regulate the sewer service charges to all users of the Village wastewater facilities ensuring that all users pay a proportionate share of the costs of sewer service.
- (5) To assure that sufficient revenues are collected to pay all Village costs associated with owning, operating and maintaining the wastewater facilities.
- (d) Authority. This Ordinance is adopted under the authority granted by Sections 62.18, 62.185, and 66.076 of the Wisconsin Statutes.
- (e) State Administrative Code Compliance. This Ordinance is designed to comply with the requirements of Section NR 128 of the Wisconsin Administrative Code, which Code pertains to the user charge system in conjunction with the award and acceptance of Wisconsin Department of Natural Resources grant and low-interest loan funding.
- (f) Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (g) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.
- (h) Severability of Ordinance Provisions. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
- (i) Repeal. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with the Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (j) Effective Date. This ordinance shall take effect on passage, approval, and publication on June 23, 2025.

(2) PLUMBING LICENSE REQUIRED.

All plumbers or other person in the business of plumbing in the Village of Bloomington shall first furnish to the Village Board satisfactory evidence of proper qualifications and willingness in all respects to be governed by the rules, by-laws and regulations adopted by the Village Board and water commissioners, and shall procure a license or permit from the Village Board. Such license shall be issued by the Village Clerk and shall continue in force for the period of one year, unless sooner revoked by the Village Board. Before such license shall be issued, the applicant shall pay to the Village Clerk a fee per the Water Schedule. It shall be unlawful for any person, firm, or corporation to make any connection with the municipal sewer or water main, without first having obtained a license as herein provided.

(3) INTERIOR PLUMBING WORK.

All interior plumbing piping shall sustain a water pressure of 300 pounds to the square inch and be subject to the inspection of the building inspector. All piping must be of the best quality and so approved by the building inspector.

(4) FORFEITURE OF LICENSE.

Any plumber or pipe fitter who shall violate any of the established ruled or regulation contained in this chapter shall forfeit his license and shall also be subject to a penalty as hereinafter provided. Poor or defective work shall also be the cause for forfeiture of the license.

(5) PRIVATE WASTEWATER DISPOSAL.

(a) Where a public sanitary sewer is not available, and with the approval of the Village Board, any building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section. Persons requesting permission to install a septic system must have at least two (2) acres of land with the property they wish to develop. The Approving Authority may allow service of sanitary sewer to areas outside the corporate limits upon resolution from the Village. Users outside of the limits shall comply with all segments of the Ordinance. All costs for extension shall be borne by the user.

(b) Before commencement of the construction of a private wastewater disposal system or additions to an existing private wastewater disposal system, the owner shall first obtain a written permit from the office of the Village. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Village. An annual permit fee must be paid to the Village for all septic systems authorized by the Village Board. The permit fee amount is provided in the Sewer Schedule.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Village. A representative of the Village shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the said representative when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

- (d) The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate administrative codes of the State of Wisconsin and be approved by the Wisconsin Department of Industry, Labor and Human Relations, Bureau of Plumbing. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner shall always operate and maintain the private wastewater disposal facilities in a sanitary manner, at no expense to the Village.
- (e) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village. Sludge removal from private disposal systems is to be performed by licensed operators and disposed of in a manner approved by the Wisconsin Department of Natural Resources. Sludge removal shall be no less frequent than once every two years. The septic must be pumped at least every 24 months. The property owner must provide to the Village a receipt showing the date the septic was pumped, the amount paid for the service, and name of the company that provided the service.
- (f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Village Board.
- (g) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the building sewer shall be connected to said sewer within 30 days and the private wastewater disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material.
- (h) Disconnected septic tanks and holding tanks within the sewer service area shall have all sanitary wastewater removed and shall be abandoned by the owner in accordance with all federal, state, and local regulations.

(6) PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of criminal damage to property or disorderly conduct or other appropriate charge.

(7) PENALTY.

The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continued. In addition, the violator shall be:

- (a) Liable to the Village for all costs, expenses, loss or damage, if any, incurred by the Village as a result of such violation.
- (b) Subject to immediate disconnection of the sewer servicing the property upon or in connection with which the violation occurred.

(8) WRITTEN NOTICE OF VIOLATIONS.

Any person, partnership, corporation, or any officer, agent or employee thereof who shall continue any violation beyond the aforesaid notice time limit provided for in this Ordinance shall, upon conviction thereof, pay a forfeiture as established by the Village for each violation. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day in which any such violation shall continue shall be deemed a separate offense.

(9) ACCIDENTAL DISCHARGE.

Any person who intentionally, negligently, or accidentally violates any of the provisions of this article shall become liable to the Village and others, as their interests may appear, for any expense, loss, damage, or attorney fees occasioned the Village or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this article. This section shall be applicable whether or not a written notice of the violation was given as provided elsewhere herein and without consideration for any penalties that may be imposed for a violation of this Ordinance or other federal or state law.

(10) LIABILITY TO THE VILLAGE FOR LOSSES.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the Wastewater Treatment Facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damage, both values to be established by the Village.

(11) MISREPRESENTATION.

Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by the imposition of a civil penalty of not more than \$1,000 plus any sewer service back charges.

(12) RIGHT OF APPEAL.

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Village interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Village a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for the appeal. The written appeal shall be heard by the Village Board within 60 days from the day of the filing of the appeal with the Village. The Village shall make a final ruling on the appeal within 60 days from the date of the hearing.

(13) DIFFERENCES OF OPINION.

The Approving Authority shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance by the Approving Authority.

(14) CONFLICT.

If any portion of this Chapter is found to be in conflict with any other provision of the Wisconsin Statutes, Wisconsin Administrative Code or of Federal law or regulation, the provision of State or Federal law shall control.

(15) SEVERABILITY.

The provisions of this Chapter are declared to be severable, and if any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Chapter, or the application of the provision to other persons or to other circumstances nevertheless remains in full force and effect.

11.11 COMPULSORY CONNECTION TO PUBLIC SEWER AND WATER FACILITIES.

(1) GENERAL PROVISIONS.

- (a) Everything in the Village used for human habitation and located adjacent to a sanitary sewer main, or in a block in which a sanitary sewer main exists, is hereby required to be connected with such sewer main. If any person fails to comply with the provisions of this article for more than 30 days after notice to do so in writing from the Village Board of Trustees, the Village may cause such work to be done and the expense thereof shall be assessed as a special tax against the property as provided in § 281.45, Wis. Stats. After connection of any building used for human habitation to a sewer main, it shall be unlawful to use any privy, cesspool or waterless toilet in connection with such premises. The penalty for violation of any provision of this subsection shall be a penalty as established by the Village. A separate offense shall be deemed committed on each day on which a violation occurs or continues, provided that no forfeiture shall be imposed for a violation of this subsection when connection to the sewer or water main is enforced at the expense of the property owner.
- (b) To assure preservation of public health, comfort and safety, it shall be the duty of the owner or the agent of the owner or any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend, to connect therewith after notice as provided herein.
- (c) When a sewer or water main becomes available to any building used for human habitation, the Village Board shall notify, in writing, the owner or his agent, to connect the building thereto and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the notifying officer.
- (d) The notice required of this ordinance shall be given in the manner prescribed by the Wisconsin Statutes or by registered mail addressed to the last known address of the owner or his agent.

- (e) If the owner or his agent fails to comply, after 30 days' notice as herein provided, the notifying officer may cause connection to be made and the expense thereof assessed as a special assessment tax against the property according to Section 281.45 Wisconsin Statutes.
- (f) The owner, or his agent, may with thirty (30) days after the completion of the work, file a written opinion with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five (5) equal annual installments, with interest on the unpaid balance at six (6%) percent per annum.
- (g) After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.
- (h) Any person who shall fail to comply with a proper connection order or shall otherwise violate any provision of this section shall be subject to penalties as provided in Section 15.04 of this code. A separate offence shall be deemed committed on each day on which a violation occurs or continued.
- (i) No unauthorized person shall uncover, make any connections or disconnections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village of Bloomington. After a permit is obtained, any person making sewer, connection, disconnection, or alteration to the public sewer shall contact the Wastewater Treatment Facility Superintendent and all construction shall conform to the regulations as described in OSHA Confined Spaces Standard (29CFR 1910.146). All permits issued under this section shall expire six months after issuance.
- (j) Any person desiring to extend sanitary sewer and/or connect a sanitary sewer other than a building sewer to a public sewer shall make application to Village in writing. All responsibility is of the owner(s) of the property for which such connection is desired.
 - (1) The application shall describe the location of the requested extension and/or connection; the volume and characteristics of the wastewater to be transmitted; the date the work is anticipated to be performed; and shall include a statement that the new sewers and connections to the public sewer system shall be properly designed and constructed and shall be subject to the lawful rules and regulations of the Village. Connections will be allowed only when the new connection does not exceed the capacity of downstream collection and treatment facilities, as required by the WPDES permit and other requirements of this Ordinance.
 - (2) The application shall be accompanied by full payment for any extension and/or connection charges and be accompanied by one (1) electronic copy and three (3) sets of complete plans and specifications for the connecting system. Every plan submitted shall bear a sign showing the direction of true north in relation to the plan.

- (3) The design and construction shall be under the direction of a professional engineer licensed to practice in the state of Wisconsin and shall conform to state and local plumbing codes and the requirements of the Wisconsin Department of Natural Resources. Such engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the wye branches or slants. All costs of such engineering shall be the responsibility of the owner(s). The owner(s) of the property shall notify the proper representative of the Village when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be inspected by said representative.
 - (4) Within sixty (60) days, or as soon thereafter as possible, the Village shall review the plans for conformity with applicable local, state, and federal regulations. The Village may then take one of the following actions:
 - a. Approve the plans, issue the connection permit, and submit the plans as appropriate.
 - b. Conditionally approve the plans and provide a written statement of all conditions for approval and issuance of the connection permit and/or extension.
 - c. Reject the plan and explain the reasons for the rejection.
 - (5) Construction shall not proceed until all required approvals are granted.
 - (6) Sanitary sewers, including all related items (manholes, wyes, tees, studs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Village. No persons except those having special permission from the Village or persons in their service and approved by them will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits from the Village, to ensure that new sewers and connections to the sewer system are properly designed and constructed.
 - (7) Pipes should not be tapped 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. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.
- (k) Classes of building sewer permits.
- (1) There shall be two classes of building sewer permits:
 - a. For residential and commercial service; and
 - b. For service to establishments producing industrial wastes.

- (2) In either case, the owner or the owner's agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee as required shall be paid to the Village at the time the application is filed.
- (3) All costs and expense incident to the installation and connection of the building sewer shall be the responsibility of the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Village may levy a special assessment upon the area benefited for all collector and interceptor sewers if constructed by the Village.
- (4) A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.
- (5) Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by a representative of the Village, to meet all requirements of this article including application and fee requirements. The Village shall inspect the connection once it has been made. The Village may also conduct such other inspections as are necessary or prudent for the sanitary sewer system, extensions and/or connections. The owner(s) shall pay the costs of any additional inspections that may be required by the Village for quality assurance related to any requested extension or connections.
- (6) It shall be the responsibility of the property owner to maintain the lateral from any structure to the Right-of-Way, if there be one; otherwise the easement line to his premises, except when collection lines cross the Owner's property the installation and maintenance responsibility shall be from collection line to the premises.
- (7) The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village and the State of Wisconsin Plumbing Code. In the absence of statutory or regulatory provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. All such connections and disconnections shall be made gas tight and watertight and verified by the proper testing. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.
- (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

(9) Discharge Prohibited: Except as otherwise expressly authorized in this Section, roof leaders, ponds, swimming pool drains, surface drains, sump pumps, ground water drains, foundation footing drains and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private wastewater treatment facility. All such connections existing at the time of passage of this section shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Wastewater Treatment Facility Superintendent or his or her designee shall give the offending person 30 days' notice to disconnect. Failure to disconnect after such notice shall authorize the Wastewater Treatment Facility Superintendent to cause disconnection and assessment of the costs of such disconnection against the property involved. The Wastewater Treatment Facility Superintendent may, in the alternative, institute action for violation of this paragraph. Any existing connections of surface runoff or groundwater shall be disconnected within 30 days of written notice from the Village.

- a. Inspections: Property owners shall allow an employee of the Village or a designated representative of the Village to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. A property owner may hire a licensed plumber to complete the inspection at the property owner's complete expense. The licensed plumber hired to complete the inspection must fill out and sign the proper form. The Village may periodically re-inspect any building or premise to determine compliance with the requirements of this ordinance.
- b. Removal of illegal connections: Any property owner who has made any connection or installation in violation of this ordinance shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the Village may impose a surcharge in the amount provided in Section 11.17(7). Such a surcharge may also be imposed upon any property owner who refuses to permit an inspection of the premises, including a re-inspection, within 30 calendar days after notice of demand for inspection has been delivered. The property Owner may be given an extension to remove or correct their installation if weather conditions prevent the removal or correction from being completed.

(10) Transfer of real property. Prior to every transfer of real property within the Village, whether by Deed or Real Estate Contract and with or without consideration, the Grantor shall obtain from a Representative of the Village a Certificate of Sump Pump Inspection which shall be delivered to the Grantee at the time the Grantor is required to deliver the Grantor-Seller's Disclosure Statement pursuant to Chapter 709 of the WI Stats. The Certificate shall state that the Representative of the Village has inspected the below ground level, if any, and has determined one of the following conditions exist: 1) the sump pump drainage system complies with this Section; 2) the system does not comply with this Section, stating the reasons therefore; 3) no sump pump drainage system has been installed in the lowest level of the premises; 4) there is no basement or below ground level within the structure. As

between the Grantor, Grantee, and the Village, once the property has been conveyed, both Grantor and Grantee shall be jointly and severally liable for a violation of this Section and for bringing the sump pump drainage system in compliance with this Section.

- (11) The connection or disconnection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village.
- (12) The applicant for the building sewer permit shall notify the Village Board or a Representative of the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Board or a Representative of the Village.
- (13) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. No person shall leave any such excavation made in any street or highway open at any time without barricades. During the night and/or other times when visibility is limited, warning lights must be maintained at such excavations. In making excavations in streets or highways for laying service pipe or making repairs, the planks, paving stones, and earth removed must be deposited in a manner that will occasion the least inconvenience to the public and must provide for the passage of water along the gutters. When refilling the opening after service pipes are laid, the approved backfill material must be laid in layers of not more than six (6) inches in depth, and each layer must be thoroughly rammed or puddled to prevent settling. This work, together with the replacing of sidewalks, ballast, and paving, must be done so as to make the street at least as good as it was before it was disturbed and be satisfactory to the Village. No opening of the streets for tapping the mains will be permitted when the ground is frozen. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (14) No connections shall protrude into any sewer main.
- (15) In order to levy a special assessment upon the area benefited, all collector and interceptor sewers shall be constructed by the Village with all costs to be borne by the owner.
- (16) Upon completion and the Village's acceptance of the project for which the connection is desired, all of the facilities constructed other than the building sewers shall be conveyed to the Village free and clear of any liens, and the village shall assume the responsibility for the operation and maintenance of said facilities thenceforth.
- (17) Whenever premises served by the sewer system are to be vacated, or whenever any person desires to discontinue service from the system, the Village must be notified in writing. The Approving Authority will then determine the appropriate measures to discontinue service. All cost shall be borne by the owner. The owner of the premises shall be liable for any damages to the property of the sanitary sewer system.

- (18) Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village be necessary to the Wastewater Treatment Facility, and whenever, for any cause, an agreement for the purchase thereof cannot be made with the Owner thereof, the Village shall proceed with all necessary steps to take 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.
- (19) All property, real, personal, and mixed, acquired for the construction of the Wastewater Treatment Facility, and all plans, specifications, diagrams, papers, books, and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.
- (20) All existing sewer laterals shall be televised prior to use.
- (21) All work shall be completed by a licensed plumber.
- (22) All laterals shall be inspected by the Village. The Village may also conduct such other inspections as are necessary or prudent for the sanitary sewer system, extensions and/or connections. The owner shall pay the costs of any additional inspections that may be required by the Village for quality assurance related to any requested extension or connections.
- (23) A sewer hookup charge shall apply to all new connections in the Village. Failure to comply with this section will be considered a violation and subject to forfeiture of the sewer hookup charge plus penalties.

11.12 COMPLIANCE.

All persons who will receive sewer service from the Village of Bloomington sewerage utility shall be considered as having agreed to be bound by rules and practices as herein stated or amended.

(1) AUTHORITY.

- (a) The management, operation, and control of the wastewater treatment facilities for the Village is vested in the Village. All records, minutes, and all written proceedings thereof shall be kept by the Village, including all the financial records.
- (b) The Village shall have the power to construct a wastewater treatment facility for public use and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the sewer service area; and generally, to do all such work as may be found necessary or convenient in the management of the Wastewater Treatment Facility. The Village shall have power by itself and its officers, agents, and servants shall have power to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefor; and the Village shall have power to purchase and acquire all real and personal property that may be necessary for construction of the Wastewater Treatment Facility, or for any repair, remodeling, or additions thereto.

- (c) The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within the sewer service area, the Village shall, if practicable, give notice to each and every consumer within the sewer service area, of the time when such service will be shut off.
- (d) It is expressly stipulated that the Village is not responsible for and no claim shall lie against the Village 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.
- (e) The wastewater discharged by the service area will be treated at the Village Wastewater Treatment Facility. Therefore, the Bloomington Sewer Use Ordinance governs these discharges to the sewer system.

(2) POWERS AND AUTHORITY OF INSPECTORS.

- (a) The Wastewater Treatment Facility Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent of discharge to the community system in accordance with the provisions of this section.
- (b) The Wastewater Specialist and other duly authorized employees of the Village or designee bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the sewer system in accordance with the provisions of this article.
- (c) The Village or duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- (d) While performing the necessary work on private properties referred to in Subsection a above, the Wastewater Specialist or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (e) The Wastewater Specialist and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection,

observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

- (f) The Village hereby reserves the right to cut off service to any property at any time for the purpose of repairing or maintaining the wastewater system or for any other necessary purpose, any permit granted of regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the wastewater collection system within any area of the Village, the Village shall, if practicable, give notice to consumers affected by the shutoff of the time when such service will be shut off.

11.13 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in the Ordinance shall be as follows. "Shall" is mandatory; "may" is permissive.

AUDIT:

An audit as a separate report from other funds and shall cover the following: financial operations are properly conducted; financial reports are presented fairly; applicable laws and regulations have been complied with; resources are managed and used in an economical and efficient manner; desired results and objectives are being achieved in a financially effective manner.

AMMONIA NITROGEN (NH₃-N):

Ammonia Nitrogen shall mean one of the oxidation states of nitrogen, which nitrogen is combined with hydrogen in the molecular form as NH₃ or in the ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be in accordance with procedures set forth in Standard Methods.

APPROVING AUTHORITY:

The Approving Authority shall mean the Village of Bloomington Board of Trustees (Village).

BOD (denoting "biochemical oxygen demand"):

Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BILLABLE BOD:

Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Public Works Committee. Average waste strength of BOD shall be the domestic waste concentration of 200 milligrams per liter for the purpose of billing for user charges.

BILLIABLE FLOW:

Billable Flow shall mean a monitored sewage flow or a user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data. Residential users on unmetered wells and users with no history of

billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

BILLABLE SUSPENDED SOLIDS:

Billable Suspended Solids (SS) shall mean a user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Public Works Committee. Minimum waste strength of SS shall be the domestic waste concentration of 250 mg/l milligrams per liter for the purpose of billing for user charges.

BILLABLE TOTAL PHOSPHORUS:

Billable Total Phosphorus shall mean a user's loading in pounds of Total Phosphorus calculated using the billable flow and concentration of Total Phosphorus in the waste as determined by the Public Works Committee. The minimum waste strength of Total Phosphorus shall be the domestic waste concentration of 5 mg/L for the purpose of billing for user charges.

BUILDING DRAIN:

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING INSPECTOR:

Building Inspector of the Village of Bloomington, or any person with whom the Village has contracted with, to perform building inspections.

BUILDING SEWER:

Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewerage. This is also known as a house connection.

CATEGORICAL PRETREATMENT STANDARDS:

Any standard specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to the wastewater facilities by industrial users in specific industrial categories. The "applicable categorical pretreatment standard" shall mean the most restrictive pretreatment limitations or prohibitive standards for industrial wastewater that are enacted by a federal, state or local governmental entity.

CHLORIDE (Cl-):

Chloride is commonly produced from salt in solution, expressed in milligrams of Cl- per liter.

CHLORINE REQUIREMENT:

Shall mean the amount of chlorine in milligrams per liter that must be added to wastewater to produce specified chlorine content in accordance with procedures in Standard Methods.

CLEAR (UNPOLLUTED) WATER:

Water having no impurities, or where impurities are below minimum concentration considered harmful by Wisconsin Department of Natural Resources and would not be benefited by discharge to the

wastewater treatment facilities provided. Sources of clear water include inflow and infiltration.

CLASS OF USERS:

Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.

COLLECTION SEWERS:

The Collection of Sewers are the sanitary sewer and manholes maintained by the Village of Bloomington.

COMBINED SEWER:

Shall mean a sewer that carries liquid and water carried wastes from residences and institutions together with groundwater, storm water, and/or surface water.

COMMERCIAL USER:

Shall mean any user whose premises are used primarily for the conduct of a particular enterprise, including but not limited to businesses such as wholesale or retail trade finance, insurance, real estate or services, schools, and churches and who discharge primarily normal domestic-strength wastewater.

COMPATIBLE POLLUTANTS:

Shall mean biochemical oxygen demand (BOD), suspended solids, ammonia, pH, fecal coliform bacteria, and phosphorus, plus additional pollutants identified in the Wisconsin Pollutant Elimination System (WPDES) permit issued to the Village wastewater treatment facility, provided that such wastewater treatment facility was designed to treat such pollutants and does remove such pollutants to a substantial degree.

COMPOSITE SAMPLE:

Composite Sample shall mean a sampling consisting of portions of a waste taken in proportion to the volume of the flow of said waste.

DEBT SERVICE:

Shall mean all costs to the Sewer Department for the retirement of debts incurred in the provision of wastewater facilities, including both principal and interest.

DEPOSITED:

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

DEPRECIATION:

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

DOMESTIC WASTES:

Liquid wastes from (a) the non-commercial preparation, cooking, and handling food, or (b) containing human excrement and similar matter from the sanitary convenience or dwellings, commercial buildings industrial facilities, and institutions.

EASEMENT:

An acquired legal right, less than fee simple, for the specific use of land owned by others.

EXPENDITURES:

Those expenditures authorized by the Village Board and made payable from the accounts kept for the expenditures of the user charge and industrial funds shall be limited to those for which the fund was created.

FECAL COLIFORM:

Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL:

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

FORCE MAIN:

Force main shall mean the discharge line from any lift station maintained by the Village of Bloomington.

FLOW PROPORTIONAL COMPOSITE SAMPLE:

A combination of individual samples taken during operating or discharge hours, whichever is longer, where the individual samples are taken at frequent intervals not exceeding 15 minutes, and are either:

- I. Such that the volume of each is proportional to the rate of flow at the time it is taken, or
- II. Of equal volume and taken at intervals such that there is a constant volume of discharge during each interval.

GARBAGE:

Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

GROUND GARBAGE or SHREDDED GARBAGE:

Ground Garbage or Shredded Garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.25 centimeters) in any dimension.

GRAB SAMPLE:

A single sample taken at one moment or a combination of several smaller samples of equal volume taken in less than a 2-minute time period. Where the term is used in connection with monitoring temperature or pH, it means a single measurement.

HOLDING TANK:

An approved watertight receptacle for the collection and holding of wastewater.

HOLDING TANK WASTE:

The scum, liquid, sludge, or other wastes from holding tanks such as chemical toilets, campers, trailers, vacuum pump trucks and other temporary holding facilities that collect wastewater from a user. "Holding tanks waste" does not include sludge, or waste from a soil absorption field, septic tank, privy or grease trap.

INCOMPATIBLE POLLUTANTS:

Shall mean wastewater with other than compatible pollutants, including those that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

INDUSTRIAL USER:

Shall mean any nongovernmental, nonresidential user of the public sewer system which discharges more than the equivalent of 25,000 gallons per day and/or is further defined in the Wisconsin Administrative Code, Chapter NR 110.

INDUSTRIAL WASTES:

Shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial or manufacturing establishment or process or from the development, recovery or processing of natural resources. Industrial wastes, under this section, shall include discharges from a Division D. Manufacturing user of the sanitary sewer system identified in the Standard Industrial Classification Manual, current edition, Office of Management and Budget, as amended and supplemented. An industrial may be excluded from industrial waste classification if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

INFLOW & INFILTRATION (I&I):

Shall mean the portion of groundwater, surface water, and rainfall that drains or is discharged into the sewer.

INFILTRATION:

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

INFLOW:

Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard, area drains, sump pumps, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

INSPECTOR:

Shall mean any person or persons authorized by the Village Board to inspect and approve the installation of building sewers and their connection to the municipal sewerage System.

INTERCEPTOR SEWER:

Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

MILLIGRAMS PER LITER (mg/l) or PARTS PER MILLION (ppm):

Shall be the weight-to-weight ratio; the milligrams per liter or ppm value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of wastewater.

NATURAL OUTLET:

Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

NORMAL WASTEWATER or NORMAL DOMESTIC SEWAGE:

Shall mean sanitary wastewater resulting from the range of normal domestic activities, in which BOD, SS, phosphorus, ammonia-nitrogen, chloride, surfactant, and COD concentrations meet the following:

- A. Five-day, 20° C., BOD of not more than 200 mg/L
- B. A suspended solids content of not more than 250 mg/L
- C. A phosphorus concentration of not more than 5 mg/L
- D. An ammonia-nitrogen concentration of not more than 15 mg/L
- E. A chloride concentration of not more than 300 mg/L
- F. A surfactant concentration of not more than 2.9 mg/L
- G. A Chemical Oxygen Demand (COD) concentration of not more than 400 mg/L.

OPERATION AND MAINTENANCE:

Costs shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to ensure adequate wastewater collection and treatment on a continuing basis

which conforms to applicable regulations and assures optimal long-term facility management.

PERSON:

Shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, group, or other entity.

pH:

Shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter as determined by standard methods.

PHOSPHORUS (P):

Shall mean total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus should be made in accordance with procedures set forth in Standard Methods.

PRETREATMENT:

Shall mean the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works.

PRIVATE PLUMBING:

Shall mean a sewer which is not owned by the Village of Bloomington, including all that sewage plumbing with the walls of structures served by the sewage utility including that portion on the exterior of the structure connecting it to the sewer main.

PUBLIC SEWER:

A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority. It shall also include sewers within or outside those boundaries that serve one or more persons and ultimately discharge into the Village's sewer system, even though no portion of the sewers was constructed with Village funds.

PUMPING STATION:

Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

REPLACEMENT COSTS:

Shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

RESIDENTIAL USER:

Shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only normal domestic-strength wastewater.

SANITARY SEWER:

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

SANITARY SEWER EXTENSION:

Sanitary Sewer Extension shall mean a sanitary sewer which is extended to provide sanitary service to a parcel or area which is not currently served by sanitary sewer. All properties or parcels to which a sanitary sewer lateral will be installed must be adjacent to a public sanitary sewer main. All instances where properties or parcels that are not adjacent to public sanitary sewer shall be considered a public sanitary sewer extension. Any cost of new development of sanitary sewer shall be incurred by the developer.

SANITARY WASTEWATER:

Sanitary Wastewater shall mean a combination of liquid and water carried wastes from residential, commercial, industrial, and public authority users, together with such ground water, storm water, and surface water as may be unintentionally admitted to the system.

SEPTAGE:

Shall mean the wastewater content of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, privies, or portable restrooms.

SEPTIC TANK:

A tank which receives and partially treats sewage through processes of sedimentation, oxidation, floatation, and bacterial action, so as to separate solids from liquid in the sewage and discharges the liquid to a soil absorption system.

SEWAGE:

Shall mean the combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow. The preferred term is "wastewater."

- a) Sanitary Sewage shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
- b) Industrial Sewage shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
- c) Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

SEWER:

Shall mean a pipe or conduit for carrying wastewater or drainage water.

SEWERAGE SYSTEM:

Includes all street laterals, main and intercepting sewers, and structures by which sewage or industrial waste is collected, transported, treated or disposed of. This shall not include plumbing inside or in connection with buildings served, or service sewers from a building to Village Right-of-Way or easement line.

SEWER DEPARTMENT or DEPARTMENT:

The Bloomington Sanitary Sewer Department.

SEWER SERVICE AREA:

Sewer Service Area shall mean the area presently served and anticipated to be served by the municipal wastewater collection system.

SLUDGE:

Any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the allowable concentration or flows during a normal working day (i.e., one-, two- or three-shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SLUG:

Shall mean any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS:

Shall mean 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 Federation of Sewage and Industrial Wastes Association.

STORM SEWER or STORM DRAIN:

Shall mean a sewer which carries storm, surface, and drainage water, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

SUPERINTENDANT:

Shall mean the Superintendent of the Municipal Sewer System of the Village of Bloomington or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS (SS):

Shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as "non-filterable residue."

TOXIC AMOUNT:

Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to, or assimilation into, any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 307(a) of Public Law 92-500 as amended.

TOXIC DISCHARGES:

Toxic Discharges shall mean a discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Village, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

UNPOLLUTED WATER:

Shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER CHARGES:

User Charges shall mean the amount charged to a user for sewer services and includes operation and maintenance costs and replacement costs.

USER CHARGE SYSTEM:

User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

USER CLASS:

User Class shall mean the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.

VILLAGE:

The Village of Bloomington.

VILLAGE BOARD OF TRUSTEES:

The governing body of the Village of Bloomington.

WASTEWATER:

Wastewater shall be synonymous with sewage and shall mean the water carries human, animal, and household wastes in a public or private drain, and may also include inflow, infiltration, and industrial wastes.

WASTEWATER TREATMENT FACILITY:

Wastewater Treatment Facility shall mean the arrangement of devices and structures for the transport, storage, treatment, recycling, and reclamation of wastewater, liquid industrial wastes and sludge.

These facilities include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal wastes. Sometimes used as synonymous with “wastewater treatment works” or “waste treatment facility” or “water pollution control facility” or “publicly owned treatment works.”

WASTEWATER SPECIALIST:

Employee, appointed person, or representative of the Village Sewer Department.

WATERCOURSE:

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

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT:

Shall mean a document issued by the Wisconsin Department of Natural Resources, Chapter NR 200-299 of the Wisconsin Administrative Code that establishes effluent limitation and monitoring requirements for the wastewater system.

11.14 APPLICATION OF SERVICE.

Applications for sewer service shall be filed with the Village Clerk upon a form to be supplied by the Village. The application shall state the name of the applicant and the premises to be served. All applications shall be accompanied by appropriate connection charge, or portion thereof, as hereinafter stated in Section 11.15. An application for disposal of industrial waste shall include, in addition to the above, the following:

- (1) Estimated volume of waste.
- (2) Variation in rates of discharge.
- (3) Characteristics of waste, and
- (4) Strength of waste.

11.15 RATES AND CHARGES.

The Sewer Commission shall have the power to establish such rates for the operation of the Sewage Treatment Plant of the Village of Bloomington as are authorized by the Wisconsin Statutes.

(1) DEDUCTION FOR WATER NOT DISCHARGED INTO SEWER SYSTEM:

Any customer may purchase a water meter from the Sewer Department. This meter is to be used to monitor water that does not enter the sanitary sewer system. The amount of water used and not discharged into the Village sewer system shall be subtracted from the total volume of water used at the location.

(2) CHARGES FOR OTHER THAN NORMAL WASTEWATER.

- (a) Charges for wastewater other than normal wastewater shall be based on flow, BOD, COD, suspended solids, ammonia nitrogen, phosphorus, chloride, surfactants, and such other

compatible pollutants which affect the cost of collection and treatment. Charges shall be made in accordance with rates established by the Village Board of Trustees.

- (b) All persons discharging wastes into the public sewers are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than “normal concentrations” (see definition). The volume of flow used for computing waste surcharges shall be the metered water consumption, subject to adjustments as otherwise herein provided, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the Sewer Department in removing BOD, suspended solids, and other compatible pollutants.
- (c) The rates of surcharge for each of the aforementioned constituents will be at the prevailing rate at the time.
- (d) In addition to the above surcharges, the Sewer Department's costs of sampling and analyzing industrial wastes shall be charged to the applicable industry.
- (e) Where industrial wastes are of such a strength or magnitude or are delivered over such a period of time that the above surcharges do not reflect the actual cost of treatment to the Sewer Department, the Department reserves the right to establish a special charge for handling the waste. That portion of the charge related to capital investment shall be based on the design capacity required for the particular waste. In no event shall the charges be less than those charges determined by applying the above surcharge.

(3) INDUSTRIAL WASTE PRETREATMENT.

In the event the Department provides pretreatment of industrial wastes, the entire cost of such pretreatment shall be charged to the person producing the industrial wastes. The costs shall include but not be limited to capital expenditures, operation and maintenance expenses, labor, chemicals, heat, and power.

(4) CONTRACT BASIS.

Nothing in this article shall prohibit the Village from providing wastewater services to persons outside the sanitary district limits of the Village under mutually agreeable conditions. The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Wisconsin Administrative Code and building and plumbing code or other applicable rules and regulations of the Village. The owner shall maintain the lateral from Village Right-of-Way, if there be one; otherwise the easement line to his premises, building, structure, and all controls between the same, except when collection lines cross the owner's property the installation and maintenance responsibility shall be from collection line to the premises. Laterals shall be maintained without expense to the Village, except when damaged as a direct result of provable negligence or carelessness on the part of the Village. All laterals and components thereof shall be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any lateral is to be re-laid and there are two or more buildings on such lateral, each building shall be disconnected from such lateral and a new lateral shall be installed for each

building.

(5) AUDIT.

At the discretion of the Village, an audit of the Department's financial standing may be made biannually. This audit will be used to review the adequacy of the then-existing rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance the Department's operation in accordance with the original intent of the rate structure. The biannual audit and review shall also be used to ensure that each recipient of sewage service (or user class) is charged in proportion to the cost of providing said recipient (or user class) with sewage service. Excess revenues collected for operation and maintenance from a class of users shall be applied to the costs of operation and maintenance attributable to that class for the next year and the rates shall be adjusted accordingly.

(6) USER CLASSIFICATION.

(a) RESIDENTIAL.

Residential users are the single-family residence, duplex, and multi-family housing without central cooking. Pollutant concentrations are BOD – 200 mg/l; S.S. – 250 mg/l; ammonia nitrogen – 15 mg/l; and phosphorus – 5 mg/l.

(b) COMMERCIAL.

Commercial users shall mean a user engaged in the purchase or sale of goods, services, or any business transactions whose wastewaters generated are more than typical domestic sewage. Typical commercial users are service stations, laundry, car wash, butcher shop, restaurant, motel, hotel, taverns, grocery store, feed mills. Pollutant concentrations are BOD – 200 mg/l; S.S. – 250 mg/l; ammonia nitrogen – 15 mg/l; and phosphorus – 5 mg/l.

(c) INSTITUTIONAL.

Institutional users shall mean a user whose wastewaters are generated from institutional activities. Typical institutional users are hospital, nursing homes, and schools. Pollutant concentrations are BOD – 200 mg/l; S.S. – 250 mg/l; ammonia nitrogen – 15 mg/l; phosphorus – 5 mg/l.

(d) INDUSTRIAL.

Industrial user shall mean any user whose wastewaters are generated from the production of products from materials or material handling. A typical industrial user is a factory, slaughterhouse, milk transfer, or cheese factory. Pollutant concentrations are to be established by the Approving Authority.

(e) SIGNIFICANT INDUSTRIAL USER.

Significant Industrial Users are those users whose wastewater generations exceed 10% of the design flow, design BOD, or design suspended solids loading for the facility more than 10 times per year or have a wastewater that has a detrimental effect on the facility operation and performance. The significant industrial user will be required to acquire a discharge permit, monitor their discharges from flow, BOD, SS, and any other parameter established by the

Approving Authority. The Approving Authority reserves the right to add or delete monitoring parameters and frequency. Each user is listed below along with wastewater treatment allotments. If a significant industrial user exceeds the allocation allotment, he shall be charged as detailed in this Ordinance.

(f) PENALTIES

Penalties for exceeding the allotments by the listed Significant Industrial Users shall not be less than five (5) times the rate for each parameter. Penalties will be assessed for each day the allotments are exceeded (week, if samples are collected weekly). If allotments are exceeded more than five (5) days per month, the Approving Authority shall determine if the discharge permit be revoked. The Village reserves the right to inspect the monitoring equipment, sampling equipment, holding tank, etc., as to assure compliance with the permit. The Village also reserves the right at any time to split wastewater samples with the permit holder to compare values of BOD5, suspended solids, or any other parameter listed in the permit. The Village value will govern in case of any discrepancy.

(7) SEWER RATES.

(a) The sewer rates shall be as follows:

- (1) A minimum charge per the Sewer Schedule per quarter for each User located in the Village of Bloomington, Grant County, Wisconsin.

(8) SANITARY SEWER SYSTEM CONNECTION.

(a) The sanitary sewer connection charges shall be as follows:

- (1) The connection charge to the Village of Bloomington public sanitary sewer system is as provided in the Sewer Schedule. This fee must be paid by the applicant to the Village Clerk prior to any connection or installation of a sanitary lateral. Each applicant for sanitary sewer connections shall install the requisite lateral at his or her own expense. Such installations shall be under the direction and supervision of the Village.

(9) SANITARY SEWER SYSTEM EXTENSION CHARGES.

- (a) Whenever a requested public sanitary sewer connection requires an extension of the public sanitary sewer, the applicant shall pay all costs of the public sanitary sewer extension, including all necessary appurtenances (i.e. manholes, etc.). Such extensions shall be installed by the Village or, subject to approval by the Village Board, under the direction, supervision, and approval of the Village. The sanitary sewer extension shall be installed the full length of the applicants property frontage. The connection charge to the public sanitary sewer extension is provided in the current Sewer Schedule. This fee, along with the cost of the sanitary sewer extension and its appurtenances, must be paid by the applicant to the Village Clerk prior to any construction or installation of the sanitary sewer service. If the Village installs the sanitary sewer extension and the final cost exceeds the original price, the applicant will pay the difference to the Village Clerk. If the final cost of the sanitary sewer extension is less than the original price, the Village Clerk shall pay the difference to the applicant. Each applicant for

sewer connections shall install the requisite sanitary sewer lateral at his or her own expense. Such installation shall be under the direction and supervision of the Village.

- (b) The Village Board may at any time establish specific connection and lateral charges for any main not covered by any other provisions in this chapter or when the Village has made an extension and the Village Board has failed to provide lateral or connection charges, it is further provided that the Village Board may amend or alter any connection or lateral charge after its establishment under the terms of this chapter or previous ordinances or resolutions. All sewer extensions shall be constructed according to local or state laws, ordinances, and regulations.

(10) LATE PAYMENTS AND FAILURE TO PAY SERVICE CHARGES.

(a) DELINQUENT BILLS/LATE PAYMENT CHARGE.

All charges under this article which are not paid by the due date are subject to a late payment charge per Section 11.19.

(b) REMEDIES FROM FAILURE TO PAY SERVICE CHARGES.

Each wastewater service charge levied by or pursuant to this article is hereby made a lien upon the corresponding lot, land, or premises served by a connection to the sanitary district sewer system of the Village, and if the same is not paid within the period allotted for such payment, said charge shall constitute a lien on the property served and be inserted in the Bloomington Township ,Grant County, WI tax roll as provided in § 66.0821(4), Wis. Stats., in the same manner as water rates are taxed and collected under the provisions of § 66.0809 or 62.69(2)(f), Wis. Stats., as the same has been and from time to time may be amended or recreated, so far as applicable.

(11) REPLACEMENT FUND.

Annual income from the wastewater service charges which constitute funds required for replacement shall be separately accounted for and shall not be utilized for any purposes other than replacement.

(12) NOTIFICATION.

Each billing shall identify the amount billed which is attributable to sewer service.

(13) FREE SERVICE

No user shall receive free service or pay a sewer user charge less than the user's proportional share of operation, maintenance, and replacement costs.

11.16 LIABILITY FOR SERVICE COSTS.

The owner of the premises served and the occupant thereof and the user of the sewer service shall be jointly and severally liable for the sewer service provided on said premises. A deposit of ten (\$10.00) dollars shall be required from all tenants. Such deposit shall be applied to any bill for sewer service

delinquent more than fifteen (15) days. Upon the disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

11.17 USE OF SEWAGE SYSTEM.

If a user of the sewerage system discharges any substance therein which is deemed injurious by the Superintendent or committee to the operation of the sewerage system, he shall be required to discontinue the discharge of such substance in the sewerage system. If after 30 days' notice in writing, such user continues to discharge such injurious substance into the sewer system, he shall be subject to a penalty of \$10.00. Each day in which such violation continues to exist, after effective date of notice to discontinue such discharge, shall be deemed a separate violation.

It will be the responsibility of the Superintendent to give to each user a card containing the restrictions on the use of the sewerage system.

Restrictions with respect to domestic and commercial wastes to be discharged to the sewer:

(1) DISCHARGE PROHIBITED.

Except as otherwise expressly authorized in this Section, no unpolluted waters such as stormwater, surface water, groundwater, subsurface drainage, unpolluted cooling water, ponds, swimming pool water, unpolluted industrial process waters to any sanitary sewer, or clear water drains of any kind, including water fountains, subsoil drains, building drains tile drains, down spouts from roof gutters, surface drains, drains from any mechanical device, ditches, pipes, conduits, sump pumps or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging clear waters into a sewer designed or designated as a sanitary sewer, and all of said waters shall be discharged into a storm sewer wherever possible. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into a sanitary sewer system. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to a storm sewer or discharge through the curb and gutter to the street. Within the home or business, the sump pump discharge pipe shall consist of a rigid discharge line, without valves or quick connections, which would alter the path of discharge. However, if the line is directly connected to a storm sewer line or catch basin a check valve and an air gap are required.

(2) STORM SEWERS.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Village and other regulatory agencies having jurisdiction, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.

(3) INSPECTIONS.

Property owners shall allow an employee of the Village or a designated representative of the Village to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. A property owner may hire a licensed plumber to complete the inspection at the property owner's complete expense. The licensed plumber hired to complete the inspection must fill out and sign the proper form work that is available at the Village Office. The Village may periodically re-inspect any building or premise to determine compliance with the requirements of this ordinance.

(4) REMOVAL OF ILLEGAL CONNECTIONS.

Any property owner who has made any connection or installation in violation of this ordinance shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the Village may impose a surcharge in the amount provided in Section (6) below of this Ordinance. Such a surcharge may also be imposed upon any property owner who refuses to permit an inspection of the premises, including a re-inspection, within 30 calendar days after notice of demand for inspection has been delivered. The property Owner may be given an extension to remove or correct their installation if weather conditions prevent the removal or correction from being completed.

(5) SUMP PUMP AND RIGID PIPE REQUIRED.

- (a) New Subdivisions: All Construction. A sump pump and rigid pipe discharge connection to the outside shall be required for all construction in new subdivisions. The sump pump and rigid pipe discharge requirement will apply to all units constructed within a specific subdivision. The homeowner may request a variance from this requirement by the Village's Director of Public Works if conditions exist where a sump pump will not be necessary.
- (b) Existing Subdivisions: New Construction. Any new construction in a subdivision platted prior to the effective date of this ordinance shall be required to install a sump pump and rigid pipe discharge connection to the outside. The sump pump and rigid pipe discharge requirement will apply to all units constructed within a specific subdivision. The homeowner may request a variance from this requirement by the Village's Director of Public Works if conditions exist where a sump pump will not be necessary.
- (c) Existing Subdivisions: Existing Construction. Any existing construction in a subdivision platted prior to the effective date of this ordinance in which a sump pump has been or will be installed, shall be required to install a rigid pipe connection discharge in accordance with Section 5(b) above. It shall be unlawful to maintain any connection with the sanitary sewer carrying roof water, ground water, surface water or any other natural precipitation after the effective date of this ordinance.
- (d) Exceptions. In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer may be maintained from October 15th to March 15th. In no case, shall any connection to the sanitary sewer be

maintained from March 15th to October 15th. Exception will be granted by permit on a case by case basis as determined by the Village Engineer.

(6) SUMP PUMP AND RIGID PIPE: METHOD OF INSTALLATION.

- (a) The building shall have a drain tile placed around the inside or outside perimeter of the foundation that is connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten (10) feet away from the inside sanitary floor drain.
- (b) A discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) one (1) inside diameter minimum. The discharge pipe must be installed according to all state and local codes. The discharge shall extend at least one (1) foot outside of the foundation wall at a point where there is positive drainage away from the wall.
- (c) Alternate methods of installation.
 - (1) The discharge pipe may be connected directly to the municipal underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.
 - (2) The discharge may be connected directly to the municipal curb and gutter system provided the pipe is placed under the sidewalk or boulevard and through the back of the curb and that an approved backflow prevention device is installed.

(7) SURCHARGE.

A surcharge of Ten Dollars (\$10) per day, each day in which such violation continues to exist. After each effective date of notice to discontinue such discharge, shall be deemed a separate violation. A surcharge is hereby imposed on every sewer bill to property for the following conditions:

- (a) Failure to comply with this ordinance; or
- (b) Refusal to permit property inspection.

(8) NON-PAYMENT OF SURCHARGE.

If the surcharge is not received by the Village of Bloomington, the Village reserves the right to assess the property owner the unpaid balance.

(9) EXCEPT AS HEREINAFTER PROVIDED.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas mercury or an alloy containing mercury.
- (b) 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 collection and

treatment facilities, including, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, sanitary napkins, etc., or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works either whole or ground by garbage grinders.

- (c) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans, flora and fauna, create a public nuisance, or create any hazard or has an adverse effect on the receiving waters of the Wastewater Treatment Facility.
- (d) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (e) Air pollution as defined in Section 144.30(2). Wis. Stats.
- (f) Any garbage that has not been properly shredded.
- (g) Any liquid or vapor having a temperature higher than 150°F.
- (h) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous at temperatures between (32° and 150°) F and (10° and 65°)C.
- (i) Any waters or wastes having pH lower than five and one-half (5.5) or higher than nine (9.0) or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection or treatment facility.
- (j) Industrial discharges that exceed the applicable categorical pretreatment standard, pursuant to ch. NR 211 of the Wisconsin Administrative Code.
- (k) Wastes prohibited by s. NR 211.10, Wisconsin Administrative Code.
- (l) Any product of the treatment processes or any of the Village's residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes.
- (m) Any sanitary sewer or the Village of Bloomington's wastewater facilities to be overloaded.
- (n) Excessive Village collection and treatment costs or disproportionate use of the Village's facilities.

(10) CONTROL OF INDUSTRIAL DISCHARGES:

- (a) Industrial Request to Discharge for New Users:

Any new industrial user wishing to connect to the public sewerage system within the Village shall be required to complete an “Industrial Request to Discharge” before applying for a plumbing permit. The Village will determine whether or not the proposed industrial user must provide further information to the Village. If no further information is needed the prospective industrial user may apply for a plumbing permit.

(b) Industrial Request to Alter Characteristics of Discharge:

Any existing industrial user that desires to increase the amount, or change the nature of the waste discharged to the Village sewer system shall submit an “Industrial Request to Discharge” to the Village. The request will be evaluated to determine if further information is required.

(c) Baseline Monitoring Report:

Upon request of the Village, each industrial user may be required to submit to the Village a “Baseline Monitoring Report.” The report shall contain data on the characteristics of the wastewater discharged from the industrial user, such as projected flows, concentrations of compatible pollutants, oils and grease, and any toxic substances as defined by this Ordinance. The purpose of the “Baseline Monitoring Report” is to determine whether the wastewater discharged by an industrial user is compatible with the Village’s wastewater facilities, or should be regulated through the use of a permit.

(d) Permit to Discharge Industrial Waste:

(1) Based upon the information supplied in the “Baseline Monitoring Report,” the Village shall determine if the industrial discharge is subject to categorical pretreatment standards, or if the industrial discharge contains substantial amounts and/or concentrations of substances regulated or limited by this Ordinance. In the event the industrial discharge does contain substances regulated by this ordinance or is subject to categorical pretreatment standards, the Village shall so notify the industrial user and said user shall not discharge industrial wastes into the Village’s wastewater facilities, except pursuant to a permit issued by the Village.

(2) Upon receiving notification by the Village pursuant to Section 11.10(5) a hereof, the industrial user shall make written application to the Village for issuance of a “Discharge Permit.” The Village may issue a permit to the industrial user, which may include, but not be limited to:

- a. The name, address and telephone number of the industrial user; and the identity of an authorized representative to act on its behalf.
- b. A description of the industrial user’s permitted connection or connections to the public sewer system and its location.
- c. The average and/or maximum limit of various wastewater constituents that may be discharged by such user.

- d. Any limit on the maximum rate of industrial discharge or the time of the discharge.
 - e. A requirement for a control manhole or some other means to collect a representative sample of the industrial user's discharge.
 - f. A description of both the frequency of self-monitoring that is required and of the method of sample collection.
 - g. A discussion of reports that must be submitted to the Village.
 - h. A compliance schedule for construction of pretreatment facilities if required.
 - i. The requirements for records retention.
 - j. The notification procedure to be followed if the industrial user intends to change the characteristics of its wastewater discharge.
 - k. A statement concerning the Village's right to inspect the industry's facilities.
 - l. The agreement of the holders of the permit to indemnify the Village from and against any and all liability for injury or damage arising out of or related to the activities of the holder in discharging industrial wastes.
 - m. A statement of the applicable pretreatment standards that the user must abide by.
 - n. A statement that a violation of pretreatment requirements as specified may be subject to various penalties as listed in this Ordinance.
- (3) Upon issuance of such permit, the industrial user shall faithfully comply with all provisions thereof and as contained in this ordinance, as amended from time to time.
 - (4) Any permit issued under this section shall be effective for a period not to exceed five (5) years from the date thereof. Any user holding a permit shall apply for a permit renewal at least 180 days prior to the expiration date of the user's existing permit.
 - (5) Permits issued under this section are personal as to the user/holder thereof, and may not be subsequently assigned or transferred by operation of law or otherwise, to any successor or assignee, without the prior written approval of the Village.
 - (6) All industrial users shall notify the Village in advance of any change in its industrial operations that could have an effect upon the waste and wastewaters generated or of any substantial change in the volume or character of pollutants in their discharge. In such event, the Village may add to, change or modify the conditions of such permit to give recognition to the change in industrial operation.

- (7) The Village reserves the right to amend any issued permit by adding or deleting such provisions, requirements and conditions as it deems appropriate. The Village shall notify the industrial user of any changes in the permit at least thirty (30) days prior to the effective date of such change. Any change or new condition to the permit shall allow for a reasonable period of time for compliance by the user.
 - (8) Any permit issued under this section shall be revocable by the Village Board for violation of the terms and condition thereof, and such violations may be subject to penalties listed in this Ordinance.
- (e) Monitoring of Industrial Discharges:
- (1) Control Manholes:
 - a. Each user who discharges industrial waste into a public sewer shall construct and maintain one or more “control manholes” or access points to facilitate observation, measurement, and sampling of waste, including normal domestic-strength wastewater.
 - b. Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed, they shall be a type acceptable to the Village.
 - c. Control manholes, access facilities, and related equipment shall be installed by the user discharging the waste, at the user’s expense and shall be maintained by the user so as to in a safe condition, accessible, and in proper operating condition at all times. Plans for installation of control manholes or access facilities and related equipment shall be approved by the Village prior to the beginning of construction.
 - (2) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown by Village or flow recording data. Devices for measuring the volume of waste discharged may be required by the Approving Authority of this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the waste. The flow metering device shall be calibrated on a semi-annual basis by an independent certified technician and a report shall be sent to the Village detailing the calibration. The Village reserves the right to conduct an independent calibration of the meter at any time. The cost of the calibration will be paid by the discharger. A maintenance schedule must be accepted by the Village. Following approval and installation, such meters may not be removed without the consent of the Village.
 - (3) Within 60 days after passage of this ordinance, significant industrial users who discharged industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quality and characteristics of the wastes discharged to the Wastewater Treatment Facility.

- (4) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (5) When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed, a request for extension of time may be presented for consideration of the Approving Authority.
- (6) Any discharger may be required by the Village to monitor its discharge to determine compliance with this Ordinance. If such monitoring demonstrates that the discharger is not meeting the requirements of the Sewer Ordinance, the Village may require monitoring facilities to be installed. Such monitoring facilities shall be installed within 60 days after written notice is given by the Village.
- (7) Wastewater Sampling: Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The Village shall determine frequency of inspections and sampling. Samples shall be collected in such a manner as to be representative of the composition of the wastes. Sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Wastewater Specialist.
- (8) Installation, operation, and maintenance of the sampling facilities shall be the responsibilities of the user discharging the waste and shall be subject to the approval of the Wastewater Specialist. Access to sampling locations shall be granted to the Village or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- (9) Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person discharging wastes sampling methods, location times, durations and frequencies are to be determined on an individual basis subject to approval of the Wastewater Specialist. Determination of the character and concentration of the industrial wastes shall be made by an accredited lab in the State of Wisconsin. If requested by the owner, a split sample can be taken, and the owner may have, at his choice, an independent lab do the analysis to compare results. All costs pertaining to the analysis will be paid by the person.
- (10) Pretreatment: The Village may require a user to eliminate his waste discharge or pretreat to a level acceptable to the authority. No waste is to cause toxic problems or upset the Wastewater Treatment Facility or to cause the Wastewater Treatment Facility to be in noncompliance. Pretreatment may involve any amount of the constituents exceeding the

existing capacity of the plant relative to BOD, TSS, phosphorus, ammonia nitrogen, COD, chloride and surfactants, and/or that contained in NR 211.10.

- a. Existing industries or new industrial users found to be subject to applicable categorical pretreatment standards shall be in compliance with these standards in accordance all federal, state, and local laws or regulations.
- b. Furthermore, the following pretreatment requirements may apply:
 - (i) Grease, oil and sand retainers.
 - (ii) Rate of discharge control.
 - (iii) Equalization or neutralization.
 - (iv) Flow measurement.
 - (v) Sampling equipment and manholes.
 - (vi) Manhole connection to sewer main.
 - (vii) Mechanical pretreatment units for removal of BOD, SS, oil, grease, solids, etc.
- c. When pretreatment facilities are required, the industrial user shall construct and install the necessary facilities at its own expense, and in accordance with plans and specifications approved by the Wastewater Department, and any other local, state, or federal agencies having regulatory authority with respect to such pretreatment facilities. No pretreatment plant or facility shall be constructed or operated unless all plans, specifications, technical operating data and other information pertinent to its proposed operation and maintenance have been approved as described.
- d. All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operating condition at the user's expense.
- e. The Wastewater Department shall determine the wastewater discharge requirements for the pretreatment facilities. Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established by this Ordinance, or below any other applicable pretreatment standard, is prohibited.
- f. Pretreatment standards for those pollutants that are determined not to be susceptible to treatment by the Wastewater Treatment Facility or that would interfere with the operation of the Wastewater Treatment Facility shall conform to the requirements and associated regulations of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 C.F.R. Sec. 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

- g. No provisions contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user; provided however, that such contract or agreement shall have the prior approval of the Village and also provided user charges are proportional to cost of providing the service.
 - h. The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.
- (f) Discharge Permits.
 - (1) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 60 days from the date of such notification.
 - (2) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, the most current edition, as amended and supplemented, are adopted by the Village as the basis for the issuance of discharge permits for building connections to a sewer.
 - (3) The application for a discharge permit shall be made on a form provided for the purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent or representative thereof and acknowledged. If requested the person making application shall also submit such scientific or testing data or other information as may be required by the engineer of the Village. The Approving Authority shall also have at its discretion, the right to personally inspect the premises, equipment, materials, and laboratory testing facilities of the applicant.
 - (4) No fee shall be charged for a discharge application permit.
 - (5) Each industry shall submit to the Village by the fifteenth of March each year a report on the quality and quantity of its industrial discharge. The report shall be a copy of the form required by Wisconsin Administrative Code NR 101 and shall contain analyses for compatible pollutants and for all incompatible pollutants unless the discharger has obtained specific exemptions from reporting certain constituents.
 - (6) If any industry discharges incompatible pollutants which require pretreatment prior to discharge to the Village wastewater system, the quality and quantity of the discharge shall be reported to the Village monthly.

- (7) The reporting period shall not include the 30-day period immediately preceding the day that the report is due. All analyses should be done on representative 24-hour composite samples taken during a typical operating day.
- (8) All dischargers required to report shall retain and preserve for no less than three (3) years, any records, books, documents, memorandum, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analysis made by or in behalf of the discharger in connection with its discharge.
- (9) All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Village pursuant to this Ordinance shall be retained and preserved by the discharger until enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.
- (10) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Approving Authority, is not in conformance with federal, state, or Village statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the Village in the manner hereinafter set forth. The Village shall state in writing the reason or reasons for denial or requirement for waiver variance and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.
- (11) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village in the same manner and form as originally made.
- (12) If the application for a new permit or for one because of change in the type or volume of material discharged is denied by the Village, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Ordinance and a waiver or variance is required, the user may have the Approving Authority review the denial or may request waiver variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The Approving Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant and Approving Authority shall present at its next regular meeting following receipt of request for its review and the decision of the Approving Authority rendered publicly at said meeting shall be final.
- (13) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Approving Authority, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Ordinance.

(14) A grant of waiver or variance by the Village may set forth such conditions, exceptions, time limitations, durations, and expirations as the Village deems necessary and proper.

(g) Submission of Information:

Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment, or processing facilities shall be submitted for review by the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(11) LIMITED DISCHARGES:

- (a) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the Village's WPDES permit, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Village may set limitations lower than any limitations established in the regulations below if, in the Village's opinion, more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Village will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the Wastewater treatment facility, degree of treatability of the waste in the Wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Village are as follows:
- (b) Wastewater having a temperature higher than one hundred forty degrees Fahrenheit (140° F) or sixty-five degrees Celsius (60° C).
- (c) Wastewater containing more than twenty-five milligrams per liter (25 mg/l) of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- (d) Wastewater from industrial plants containing fats, oils, grease, wax, or any other similar substances which float or solidify in the wastewater facilities.
- (e) 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.
- (f) Any waters or wastes containing aluminum, cadmium, copper, lead, mercury, selenium, silver, chromium, zinc, arsenic, molybdenum, nickel and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite waste at the Wastewater treatment facility exceeds the limits that may be established by the Village Board or the Wastewater Specialist for such materials.

- (g) Any waters or wastes containing phenols or odor-producing substances in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (h) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any state or federal regulations.
- (i) Quantities of flow, concentrations or both which constitute a “slug” as defined herein.
- (j) Waters or wastes 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.
- (k) 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 process.
- (l) Materials that exert or cause:
 - (1) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Facility. Materials including but not limited to milk, whey, blood, molasses, sugar, milk products.
 - (2) Unusual concentrations of inert suspended solids including but not limited to Fuller’s earth, lime slurries, and lime residues.
 - (3) Unusual concentrations of dissolved solids including but not limited to sodium sulfate.
 - (4) Excessive discoloration including, but not limited to, dye wastes and vegetable tanning solutions.
- (m) Incompatible pollutants in excess of the allowed limits as determined by Federal, State, or local laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403. No wastewater, regardless of character, shall be discharged to the sewer system in such a manner as to interfere with the designed operations of the Wastewater Treatment Facility or to cause the Wastewater Treatment Facility to exceed the limits presented by the WPDES Permit.
- (n) Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.

(12) SEPTIC TANK AND HOLDING TANK WASTE.

- (a) No Discharge into Public Sewers. No person in the business of gathering and disposing of septic tank or holding tank wastes shall transfer such material into any disposal area or sewer

manhole located within the sewer service area unless a permit for disposal has been first obtained from the Village. Written application for this permit shall be made to the Village and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be non-transferrable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be issued when discharge is determined to meet all requirements of this ordinance and permits may be denied for any reason at any time. Haulers will pay the Sewer Utility an annual permit fee plus a charge for each 1,000 gallons discharged as set forth in the User Charge. Annual fees shall be established by the Village. The time and place of disposal will be designated by the Village. The Village may impose such conditions as it deems necessary on any permit granted. Bills shall be mailed to Haulers and if payments are not received in thirty (30) days thereof, disposal privileges shall be suspended.

- (b) Septic Tank or Holding Tank Waste Disposal Application. Licensed disposers may make application to the Wastewater Department to dispose of septage or holding tank waste to the Village's wastewater facilities. Applications for disposal during the winter (November 15 to April 15) shall be submitted prior to September 1 of that year (Wis. Adm. Code requirement).

The licensed disposer shall make a written application containing, as a minimum, the following information:

- (1) Name of disposer and license number
- (2) Name, address and telephone number of disposer
- (3) Type of waste and source(s)
- (4) Estimates of quantities, disposal dates (by type), and methods for discharge into the sewerage system
- (5) Statement certifying that:
 - a. the waste contains no known toxic substances; and
 - b. the disposer is familiar with and understands the Department requirements for waste disposal.
- (c) The Wastewater Department shall require the licensed disposer to analyze representative samples of the waste in order to determine the characteristics of the waste and the compatibility with the sewerage system. The Wastewater Department may not require the analysis of waste from exclusively residential sources.
- (d) The Wastewater Department may deny or approve an application for septage or holding tank waste disposal during the period between April 16 and November 14. The only requirements that licensed disposers discharge to the sewerage system and that the Department accepts and

treat said waste during non-winter months are those provided in s. NR 113.07, Wisconsin Administrative Code. If approved, the Department may set conditions for disposal.

- (e) For applications for disposal between November 15 and April 15, the Department shall review the application and provide written approval or denial of disposal to the licensed disposer by October 1 of each year. The Department may deny acceptance of the waste if the Department determines that:
 - (1) Treatment of the septic tank or holding tank waste would cause the Wastewater Treatment Facility to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards, or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations, or orders; or
 - (2) The septic tank or holding tank waste is not compatible with the sewerage system; or
 - (3) The disposer has not applied for and received approval to dispose of septage or holding tank waste to the sewerage system or the disposer fails to comply with the disposal plan or rules promulgated by the Department.
- (f) The Wastewater Department may require the disposer to post a bond or other financial guarantee that the disposer will comply with the Department's requirements.
- (g) Any commercial hauler of septic tank or holding tank wastes shall carry public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000) and protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. A certificate certifying such insurance to be in full force and effect shall be furnished to the Village.
- (h) Any person or party disposing of septic tank or holding tank wastes agrees to indemnify and save harmless the Village from any and all liability and claims for damage arising out of or resulting from work and labor performed.
- (i) Disposal must be coordinated with the Wastewater Superintendent. Volume, time, date, hauler, and type of waste must be recorded. Samples may be required to be taken and the location of the waste recorded, etc.
- (j) Any person dumping in any unauthorized location or unacceptable waste shall be billed for the waste discharged and imposed a fine as established by the Village.
- (k) Charges for Haulers disposing of RV, Septic Tank, and Holding Tanks wastes are provided in the Sewer Schedule.

(13) LIMITATIONS ON DISCHARGE OF SEPTAGE AND HOLDING TANK WASTE.

Any septage, holding tank waste, or similar waste permitted to be discharged under this Section shall be of domestic origin and/or contain compatible pollutants only. The hauler or licensed disposer shall comply with the provisions of any and all applicable laws regulations, and ordinances. Without limiting other relevant provisions of these regulations, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole, building sewer, or public sewer nor shall such person or licensed disposer allow any grease, earth, sand, or other solid materials to pass into any part of the sewerage system; nor shall such person or licensed disposer discharge any liquid, gaseous, or solid wastes determined by the Department or the Wastewater Specialist to be detrimental to the sewerage system or the Village's employees or to the process of sewage treatment.

(14) DISCHARGE TO PUBLIC SEWER.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 11.17(12) and which in the judgment of the Village or the Wastewater Specialist may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- (a) reject the wastes
- (b) require pretreatment to an acceptable condition for discharge to the public sewers
- (c) require control over the quantities and rates of discharge, and/or,
- (d) require payment to cover the added cost of handling and treating the wastes not covered by existing user charges under the provisions of this article.

When considering the above alternatives, the Village shall give consideration to the economic impact of each alternative on the discharger. If the Village permits the pretreatment or equalization of waste flows, the design and installation of the facility and equipment shall be subject to the review and approval of the Village.

(15) TOXIC POLLUTANTS.

The toxic pollutants subject to prohibition or regulation shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements for Section 307(a) and associated regulations.

(16) POLLUTANT INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village or wastewater department, they are necessary for the proper handling of liquid wastes containing floatable grease or other substances specified in Section 11.17(9), or any flammable wastes, sand,

or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village or wastewater department and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) 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 or wastewater department. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Grease and fat emulsifiers are prohibited in accordance with Comm. 82.34(s). All persons, corporations, or entities that engage in the placement or removal of amalgam restorations shall install, on or at the location that the above activity is performed, a mercury separator. Further, all mercury that is captured by the mercury separator must be disposed of or recycled in such a manner that none of the mercury so captured enters the sanitary sewer system operated by the Village. Further, all persons, corporations, or entities covered by this subsection shall be required to file with the Village an annual report by January 31, for the preceding calendar year of all materials hereunder captured and the method used to dispose of or recycle same. Said annual report shall be filed as above required on forms provided by the Village. Violation of any provision of this subsection shall subject the violator to a penalty.

(17) CONSTRUCTION DOCUMENTATION.

Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment, or processing facilities shall be submitted for review by the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(18) PRETREATMENT AND FLOW-EQUALIZATION MAINTENANCE

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation. The construction, operation, and maintenance of all pretreatment facilities shall be at the expense of the discharger.

(19) POTENTIAL REQUIRED INFORMATION

(a) The Village or the Wastewater Specialist may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers for the user's property showing sewer and pretreatment facility location.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(b) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association and 40 CFR 136. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Wastewater Treatment Facility Superintendent.

(20) SPECIAL AGREEMENTS.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and the Village and any industrial concern whereby an industrial waste of unusual strength, composition, or character may be accepted by the Village for treatment, subject to additional payment therefor at rates established in this article; provided, however, that such contract or agreement shall have the prior approval of the Village.

(21) ACCIDENTAL DISCHARGES.

All discharges shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the Village for review and shall be approved by the Village before construction of the facility. Review and approval of such plans and operating procedures by the Village shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

(a) The accidental discharge of any prohibited waste or slug load into any sewer shall be reported to the Village by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and measures taken to prevent future occurrences shall be submitted to the Village. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by these regulations. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the wastewater system, including but not limited to the Wastewater Treatment Facility, in addition to the amount of any fines or forfeitures imposed on the Village on account thereof under State or Federal law.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater system and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour flow-proportional composite of all outfalls of the subject premises is appropriate or whether a grab

sample or samples should be taken. Normally, but not always, BOD, suspended solids, phosphorus, ammonia and chloride analyses are obtained from 24-hr. composites of all outfalls whereas pHs are determined from periodic grab samples.)

- (c) Signs shall be permanently posted in conspicuous places on industrial user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(22) EXEMPTION METERS.

In the event that an industrial user discharging wastes into the public sewers produces evidence satisfactory to the Village that significant amounts of the total annual volume of water used for all purposes do not reach the sanitary sewer, the customer may be permitted to have an exemption water meter(s) installed. Said meter(s) shall be purchased and installed by the customer from the Sewer Department. All costs shall be at the expense of the customer requiring the meter(s), including any piping revisions required to ensure that only water not reaching the sanitary sewer is metered by the exemption meter. The amount of exemption water metered shall be subtracted from the total amount of water used by the person to determine the applicable wastewater service charge.

(23) INDUSTRIAL METERING.

When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(24) DILUTION.

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

11.18 HOOK-UP.

(1) GENERAL PROVISIONS.

- (a) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Village is hereby required, at the owner('s) (s') expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section, within 30 days after date of official notice to do so.
- (b) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Bloomington or in any area under

the jurisdiction of said Village any human or animal excrement, garbage, or other objectionable waste.

- (c) It shall be unlawful to discharge to any natural outlet within the area served by the system, or in any area under the jurisdiction of the Village, any sanitary sewage, industrial waste, or other polluted waters except where suitable treatment measures have been prescribed in accordance with provisions of this ordinance.
- (d) Except as hereinafter provided, it shall be unlawful to construct, maintain, or connect directly or indirectly to a public sewer, any privy, privy vault, septic tank, holding tanks, including chemical toilets and soil absorption fields, cesspool, or other facility intended or used for the disposal of sewage garbage, or wastewater. All such existing connections must be disconnected no later than 30 days from the date of an official written notice provided by the Village to the responsible landowner, occupant, or other person responsible for the discharge or connection. Exceptions to this requirement shall be made by the Village in writing.
- (e) The property owner shall connect, install, and maintain, at his own expense, that portion of the service from the Village Right-of-Way, if there be one; otherwise the easement line to his premises, except when collection lines cross the owner's property the installation and maintenance responsibility shall be from collection line to the premises. The property owner shall maintain sewer service including the building drain, the building sewer, and all controls between the same, without expense to the Village. All such sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. If the property owner does not repair a break in the building drain or building sewer line, allowing clear water infiltration, between the property line and building within 24 hours, the service may be repaired by the Village and charged back to the property owner. The property owner shall remain responsible for any damages caused, including the Village's cost of repair. When any sewer service is to be replaced 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 at the expense of each owner.
- (f) The installation and maintenance of the private sewer shall be in compliance with the local codes and the code of the Wisconsin State Board of Health, Division of Plumbing and Related Services, performed by persons authorized to make connections and under the supervision of the Superintendent of the Sewerage Utility.
- (g) Every user shall permit the Village or its duly authorized agent, at all reasonable hours of the day, to enter the user's premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate; and each user must at all times, frankly and without concealment, answer all questions put to him or her relative to its use, all in accordance with this Ordinance and the Wisconsin Statutes.
- (h) When a sewer main becomes available to any building used for human habitation, the Village shall notify in writing the owner or his agent to connect the building thereto and to install such

facilities as may be necessary. The manner of connection shall be prescribed by the notifying officer.

- (i) All lots in all new developments within the sewer service area must be provided with adequate sanitary sewage facilities and connected to the public sewer. When the Village determines that public sewers of adequate capacity are available, extensions of the sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to a land division and to each buildable lot in accordance with plans as determined by the Village Engineer. Sewage service lines of the sizes and materials required by applicable plumbing codes shall be installed from the sanitary sewer to the property line of each lot. All sanitary sewer facilities shall be floodproofed. All costs shall be borne by the developer.
- (j) These rules may be changed or amended.
- (k) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Board.

11.19 PAYMENT AND COLLECTION OF QUARTERLY RATES.

Bills for the rates and charges as herein established by the Village of Bloomington shall be sent quarterly following the billing period, and shall be paid in the office of the Village Clerk or other designated collection station. If any charge for the services of the system shall not be paid by the 20th day of the month in which it shall become due and payable, a delayed payment charge of 3% of the amount of the bill shall, but not less than 50 cents, shall be added thereto and collected therewith. This ONE-TIME 3% percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185. All water and/or sewer account balances that are outstanding as of September 1 will be placed on your property tax bill with an additional 3% penalty. The outstanding portion of your account that is applied to the tax bill includes the third and fourth quarters of the previous year, and the first and second quarters of the current year, plus any interest. You have until October 31 of each year to pay your account in full to avoid the 3% penalty.

Failure to receive a quarterly bill, or your absence from the Village on the due date, will not serve as a claim to waive late payment charges.

The Village reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment bills become delinquent

All amounts continue to be due whether or not the sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it and, in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year.

Such a deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of all bills for a period of two years.

Or in the alternative

The Village may proceed for the purpose of collecting any arrearages on such charges for sewage service under the provisions of Sections 66.076 (7) and 66.069 (1) as the same have been and from time to time may be amended or recreated. Such procedure provides for the giving of notice of such arrearage to the owner or occupant of the property served by the sewage utility; the addition of penalties for non-payment; the levy of a tax against the real estate served in the amount of the arrearage together with penalty; and further provides that such tax shall become a lien upon said real estate collectable in the same manner as general property tax.

11.20 CABLE TELEVISION.

(1) GRANT OF FRANCHISE.

This ordinance grants the HLM Cable Corporation (HLM), with offices at 417 Apache Drive, Janesville, Wisconsin 53545, a non-exclusive franchise to install, maintain and operate a cable television system for the distribution of television signals, frequency modulated radio signals, closed circuit television programs, data transmissions and any and all additional services which are now or may be commonly associated with the cable television industry in the future. The term of this grant is for fifteen (15) years.

(2) DEFINITIONS.

The following words and phrases, whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such word or phrase:

ADDITIONAL SERVICE.

Any subscriber service provided by the grantee for which a special charge is made in addition to the regular monthly charge paid by all subscribers.

BASIC SUBSCRIBER SERVICE.

Subscriber services provided by the grantee, including the delivery of broadcast signals and programming originated over the cable system, covered by the regular monthly charge paid by all subscribers.

BOARD.

The duly elected Village Board of the Village of Bloomington or other future governing body of said entity.

CABLE SYSTEMS.

A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides, laser beams or any other conductors, converters, equipment or facilities, designed or constructed for the

purpose of producing, receiving, amplifying and distributing by audio, video and other forms of electronic or electrical signals to and/or from locations in and outside the Village of Bloomington.

FULL NETWORK SERVICE.

All “basic services” and “additional services” offered by the grantee.

GRANTEE.

HLM Cable Corporation.

SUBSCRIBER.

A purchaser of any service delivered by the grantee pursuant to this franchise, and “subscriber” shall also include all persons who are not required to pay any fee, but receive any service delivered by the grantee pursuant to this franchise.

SUBSTANTIALLY COMPLETED.

Construction will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of “basis subscriber service” to at least eighty percent (80%) of the dwelling units in each of the service areas.

(3) INITIAL SERVICE AREA AND EXTENTION POLICY.

The initial service area to be covered by the franchise is the municipal limits of the Village of Bloomington and the cable operator shall provide service to that portion of the Village where there are a minimum of forty (40) homes per linear mile of cable plant. The grantee shall be required to extend its service to any additional part of the municipality pursuant to said extension, or an extension that does not comply with the extension policy, the grantee shall provide such extension. The grantee shall substantially complete the construction of the cable television system within the initial service area within eighteen (18) months of the grant of the cable television franchise.

(4) TRANSFER OF FRANCHISE OR CONTROL.

The grantee shall not sell, transfer, assign or dispose of the franchise rights herein either by a sale of its assets, or sale of stock effectuating a change of control without the prior approval of the Village Board. Approval of the Village Board shall not be unreasonably withheld and shall be granted provided that the successor-in-interest provides adequate assurance to the Board that it will comply with the terms and provisions of the franchise and it has the operational and financial capability to do so.

(5) TECHNICAL STANDARDS.

Grantee shall maintain a cable television system at all times in compliance with the Federal Communications Commission Technological Standards and shall file all necessary reports as required by the Rules of the Federal Communications Commission.

(6) GRANTEE’S USE OF VILLAGE RIGHTS.

Upon acceptance of this franchise, the grantee is hereby granted the right to erect, maintain, and operate a cable system in the streets, alleys and utility easements of the Village of Bloomington and other public places. The poled used for such distribution shall be those erected or used by the local

utilities. The grantee may erect its own poles where necessary after first obtaining written permission from the Board.

(7) METHOD OF INSTALLATION.

- (a) All installation made by the grantee shall be made in good, substantial, safe condition and maintained in such condition at all times and shall be made in accordance with all applicable rules and regulations, including the rules and regulations of the utility company owning any poles utilized by the grantee. The grantee shall make no excavations in the streets, alleys, and public places without procuring a written permit from the Village Engineer or other authorized representative of the Village, and all work of such kind shall be done so as to meet the approval of the Village's Engineer or other person authorized by the Village to approve such work.
- (b) The grantee's transmission and distribution system poles, wires, and appurtenances shall be located, erected and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the Village may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property.
- (c) Grantee shall restore all area of construction and/or excavation to the condition existing prior to the beginning of construction and/or excavation.

(8) AUTHORITY TO TRIM TREES.

Subject to existing municipal ordinances regarding tree trimmings, grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks, and other public places of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the company.

(9) INDEMNITY.

- (a) The grantee shall indemnify, defend and save the Village and its agents and employees harmless from all claims, damages, losses and expenses, including attorney's fees, sustained by the Village on account of any suit, judgment execution, claim or demand whatsoever arising out of the installation, operation, maintenance, repair, use or removal of the cable system, except for such claims, damages, losses and expenses, including attorney's fees, which are attributable in part or in whole to acts of the Village or its agents.
- (b) The grantee shall maintain throughout the term of the franchise a general comprehensive liability insurance policy naming as an additional insured the Village, its officers, boards, commissions, agents or employees against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of grantee under than franchise granted hereunder, in the amounts of Five Hundred Thousand Dollars (\$500,000.00) for bodily injury or death to any one person and One Million Dollars (\$1,000,000.00) for bodily injury or death resulting from any one accident, and One Hundred Thousand Dollars (\$100,000.00) for property damage resulting from any one accident. The grantee shall file a copy of the insurance policy with the Village Clerk and shall provide proof of payment of the premiums of said policy.

- (c) The insurance policy shall contain an endorsement stating that the policy is extended to cover the liability assumed by the grantee under the terms of this ordinance and shall further contain the following endorsement:

It is hereby understood and agreed that this policy may not be cancelled not the amount of coverage thereof reduced until sixty (60) days after receipt by the Village Clerk by registered mail of a written notice of such intent to cancel or reduce the coverage.

(10) SERVICES PROVIDED.

The grantee shall provide the maximum amount of services as are economically feasible to provide taking into consideration all costs of operation and the density of the cable television system as it relates to the number of subscribers. Pursuant to the Federal Cable Communications Policy Act of 1984, the municipality shall exercise no censorship or control over programming services and/or content thereof.

(11) SUBSCRIBER PRIVACY.

No monitoring of any terminal connected to the system shall take place without specific written authorization by the users of the terminal in question and the grantee shall comply with Section 631 of the Cable Television Policy Act of 1984.

(12) UNAUTHORIZED CONNECTIONS OR MODIFICATIONS.

- (a) It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the expressed written consent of the grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the cable system for any purpose whatsoever.
- (b) It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the cable system for any purpose whatsoever.
- (c) Any person violating this section shall be subject to a forfeiture of up to Five Hundred Dollars (\$500.00) per occurrence and may be required to pay for any damages resulting from said violation. Each continuing day or the violation shall be considered a separate occurrence.

(13) FRANCHISE REVOCATION AND EXPIRATION.

- (a) The Village may, subject to the procedure in paragraph B below, revoke any franchise granted hereunder and rescind all rights and privileges associated therewith in the event of a material or substantial breach of any term or condition of this ordinance.
- (b) In the event the Board determines it is in the public interest to terminate the cable television franchise, the Board shall give the grantee sixty (60) days written notice of its intention to terminate and stipulate the cause. If during the sixty (60) day period, the cause shall be cured, the notice and right to terminate shall be null and void. The grantee shall, in any event, be given an opportunity to be heard before the Board regarding termination and the grantee shall be afforded all due process rights regarding termination. In the event of termination, the Board

shall provide a written summary of its reasons for termination and said decision shall be subject to judicial review.

- (c) The expiration of this franchise shall be governed by the terms and provisions of the Cable Communications Policy Act of 1984.

(14) SEVERABILITY.

Should any word, phrase, clause, sentence, paragraph or portion of this ordinance and franchise be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the Village hereby expressly states and declares that it would nonetheless have passed this ordinance and granted this franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said franchise were invalid.

(15) COMPLIANCE TO LAWS, RULES AND REGULATIONS.

In the event any valid law, rule or regulation of any governing authority or agency having jurisdiction, including but not limited to, the Federal Communications Commission, contravenes the provisions of this ordinance subsequent to its adoption, then the provisions hereof shall be superseded to the extent that the provisions hereof are in conflict with any such law, rule or regulation.

(16) PROTECTION OF NONSUBSCRIBERS.

Grantee shall at all times keep its cables and other appurtenances used for transmitting signals protected in such a manner that there will be no interference with communications signals received by persons not subscribing to grantee's service.

(17) LOCAL TELEPHONE NUMBER.

The grantee shall maintain and make available a local telephone number or a toll free number which the residents of the Village of Bloomington can call for request of service and maintenance of the system.

(18) CONFLICT WITH OTHER ORDINANCES.

Should any other ordinance or part thereof be in conflict with the provisions of this ordinance, this ordinance shall prevail insofar as it applies to the Cable Communications System Franchise granted to the grantee.

11.21 WELLHEAD PROTECTION.

(1) CONSTRUCTION OF ORDINANCE.

- (a) TITLE- This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter WHP ORDINANCE).

(b) PURPOSE AND AUTHORITY.

- (1) The residents of the Village of Bloomington (hereafter Village) depend exclusively on the groundwater for a safe drinking water supply. Certain land use practices and activities can

seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

- (2) These regulations are established pursuant to the authority granted to villages by the Wisconsin Legislature in ss. 60.61(1),(2)(g), and 60.62, Wisconsin Statutes, to adopt ordinances to protect groundwater [consult your attorney regarding appropriate statutory authority].

- (c) APPLICABILITY. The regulations specified in the WHP Ordinance shall apply within the Village boundary limits.

(2) DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

GROUNDWATER DIVIDE:

Ridge in the water table, or potentiometric surface, from which groundwater flows away at right angles in both directions.

Line of highest hydraulic head in the water table or potentiometric surface.

GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter "District"):

That area contained in the map to be attached as Exhibit A and incorporated herein as if fully set forth.

RECHARGE AREA:

Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

TIME OF TRAVEL:

The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

WELL FIELD:

A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT.

- (a) Intent. The area to be protected is the Bloomington well fields' recharge areas extending to the groundwater divide or a five-year time of travel, as determined through the use of EPA's WHPA Computer groundwater model, contained within the Village boundary limits. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(b) Permitted uses. Subject to the exemptions listed in Section 11.21(4), the following are the only permitted uses within the district. Uses not listed are to be considered prohibited uses:

- (1) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (2) Playgrounds.
- (3) Wildlife areas.
- (4) Non-motorized trails, such as biking, skiing, nature and fitness trails.
- (5) Residential, municipally sewer, free of flammable and combustible liquid, underground storage tanks.
- (6) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
- (7) Limited road salting.

(c) Prohibited uses. All other uses are prohibited within the Groundwater Protection Overlay District. Exemptions may be granted for future nonpermitted land uses on a case by case basis as permitted in Section 11.21(4).

(d) Separation distances. The following separation distances as specified in the Wisconsin Administrative Code Ch. NR 811 shall be maintained and shall not be exempted as listed in Section 11.21(4):

- (1) Fifty feet between a well and a storm sewer main.
- (2) Two hundred feet between a well and any sanitary sewer main, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- (3) Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
- (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Department of Safety and Professional Services or its designated agent under Ch. ATCP 93, Wis. Adm. Code.
- (5) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater lagoons or storage

structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.

- (6) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department of Safety and Professional Services or its designated agent under Ch. ATCP 93, Wis. Adm Code; bulk fuel storage facilities; and pesticide handling or storage facilities.

(e) Requirements for existing facilities.

- (1) Facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.
- (2) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but are not limited to stormwater runoff management and monitoring.
- (3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(4) EXEMPTIONS AND WAIVERS.

- (a) Individuals and/or facilities may request the Village, in writing, to permit additional land uses in the district.
- (b) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village, and shall include an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final decision by the Village Board.
- (c) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (d) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements and/or bonds and/or securities satisfactory to the Village.
- (e) The exemption will be made void if environmental and/or safety monitoring indicate the facility is emitting any releases of harmful contaminants to the surrounding environment.

(5) ENFORCEMENT.

- (a) In the event the individual and/or facility causes the release of any contaminants which endanger the district, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.
- (b) The individual/facility shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation:
 - (1) The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - (2) The cost of Village equipment employed.
 - (3) The cost of mileage reimbursed to Village employees attributed to the cleanup.
- (c) Following any such discharge the Village may require additional test monitoring and/or bonds/securities as outlined in Section 11.21(4).
- (d) Any individual/facility who or which fails to comply with the provision of this article shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days, or in the alternative, shall have such costs added to his or its real property as a lien against the property be subject to a penalty.