

## CHAPTER 320

### SANITARY SEWER UTILITY ORDINANCE

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### **320-1 PURPOSE**

It is determined and declared necessary to adopt rules governing the construction, use, maintenance and operation of the Village sanitary sewage system, and to levy and collect revenue against property to which connection has been made to the sewage system, in order to provide for the cost of construction, operation, maintenance and replacement of the sewage system. This Ordinance regulates the use of public and private sewers and drains, the discharge of septage into the sewage system, and the discharge of waters and wastes into the sewage systems within the Village of Lyndon Station. It provides for and explains the method used for levying and collecting service charges and fees; it provides a means for determining sewage and septage volumes, strengths, constituents and characteristics; it sets uniform requirements for discharges into the sewage system; and it enables the Village to comply with administrative provisions and other discharge criteria that are required or authorized by the State of Wisconsin and/or Federal law. By regulating, through this ordinance, the characteristics of sewage discharged into the system, Village of Lyndon Station intends to achieve the maximum public benefit from the sewage system by operating a safe, efficient, and cost effective system.

**320-2 DEFINITIONS** Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

**Approving Authority**: shall mean the Village of Lyndon Station, or its duly authorized committee, agent, or representative.

**Ammonia Nitrogen (NH<sub>3</sub>-N)**: One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

**BOD**: (Denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees c., expressed in milligrams per liter (mg/L). Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

**Building Drain**: That part of the lowest horizontal piping of a building's drainage system that receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning approximately five feet outside the inner face of the building wall.

**Building Sewer**: See, Sewer Lateral.

**Chemical Elements and Compounds** that are typically found in sewage and may be regulated by this ordinance.

Alkalinity, Aluminum, Ammonia, Arsenic, Cadmium, Chlorides, Chromium, Copper, Cyanide, Iron, Lead, Mercury, Molybdenum, Manganese, Nickel, Nitrogen (Ammonia, Organic & Inorganic), Organic Acids, Oxygen (Dissolved), Phosphorous (Organic & Inorganic), Polychlorinated Biphenyl's (PCB's), Potassium, Selenium, Sulfates, Trihalomethane, Volatile Acids, Zinc

**Commercial Customer:** Any person or entity whose water and/or sewer meter services any of the following:

- (a) Any retail business excluding Industrial Customers, Governmental Entities, and Religious or Non-Profit Customers; or
- (b) Any multiple family dwelling which is not owner-occupied; or
- (c) Any multiple family dwelling having 5 or more dwelling units (regardless of whether any unit is owner-occupied).

**Compatible Pollutants:** Sewage with pollutants which contain an amount of biochemical oxygen demand, suspended solids, phosphorus, nitrogen, or pH, plus additional pollutants identified in the WPDES permit, which the sewage treatment plant was designed to safely and efficiently treat without adversely affecting or disrupting the treatment process, the effluent quality or sludge quality of the system.

**Customer (a/k/a User):** A person who leases and/or owns property which is connected to the sewage system.

**Customer Charges:** Charges levied to customers of the sewerage system as part of the sewer service charge for financing of operation and maintenance costs of such facilities.

**Debt Service Charge:** All costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities.

**DPW:** The Lyndon Station Director of Public Works or his designee.

**Easement:** Shall mean an acquired legal right to install and maintain a part of the sewer system.

**Floatable Oil:** Shall mean oil, fat, grease or similar substance in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the sewage system.

**Grease Interceptor:** Shall mean a watertight receptacle designed to intercept and retain grease or fatty substances contained in kitchen and other food wastes. Grease interceptor and grease trap mean the same thing.

**Ground Garbage:** Garbage that has been shredded to such degree that all particulates are no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

**Governmental Entity:** Any person or entity whose water and/or sewer meter services a governmental entity including, but not limited to, The United States of America, the State of Wisconsin, Juneau County, WWTC, public schools, U.S. Post Office, or other governmental agencies and subdivisions.

**Incompatible Pollutants:** Sewage containing pollutants that the sewage treatment plant was not designed to safely and efficiently treat or that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.

**Industrial Customers:** Any person or entity whose water and/or sewer meter services any building or parcel used for industrial purposes including, but not limited to, the manufacturing, growing, storage or assembly of products, or for any of the Conditional Uses identified in the industrial or manufacturing zoning districts.

**Industrial Waste:** 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, but not including normal domestic sewage, cooling water, or discharge from pretreatment facilities.

**Infiltration:** Shall mean the water (other than wastewater) from the ground or other sources that enters the sewage system through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguishable from, inflow.

**Inflow:** Shall mean the water (other than wastewater) that enters the sewage system from, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street waters or drainage. Inflow does not include, and is distinguishable from, infiltration.

**Inspector:** Shall mean any person or persons duly authorized by the Village Board to inspect and approve the installation of building sewers and the connection to the municipal sewerage system.

**Licensed Disposer:** Any person or entity holding a valid license to do septage servicing under NR 113.

**Lift station:** The structures located throughout the Village which are connected to the sewerage system and which are designed to collect sewage by gravity flow at a low level, and then to lift or pump the sewage to a higher level to then be carried by the public sewers to the sewer plant.

**May:** Means permissible, not mandatory.

**Milligrams per Liter (mg/L):** A weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**Normal Concentration:** Sewage which does not exceed the following concentrations:

- (a) A 5-day 20 degree C, BOD of not more than 250 mg/L; or
- (b) A suspended solids content of not more than 250 mg/L; or
- (c) A total kjeldahl nitrogen content of not more than 25mg/L; or
- (d) A total phosphorus content of not more than 7mg/L.

**Normal Domestic Sewage (a/k/a Normal Sewage):** Sanitary sewage produced from the range of normal domestic activities, typically conducted in a single family residence, in which BOD or suspended solids concentrations do not exceed normal concentrations.

**Operation and Maintenance Costs:** Shall mean costs to operate and maintain the sewerage system, including both the collection system and treatment facilities. Operation and maintenance costs include, but are not limited to, labor, utilities, supplies, equipment maintenance and other normal costs necessary for the provision of sewerage service.

**Person:** Any and all persons or entities, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, partnership, limited liability company, church or other religious institution, school, government agency or other entity.

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

**Pretreatment:** An arrangement of devices and structures designed for the preliminary treatment and processing of wastewater to render such wastewater acceptable for admission to the public sewers.

**Private On-site Systems:** All privately owned facilities for storage, pumping, treatment and disposal of sanitary sewage, including (but not limited to) septic systems, holding tanks, mound systems, privies, privy vaults, cesspools, or other private facilities designed and/or used for the storage or treatment of sewage.

**Public customer:** Any customer discharging Normal Sewage whose premises are owned by a governmental entity, private or public school, church, hospital, health care facility, philanthropic, patriotic, benevolent or fraternal organization.

**Public Sewer:** The sanitary sewers owned, operated, maintained and controlled by the Village, primarily consisting of the common sanitary sewers within the Sewage System that are installed to receive sewage directly from facilities through private sewers which convey sewage from individual structures. Public Sewers include service connection "Y" fittings designed for connection with those facilities. The facilities which convey sewage from individual structures to the public sewer are specifically excluded from this definition; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of the Public Sewers when such units are cost-effective and are owned and maintained by the Village pursuant to written agreement.

**Replacement Costs:** Those expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage system to maintain the capacity and performance for which such system was designed and constructed.

**Residential Customer:** Any person or entity whose water and/or sewer meter services any of the following:

- (a) Any single-family residence,
- (b) Any multiple family dwelling having five or less dwelling units, at least one of which is owner-occupied,
- (c) Mobile homes metered as individual customers, or
- (d) Dwelling units in apartments or condominiums metered as individual customers.

**Sanitary Sewer:** Shall mean the common sanitary sewers within the sewerage system that are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection fittings designed for connection with those facilities. The sewage collection system collects and carries the wastewater through a system that eventually connects to a wastewater treatment plant. The facilities that convey wastewater from individual structures, or from private property to the public sewer, are specifically excluded from the definition of "sewage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of the "sewage collection system" when units are owned and maintained by the sewerage system owner.

**Septage:** The contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, mound systems, privies or portable restrooms.

**Service Area:** Includes all property in the Village limits.

**Sewage:** A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, including normal sewage and industrial waste, together with such ground, surface and storm waters as may be present. Sewage includes normal sewage and industrial waste.

**Sewage Treatment Plant (a/k/a Sewer Plant):** The structures containing fixtures and equipment used to collect, store, treat and dispose of sewage, including the facilities commonly known as the oxidation ditch, control building, and pump room.

**Sewerage System (a/k/a Sanitary Sewerage System):** All publicly owned facilities for collecting, pumping, treating and disposing of sanitary sewage, including (but not limited to) sewer mains, manholes, lift stations, sewer plants and treatment lagoons, but not including privately owned facilities such as building drains, sewer laterals, and private on-site systems.

**Sewer:** A pipe or conduit for carrying sewage.

Sewer Department: The Lyndon Station Sewer Division of the Department of Public Works.

**Sewer Lateral (a/k/a Building Sewer):** Sewer pipe from a building drain to the public sewer. Except as specifically provided in this Ordinance, the Village shall not be responsible for the design, construction, operation and/or maintenance of laterals.

**Shall:** A term intended to mean mandatory.

**Slug:** Any substance released at a discharge rate and/or concentration that causes interference to wastewater treatment processes or plugging or surcharging of the sewerage system, including (but not limited to) any discharge of water, sewage or industrial waste which in any given concentration or quantity of flow exceeds, for any period longer than 15 minutes, more than 5 times the average 24-hour concentration or flows during normal operation.

**Standard Methods:** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**Storm Sewer:** A sewer which carries storm and surface water, groundwater, drainage, unpolluted cooling water and other unpolluted water, excluding sewage and industrial waste.

**Suspended Solids (SS):** Solids that either float on the surface of or are suspended in water, Sewage or other liquids, and which are removable by laboratory filtering. as prescribed in "Standard Methods," and which are referred to as non-filterable residue.

**Toxic Discharges:** A discharge into the sewers 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.

**User Charge:** Shall mean a charge levied on users of the wastewater facilities for the cost provision of facilities and service including operation and maintenance, replacement cost, debt service, and other related costs.

**Wastewater Treatment Plant:** Shall mean an arrangement of equipment and structures for treating wastewater, owned and operated by the Village of Lyndon Station. Sometimes used as synonymous with “waste treatment plant”, “wastewater treatment facility”, “wastewater treatment works”, or “water pollution control plant”.

**WPDES Permit:** Wisconsin Pollutant Discharge Eliminator System permit, issued per NR 210.



### 320-3 GENERAL REQUIREMENTS

- (1) **Disposing of Wastewater and Pollutants on Land:** It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner wastewater or other polluted waters, any human or animal excrement, or other incompatible pollutant on public or private property within the Village or in any area under jurisdiction of the Village.
- (2) **Discharge into Waterways:** It shall be unlawful to discharge to any natural outlet within the Village or any area under the jurisdiction of said Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance, and with all applicable federal, state, or local statutes, ordinances, and regulations.
- (3) **Privies. Septic Tanks. Etc:** Except as hereafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, holding tank, cesspool or other facility intended or used for disposal of sewage within the Village limits.
- (4) **Connection to Utility:** The owner 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, or may in the future be located a public sanitary sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so. A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.
- (5) **Maintenance of Services:** The property owner shall maintain building sewer (service laterals) free from defective conditions, by and at the expense of the owner or occupant of the property, except if they are damaged as a result of negligence or carelessness on the part of the Village.
- (6) **Contract Basis for Sewer Service:** Nothing in this ordinance shall prohibit the Village from providing wastewater services to persons outside the Village limits under mutually agreeable conditions. Any customer outside of the service area who request service by the Village shall agree to be subject to the ordinance and charges as applied to customers inside the Village limits, plus any surcharges.
- (7) **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.
- (8) **Right of Entry:** Any person or authorized employee of the Village shall have the right to enter upon the premises of the users of the municipal sewer system and shall have access during reasonable hours to said premises so served for the purpose of inspecting or enforcing the rules and regulations of this article and any subsequent amendments hereto.

#### **320-4 ESTABLISHMENT OF SEWER UTILITY**

The Lyndon Station Sewer Utility is hereby created and all sanitary sewers, lift stations, sewage treatment plants, and other equipment, apparatus and appurtenances relating thereto which are used for the disposal and/or treatment of sanitary sewage throughout the Village, are hereby recognized as being managed and controlled by the Lyndon Station Department of Public Works, under the control and supervision of the Village Board, pursuant to this ordinance and State Law.

#### **320-5 REGULATIONS FOR THE USE OF THE PUBLIC SEWER**

**(1) REQUIRED USE:** All residences, buildings, institutions, churches, schools, industrial establishments, and other structures located within the Lyndon Station Village limits which generate sewage shall be connected to the Village sewage system, subject to the provisions of subsection (2) below.

**(2) PRIVATE ON-SITE SYSTEMS:** No person shall construct or maintain a private on-site system after the effective date of this subchapter, except as follows:

(a) The owner of property located beyond the reach of the existing public sewage system, may petition the Village Board for approval of a private on-site system, and such approval may be granted, in the sole discretion of the Village Board, where the extension of the public sewer will place an unusual burden upon the Village, the Sewer Department or the property owner. Such private on-site system, if approved, shall meet all other state codes and local ordinances.

(b) The owner of property located within the reach of the public sewer may petition the Village Board for continued use of a private on-site system, where the private on-site system was constructed prior to the annexation of the property to the Village or was constructed pursuant to subparagraph (a) above. The Village Board may approve such petition if the private on-site system has been tested by an independent, qualified tester and has been determined to be in good working order.

(c) All private on-site systems not complying with subparagraphs (a) or (b) above shall be abandoned and thereafter the property shall be connected to and serviced by the public sewer.

**(3) SERVICE OUTSIDE CITY LIMITS:** The design, construction, operation, maintenance, repair and replacement costs of the sewage system are paid (i) by the fees and charges paid by its customers, and (ii) by the general real estate taxes paid by the property owners of Lyndon Station. Therefore, it is the policy of the Village not to provide connections to or service for property and structures which are located outside of the Village and which do not pay Village real estate taxes. Therefore, no building or property located outside of the Village of Lyndon Station corporate limits shall be connected to the public sewer, without the express permission of the Village Board. Any existing connection to property outside the Village limits shall not create any obligation or precedent binding upon the Village to permit similar connections for other property located outside of the Village limits. Furthermore, if the Village reconstructs an existing sewer main, property and structures located outside of the Village limits may not reconnect to the new sewer main. Moreover, no sewage or waste generated in whole or in part at any site located outside of the Lyndon Station corporate limits shall be deposited into the Lyndon Station sewage system, except as authorized by written contract approved by the Village Board.

**(4) PROHIBITED CONNECTIONS:** The following connections and uses are prohibited, except by the express written approval of the Village Board:

**(a) Storm Water:** No person shall construct or maintain a sewer lateral or other device which discharges or causes to be discharged any storm water, surface water, groundwater, roof run off, subsurface drainage or other drainage water into the sewage system. This prohibition includes, but is not limited to, roof-leaders, surface drains, groundwater drains, foundation footing drains, sump pumps, and any other clear water drains which discharge into the sewage system. All such connections existing at the time of passage of this ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Department shall give the offending person 30 days notice to disconnect. Failure to disconnect after such notice shall authorize the Department to cause disconnection and assessment of the costs of such disconnection against the property involved. In alternative, the Department may institute action for violation of this subsection.

**(b) Septage:** No person shall construct or maintain any connection to the public sewer which connection discharges or causes to be discharged septage from any source. No person or entity shall permit any other person or entity to discharge septage into the public sewer through a building drain, sewer lateral, private sewer or other connection to the public sewer which is not approved in writing by the Village.

**(c) Discharge Locations:** No person shall construct or maintain a private sewer or other device which permits or causes the discharge of any sewage into the Village's storm sewer system or into any other repository not authorized by this Ordinance or State Law.

**(d) Non-Point Generated Sewage:** No person or entity shall permit any other person or entity to discharge sewage into the public sewer through a building drain, lateral or other connection to the public sewer, which sewage was not generated on the site where the discharge is occurring.

**(e) Private on-site systems:** No private on-site systems shall be connected to the public sewer.

**(5) PROHIBITED DISCHARGES:** No person shall discharge or cause to be discharged into the sewerage system any of the following described waters or wastes:

**(a)** Contain any gasoline, antifreeze, motor oil, break fluid, transmission fluid, hydraulic fluid, oil-based paint, paint thinners, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or other pollutant that creates a fire or explosion hazard in the system.

**(b)** Contain pollutants that will cause corrosive structural damage to the sewerage system.

**(c)** Contain any solid or viscous substances which could cause an obstruction to the flow in the sewer or other interference with the proper operation of the sewage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, grease, plastics, wood, unground garbage, whole blood, paunch manure, hair fleshings, entrails, paper dishes, cups, milk containers, sanitary napkins or disposable diapers, either whole or ground.

**(d)** Any discharge 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 wastewater treatment process, constitute a hazard to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. The toxins prohibited shall include but not limited to those published under s.NR 215.03, Wisconsin Administrative Code.

**(e)** Any wastewater containing floatable oil.

**(f)** Wastes that cause or are capable of causing, either alone or in combination with other substances, air pollution as defined in s.285.01(3), Wisconsin Statutes, as amended from time to time, and any regulation and/or orders of any regulatory agency issued there under.

**(g)** Discharges that prevent effective operation and maintenance of the wastewater facilities.

**(h)** Any waste that presents a detrimental environmental effect, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction.

**(i)** Any wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.

**(j)** Any waste which, in combination with other discharges, causes:

1. The wastewater treatment plant's effluent to exceed 0.1 mg/L total phenols,

or

2. The wastewater treatment plant's effluent to exceed 0.002 mg/L polychlorinated biphenols (PCBs), or
3. The wastewater treatment plant's digested sludge to exceed a PCB concentration of 10.0 milligrams/kilogram on a dry-weight basis.

(k) Industrial discharges that exceed the applicable categorical pretreatment standard, pursuant to ch.NR 211 of the Wisconsin Administrative Code.

(l) Wastes prohibited by s.NR 211.10 Wisconsin Administrative Code.

**(6) Limitations on Discharge Characteristics:** The following described substances, materials, waters, or waste shall be limited in discharges to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect in the receiving stream, will not result in violation of the Villages WPDES permit, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Department may set limitations more stringent than those established below if, in its opinion, more severe limitations on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be violated without prior approval of the Department:

- (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any wastewater having a temperature which may inhibit biological activity in the wastewater treatment plant, thereby resulting in interference.
- (b) Any waters or wastes having pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to the wastewater facilities or personnel.
- (c) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biogradable cutting oils or products of mineral oil origin.
- (d) Wastewater containing more than 300 milligrams per liter of oils, fat, grease, wax, or any other similar substances of animal or vegetable origin.
- (e) Wastewater which contains in excess of (note: actual numbers not reviewed):

|                 |                     |
|-----------------|---------------------|
| 2.0 Mg/L        | cadium              |
| 3.6 mg/L        | hexavalent chromium |
| 21.8 Mg/L total | chromium            |
| 0.0005 mg/L     | mercury             |
| 6.7 mg/L        | nickel              |
| 1.0 mg/L        | selenium            |
| 17.6 Mg/L       | copper              |
| 1.2 Mg/L        | cyanide             |
| 1.5 Mg/L        | lead                |
| 0.1 mg/L        | silver              |
| 16.5 mg/L       | zinc                |
| 1.0 mg/L        | aluminum            |

- (f) Radioactive wastes which, alone or with other wastes, results in greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency.
- (g) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment on it to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (i) Any water or wastes which, either singly or by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, create a public nuisance or hazard to life, are sufficient to prevent entry into sewers for their maintenance or repair, or create a condition deleterious to structures and treatment processes.

**(7) Alternatives to Acceptance of Wastewater:** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or process the characteristics enumerated herein, and which in the judgment of the Village may have a deleterious affect 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; - 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;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and/or rates of discharge; and/or,
- (d) Require payment to cover the additional cost of handling and treating the wastes not covered by existing user charges under the provisions of this ordinance.

**(8) Garbage Grinders:** 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, where the garbage has been properly shredded.

**(9) Accidental Discharge of Prohibited Wastewater:** Any non-residential user who accidentally discharges into the sewage system wastes or wastewater prohibited under these regulations shall immediately report such discharge to the Department. Such report shall describe the location, time, volume and type of waste or wastewater discharged. 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 Department. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by these regulations.

**(10) Limitations on Sewage Strength:**

**(a) National Standards:** National categorical pretreatment standards, as promulgated by the U.S. Environmental Protection agency, shall be met by all dischargers of the regulated industrial categories.

**(b) State Standards:** State requirements and limitations on all facilities shall be met by all dischargers, which are subject to such standards in any instance in which they are more stringent than other applicable requirements.

**(c) Dilution:** No customer shall increase the use of water, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment or pretreatment to achieve compliance with the standards set forth in this Ordinance, unless approved in writing by the Village.

**(d) Supplementary limitations:** No customer shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the Village:

**Material Concentration (mg/ L)**

Biochemical Oxygen Demand (BOD) -- 250 mg

Suspended Solids (SS) -- 250 mg/L

Fats, Oil and Grease (FOG) -- 100 mg/L

Phosphorus (P) -- 7 mg/L

**(e) Mass Limitations:** The Village may impose mass limitations on all or any class of customers where the imposition of mass limitations is deemed appropriate by the Village Board. The Village may also impose mass limitations on customers that are using dilution, with Village approval, to meet the requirements of this Ordinance.

**(11) Control of Harmful Discharges:** If any sewage, waters, or wastes are discharged or proposed to be discharged to the sanitary sewerage system, which sewage, waters or wastes contain the substances or possess the characteristics enumerated in previous subparagraphs, or which in the judgment of the Village may have a deleterious effect upon the sewage system, processes, equipment or receiving waters, or which in the judgment of the Village may create a hazard to life or constitute a public nuisance, the Village may:

**(a)** Reject the wastes, by blockage if necessary, after reasonable notification is given to the customer.

**(b)** Require pretreatment, at the customer's expense, to transform such sewage into an acceptable condition before discharge into the public sewer. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- (c) Require control over the quantities and rates of discharge.
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (e) When manholes are required by the Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director of Public Works, The manhole shall be installed by the owner at their expense and shall be maintained by him so as to be safe and accessible at all times.
- (f) Require the construction of additional facilities to prevent the accidental discharge of prohibited materials into the sewage system.
- (g) Require the execution of an agreement, which may include any of the foregoing requirements, plus whatever additional requirements, payments, limitations, guarantees, representations, or protections the Village deems appropriate.
- (h) Require the customer to install, operate, maintain, monitor, and clean grease, oil, and/or sand interceptors (commonly called "grease traps"), at the customer's cost, at a location approved by the Village which is readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the customer shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records, for the Village's review, of the dates and means of cleaning and disposal. Any removal and hauling of the collected materials not performed by the customer must be performed by properly licensed disposal firms. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at their expense, in continuously efficient operation at all times.

**(12) Accidental Discharges:**

**(a) Liability:** Each customer shall be responsible for and shall provide protection from accidental discharges of prohibited or regulated materials or substances established by this Ordinance. Where necessary in the Village's discretion, facilities to prevent additional discharges of prohibited materials shall be provided and maintained at the customer's cost and expense. Upon request, detailed plans showing facilities and operating procedures shall be submitted to the Village for review, and the Village may require modifications to such facilities and procedures to protect against accidental discharges. Review and approval of such plans and procedures by the Village shall not relieve the customer from total responsibility for accidental discharges, nor shall it make the Village liable therefore.



**(b) Notification:** Customers shall notify the Village immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any person who discharges a slug load or prohibited materials shall be liable for any expense, loss or damage to the Village 's sewerage system, in addition to the amount of any forfeitures imposed on the Village on account thereof under State or Federal law.

**(c) Signs:** Signs shall be permanently posted in conspicuous places on industrial customer'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.

### **320-6 METERING AND MONITORING OF USE:**

**(1) METERING REQUIRED:** The owner of every connection to the public sewer is hereby required to install a metering manhole, a water meter on a private well, and/or a water meter on a connection to the Village water system in order to provide the Village with an accurate measurement by which to determine the sewer service charge. The Director of Public Works shall determine what measuring device(s) is(are) necessary.

**(2) EXEMPTION WATER METERS:** Exemption water meters shall be handled pursuant to the regulations of the Lyndon Station, PSC Rate File and all amendments thereto.

**(3) WASTE METERS:** Devices for metering the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined by the use of water meters or exemption water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned and maintained by the person required to install the waste meter. The type of meter and metering arrangement shall be approved by the Village. Such meters may not be removed without the consent of the Village.

### **(4) MONITORING OF INDUSTRIAL WASTES:**

**(a) Existing Customers:** Existing customers discharging industrial wastes to the sewage system shall install a sampling manhole and shall install recording, sampling and flow measuring equipment, when it is determined by the Director of Public Works that monitoring of the industrial waste is necessary to enforce the provisions of this Ordinance.

**(b) New Customers:** All new industrial services connected to the sewage system and all new occupants of industrial property already connected to the sewage system, that may discharge a sewage above normal concentration, shall install a sampling manhole, when it is determined by the Director of Public Works that monitoring of the industrial waste is necessary to enforce the provisions of this Ordinance.

**(c) Costs:** The cost of installing and maintaining the sampling manhole and equipment shall be borne by the customer. The sampling equipment shall be operated by and the cost of collecting samples shall be paid by the Village. The cost of analysis of the samples shall be assessed to and paid by the customer.

**(5) REPORTING REQUIREMENTS:** Upon request by the Village, each person who discharges sewage to a public sewer shall prepare and file with the Village, a report that shall include pertinent data relating to the quantity, strength and characteristics of the sewage discharged to the sewage system. The Village shall be notified 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength.

**(6) ANALYSES:**

**(a)** All measurements, tests, and analyses of the characteristics of sewage, water, waste, and/or septage to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

**(b)** Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the Village and the customer discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the customer.

**320-7 RESERVED FOR FUTURE USE:**

### **320-8 UNIQUE CUSTOMERS:**

**1) SPECIAL AGREEMENTS:** Nothing contained herein shall be construed as preventing any special agreement or arrangement between the Village and any commercial, public, private or industrial entity whereby sewage or other waste of unusual volume, strength or character may be accepted by the Village for treatment, subject to payment there for by the unique customer. The Village at any time here after, may establish additional rates for any large or otherwise unique customer that does not readily fit into other customer categories. The Village may also require the unique customer to supply a performance bond and insurance in a manner acceptable to the Village. Moreover, the Village may choose to terminate or restrict any such agreement whenever the sewage system has operational problems, maintenance problems or discharge problems.

**(2) SEPTAGE DISPOSAL:** No septage disposal is allowed.

### **320-9 SEWER CONNECTIONS:**

**(1) PERMIT REQUIRED:** No person shall uncover, use, alter, disturb, make connection with or opening into, any public sewer or appurtenance thereof without first obtaining a written permit therefor.

**(2) STATE CODE:** All work performed on the Sewerage system shall comply with the State Plumbing Code and all other applicable codes.

**(3) APPLICATION:** An application for a permit shall be filed with the Department of Public Works at Village Hall, upon forms furnished by the Village. The Director of Public Works shall determine which permit is applicable, and is authorized to make such investigation and obtain such information as is determined necessary to evaluate and issue a permit.

**(4) REPORTS:** 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 Village a report that shall include actual or predicted data relating to the quantity, strength and characteristics of the sewage to be discharged.

#### **(5) FEES:**

**(a) Connection Charge:** The applicant shall pay a sewer connection charge to the Village to defray the costs of processing the permit and conducting the necessary inspections. The sewer connection charge shall be the amount listed on the current Lyndon Station Sewer Fee Schedule. This fee shall be paid when the application for a permit is filed with the Village.

**(a) Diagram Deposit:** At the time the permit for sewer connection is filed with the Village, a deposit in the amount specified on the current Lyndon Station Sewer Fee Schedule, shall also be paid with the filing. The deposit shall be refunded after final inspection and approval of the sewer connection, and submission by the applicant of an engineer's diagram of the location and depth of the completed connection, sewer lateral and other required appurtenances. If the applicant fails to comply with the requirements of this Ordinance, or if the applicant fails to submit the required engineer's diagram within 30 days following the final inspection of the sewer connection, said deposit shall be forfeited. The forfeiture of this deposit shall not limit or prevent the Village from pursuing any other penalties authorized herein or recovering any expenses incurred by the Village due to the applicant's failure to comply herewith.

**(6) DESIGN:** The design and construction of sewer laterals and their connection to the public sewer shall be performed by and under the direction of a licensed plumber authorized by the owner of the property. Such plumber shall keep accurate records of the location, depth and length of sewer lateral as built in the location of the wye-branch, slants and all appurtenances thereto. All costs of such plumbing and record keeping shall be the responsibility of the applicant. After final inspection and approval of the sewer connection, said plumber shall submit a detailed diagram of the location, depth and length of the sewer lateral, wye-branch or slants and all other appurtenances as built.

**(7) CONSTRUCTION SPECIFICATIONS:** The size, slope, alignment, materials of construction of a sewer lateral and all connections and appurtenances thereto, and the methods to be used in excavating and backfilling the trench, and placing, joining, and testing the pipe and all other appurtenances, shall all conform to the requirements of applicable Village and State building and plumbing codes and other applicable rules and regulations of the Village. Sewer mains should always be tapped on top, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. 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. Unless authorized by the Director of Public Works, the wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.

**(8) LICENSED PLUMBERS:** No plumber, pipe fitter, or other person will be permitted to perform any plumbing or pipe fitting work in connection with the sanitary sewerage system without first receiving a license from the State of Wisconsin.

**(9) ELEVATIONS:** Whenever possible, the sewer lateral 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 sewer lateral shall be lifted by a means approved by the Director of Public Works, and discharged to the sewer lateral. All excavations 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.

**10) OLD LATERALS:** Old sewer laterals may be used to service new buildings only when such laterals are found to meet all requirements of this subchapter.

**(11) INDEPENDENT LATERALS:** A separate and independent sewer lateral shall be provided for every building, unless otherwise permitted in writing by the Village Board.

**(12) INSPECTIONS:** The applicant shall notify the DPW when the sewer lateral and/or all appurtenances thereto are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the DPW or his designee.

**(13) CONSTRUCTION COSTS:** All costs and expenses incident to the construction, installation, connection and inspection of a sewer lateral to the public sewer shall be borne by the applicant. The applicant shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the work on the sewer lateral.

**14) ABANDONED SEPTIC TANKS AND DRY WELLS:** It is further determined and declared necessary that in order to prevent damage to property and persons, all abandoned septic tanks and dry wells, after the completion of the construction of the Village sewer facility, shall be pumped and filled with sand or similar substance. From and after said completion time, it shall be unlawful for the owner of any premises where sanitary sewer facilities are available to maintain or permit the use of any outhouse within the Village limit's, It shall be the duty of the owner of said premises to remove all such structures on or sixty (60) days following the completion of the construction, and upon failure so to do the Village Board may take such action as it deems necessary to enforce the provisions of this article and to cause the removal thereof and assess the costs thereof to the property.

**(15) VILLAGE PROPERTY ONLY:** Only property and structures located within the Village limits may be connected or reconnected to the sewerage system unless authorized by the Village Board.

**320-10 RESERVED FOR FUTURE USE:**

### 320-11 SEWER EXTENSIONS:

**(1) REQUESTS:** Any person wishing to extend any public sewer or appurtenance thereof may apply to the Village for such extension. The regulations applicable to sewer connections shall be followed to the extent applicable.

**(2) DECISION:** The Village Board shall decide, on a case-by-case basis, whether to grant the request for an extension, giving appropriate consideration to location, costs, budgets, work schedules, etc. Prior practices shall not establish any precedent.

**(3) ASSESSMENTS:** In addition to any other procedures permitted by law, the Village may also use one of the following procedures to pay for the extensions of sewers:

**a) Statutory Assessment:** The Village may collect the cost of the extension by imposing an assessment against the abutting property and/or against the area benefited, pursuant to the procedures of §66.60 et seq. Wis. Stats.

**(b) Customer-Financed:** Where the Village is unwilling or unable to impose an assessment under sub. (a), the extension may be made on a customer-financed basis as follows:

1. The customer(s) desiring sewer service shall advance, as a contribution in and of construction, the total amount equal to that which would have been assessed for all property under sub. (a).

2. Part of the contribution required under sub. (a) will be refundable. When additional customers are connected to the new extension within 5 years of the date of completion, such additional customers shall pay to the Village a connection charge equal to the amount which would have been assessed under sub. (a) for the property of the additional customer. This amount will be refunded without interest by the Village to the original customer(s). In no event will the contributions from additional customers exceed the proportionate amount which would have been required under sub. (a) or the total assessable costs of the original extension.

**(c) Deferred Assessment:** When the Village elects to impose an assessment under sub. (a), it may postpone the imposition or collection of the assessment until a customer connects to the service, upon such terms and conditions as the Village Board may determine on a case-by-case basis.



## 320-12 SEWER SERVICE CHARGES

- 1) **BASIS FOR SEWER SERVICE CHARGES:** The sewer service charge for any lot, parcel of land, building or premise inside or outside the corporate limits shall be based on the quantity and quality of sewage generated, as measured by the water meter and/or sewage meter in use; and on debt service related to the construction and purchase of land, buildings, equipment, pipe and other associated appurtenances for the sanitary sewage system; and on costs related to operation, maintenance and replacement of the sanitary sewerage system. To fairly accommodate these considerations, the Sewer Service charges are comprised of 2 parts:

(a) Fixed Meter Charge

(b) Sewer Use Charge

The Fixed Meter Charge and the Sewer Use Charge shall be sufficient to pay the costs of Debt Service, Operation and Maintenance, including any Replacement fund, of the wastewater facilities. The Village Board has provided the initial estimates of number of users, costs, etc., to calculate the first year's user charges. The rates in this ordinance shall be reviewed not less than biennially. Such review will be performed by the Village Board. Rates shall be adjusted, as required, to reflect the actual number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to operation, maintenance, and replacement.

**(2) FIXED METER CHARGE:** A Fixed Meter Charge (FMC) is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the sewage system. Commercial, Industrial and Public customers may be assigned a surcharge of 1.5 times the Residential FMC due to the higher strength wastewater typically discharged. Such Fixed Meter Charges shall be payable as provided in the current Lyndon Station Sewer Fee Schedule.

**(3) SEWER USE CHARGE:** A Sewer Use Charge is hereby imposed on all customers of the sewage system based upon the metered water used thereon or therein, as calculated by the Water Utility, unless the Village authorizes the installation and use of a wastewater flow meter.

**(4) SEWAGE OF UNUSUAL VOLUME:** Sewage, of unusual volume, concentrates, or character shall be charged for at special rates determined by the Village Board. Seasonal users and customers desiring that their water service be temporarily discontinued shall be assessed a standby charge as set by the Village Board per month during the period that the premises is not connected to the water system.

**(5) SURCHARGE FOR PROPERTY OUTSIDE THE VILLAGE LIMITS:** A surcharge of 25% shall be added each month to the total sewer service charge for all customers located outside the Village limits.

**(6) RATES FOR VILLAGE AND PUBLIC CORPORATIONS:** The Village of Lyndon Station and all other public corporations maintaining buildings within the Village limits shall pay at the same rates as commercial establishments for all sewerage service furnished and available to each such building.

**(7) ASSIGNMENT OF CATEGORIES:** In the event that it is unclear into which category of use a particular customer falls, the Director of Public Works shall decide, in his sole discretion, into which category a particular customer shall be placed for purposes of determining sewer service charges.

### **320-13 PAYMENT OF SEWER SERVICE CHARGE**

**(1) BILLS:** Bills for the rates and charges as herein and specified on the current Lyndon Station Sewer Fee Schedule, shall be sent quarterly following the billing period and shall be paid at the Village Hall drop box, by mail to the Lyndon Station Water/Sewer Department or other collection station designated on the water/sewer bill. If any charges for the services of the sewer system are not paid by the due date indicated on the bill or within thirty (30) days of mailing of a bill, a delayed payment charge of the amount specified in the current Fee Schedule shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after thirty (30) days following the rendition of the bill therefore, the sewer service for the lot, parcel of land, or premises affected shall be considered delinquent and the Village shall reserve the right to seal off the service connection and service shall not be restored again except on payment in full of the delinquent charges therefore, in addition to payment of a charge as set by the Village Board and expense of restoring service. Reasonable care will be exercised by the Village in the proper delivery of sewer bills. Failure to receive a sewer bill shall not relieve any customer of the responsibility for payment of sewer service charges within the prescribed period, nor exempt the customer from any penalty imposed for delinquency in this payment.

**(2) LAND OWNER LIABLE:** The bills for sewer service charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for payment of a bill for rental property in the event payment is not made as required herein. The owner of any property served, which is occupied by tenants, shall have the right to examine collection records of the Village for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept and during normal business hours.

**(3) PENALTIES:** A penalty as specified in the current Lyndon Station Sewer Fee Schedule, added on the unpaid balance of the bill not paid by the fixed for final payment in accordance with any administrative procedures of payment determined by the Village Board.

**(4) LIEN FOR CHARGES:** Sewage service charges shall be a lien upon the property served pursuant to §66.0821, Wis. Stats., and shall be collected in the manner therein provided. Whenever a delinquent charge is placed upon the tax roll, the delinquent charge shall be subject to a penalty charge as specified in the current Lyndon Station Sewer Fee Schedule, in addition to all other charges and interest.

**(5) DUTIES OF UTILITIES CLERK:** It is hereby made the duty of the Utilities Clerk (Water and Sewer Department) to render bills for sewer service and all other charges in connection therewith. It is hereby made the duty of the Utilities Clerk to collect all moneys due for sewer services and charges.

**(6) DISPOSITION OF FUNDS:** All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the Utilities Clerk separate and apart from all other funds of the Village, and all of said sums and all other funds and money's incident to the operation of said system as may be delivered to the Utilities Clerk shall be deposited in a separate fund designated the "Sewerage System Fund Account", and said Utilities Clerk shall administer said fund in every respect in a manner provided by law.

**(7) ACCOUNTS AND RECORDS:** The Utilities Clerk shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system, and at regular annual intervals the Village shall cause to be made an audit, by an independent audit concern, of the books to show the receipts and disbursements of the sewer system.

**320-14 RESERVED FOR FUTURE USE:**

### 320-15 CUSTOMER DEPOSITS

**(1) REQUIRED:** The Village may require a cash deposit or other guarantee as a condition of new service or as a condition of continued service if any of the following circumstances apply:

(a) The credit of the applicant for sewer service has not been established to the satisfaction of the Village.

(b) The Village has shut off or disconnected the service of the customer at any address within the last 24-month period for a violation of the Village "s rules or for non-payment of any charge.

**(2) DEPOSITAMOUNT:** The amount of the deposit shall be established by the Village, but shall not exceed the estimated gross bills for all sewer service, both billed and unbilled, which can be supplied during a 3-month period to the customer.

**(3) INTEREST:** Deposits shall not bear interest.

**(4) DISPOSITION:** A deposit may be used by the Village to satisfy any arrearage occurring after the deposit was made. If the Village deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure by the customer to do so within twenty (20) days of mailing a written request for payment is grounds for disconnection. The deposit shall be refunded after twenty-four (24) consecutive months of prompt payment, provided the customer's credit standing is otherwise satisfactory to the Village.

### 320-16 DISCONNECTION AND REFUSAL OF SERVICE

**(1) WHEN PERMITTED:** Sewer utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.

(b) Failure to comply with deposit requirements.

(c) Diversion of service around a meter.

(d) Refusal or failure to permit authorized Village personnel to read a meter or conduct an inspection permitted by §8.33(1) below.

(e) Violation of any provision of this Subchapter.

(f) Where a dangerous condition exists.

**(2) NOTICE:** The Village shall give a written disconnect notice at least eight (8) calendar days prior to disconnection, except the Village may disconnect service without notice where a dangerous condition exists for as long as the condition exists. Notice shall be personally served upon the customer or mailed to the customer's last known address by first class mail. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than five (5) days before disconnection, and if access is not possible to each dwelling unit, such notice shall be posted at the main entrance to the building. In each case, the Village shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.

**(3) COSTS:** All costs and expenses incurred by the Village in disconnecting sewer service shall be assessed against the real estate affected and collected as a special charge or special assessment.

**320-17 DEFERRED PAYMENT AGREEMENT:** The Sewer Utility is authorized to enter into deferred payment agreements upon such terms and conditions as the Village may decide. All such deferred payment agreements shall be in writing.

**320-18 RESERVED FOR FUTURE USE**



## 320-19 CONTROL OF INDUSTRIAL DISCHARGES

**(1) 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.

**(2) 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.

**(3) 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.

### **(4) Permit to Discharge Industrial Waste.**

**(a)** 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.

**(b)** Upon receiving notification by the Village pursuant to subparagraph 320-16(4)(a) hereof, the industrial user shall make written application to the Village for issuance of a "Permit to Discharge." The Village may issue a permit to the industrial user, which may include, but not be limited to:

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

4. Any limit on the maximum rate of industrial discharge or the time of the discharge.
  5. A requirement for a monitoring manhole or some other means to collect a representative sample of the industrial user's discharge.
  6. A description of both the frequency of self-monitoring that is required and of the method of sample collection.
  7. A discussion of reports that must be submitted to the Village.
  8. A compliance schedule for construction of pretreatment facilities if required.
  9. The requirements for records retention.
  10. The notification procedure to be followed if the industrial user intends to change the characteristics of its wastewater discharge.
  11. A statement concerning the Village's right to inspect the industry's facilities.
  12. 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.
  13. A statement of the applicable pretreatment standards that the user must abide by.
  14. A statement that a violation of pretreatment requirements as specified may be subject to various penalties as listed in this Ordinance.
- (c)** 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.
- (d)** 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.
- (e)** 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.
- (f)** 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 wastewater 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.

(g) 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.

(h) 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.

#### **(5) Monitoring of Industrial Discharges**

(a) The Village, at its own discretion, may require an industrial user to install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes being discharged to the public sewerage system. Such structure, when required, shall be accessible 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. In the event that the industrial user fails to construct such a structure, the Village may do so and shall assess the cost thereof to the industrial user.

(b) The Village may require the industrial user to collect representative samples of its wastewater discharge, to analyze the sample for parameters specified by the Village, and to report the results to the Village in a timely manner. Any samples collected during such monitoring shall follow a strict chain of custody procedure to ensure security of the samples and anonymity during analysis.

(c) The Village may elect to independently monitor the discharge of any industrial user to assess compliance with applicable standards. Any samples collected during such monitoring shall follow a strict chain of custody procedure to ensure security of the samples and anonymity during analysis.

#### **(6) Pretreatment Requirements**

(a) The Wastewater Department may require pretreatment of industrial discharges if, in its opinion, pretreatment is necessary to protect the wastewater facilities or prevent the discharge of incompatible pollutants and to comply with the requirements of this Ordinance. The criteria for such a decision are the existing capacity of the plant relative to BOD and SS.

**(b)** 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.

**(c)** Grease, oil, and/or sand interceptors or traps may be required to be installed by the user at its own expense when, in the opinion of the Wastewater Department, such facilities are necessary for the proper handling of liquid wastes containing grease or floatable oils in excess of limitations specified in Section 320-16(5) hereof, or any sand, inflammable wastes, or other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Wastewater Department and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Department.

**(d)** 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 has been approved as described.

**(e)** All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operating condition at the user's expense.

**(f)** 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.

### **320-20 LIMITATION OF LIABILITY**

No claim shall be made against the Village, or its acting representatives, for damages, loss of use, discomfort, diminution of value or other compensation, caused by reason of the breaking, clogging, stoppage, or freezing of any public or private sewer or any other part of the sewerage system; nor from any damage arising from any act or omission of the Village arising out from the construction, operation, maintenance, repair or extension of any part of the sewerage system. The Village hereby reserves the right to cut off the service of a customer at any time for the purpose of repairing the system or for any other purpose necessary, in the sole discretion of the Village, for the construction, operation, maintenance, repair or extension of any part of the sewerage system, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the Village, the Water / Sewer Clerk shall, to the extent practicable, give notice thereof to the consumers within the affected area.

## 320-21 PENALTIES

**(1) CONSENT BY USE:** The rules, regulations, and sewer rates of the Village, shall be considered a part of the contract with every person or entity connected to or using the sanitary sewerage system, and every such person or entity by connecting to or using the sanitary sewerage system shall be deemed to have thereby expressed their assent to be bound by said rules, regulations and rates.

**(2) INSPECTIONS:** The Director of Public Works or his authorized agent shall have the right to enter all properties, public or private, served by the Village sanitary sewerage system, for the purpose of inspection, observation, measurement, sampling, testing or enforcement of the rules and regulations of this subchapter. The Director of Public Works or his authorized agent shall also be permitted to enter all private property upon which the Village holds an easement for the construction, maintenance or operation of a sewer, provided all such entry and subsequent work shall be performed in accordance with the terms and conditions of the easement.

**(3) DAMAGE TO PROPERTY:** No person shall cause damage to any structure, appurtenance, facility or equipment which is a part of the public sewerage system, nor shall any person, through their use of the sewage system, cause damage to any water body receiving effluent from the sewage system. Any person who willfully, wantonly or intentionally causes such damage shall be subject to the penalties by State Law and ordinances. Nothing herein shall limit the Village's right to seek compensation for the damages otherwise caused through any means authorized by law, in addition to any penalty imposed for the same damage.

**(4) MANDATORY HOOK-UP:** The Village shall give the owner(s) of any structure required to hook-up to the public sanitary sewer under section 320-4 above, written notice requiring such hook-up within 90 days from the date of said notice. Upon failure of the property to hook-up, the Village may choose one of the following remedies:

**(a) City Performs Work:** The Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property; however, the property owner may, within 30 days after the completion of the work, file a written option with the Village Board stating that he or she cannot pay such amount in one sum and requesting that the Village levy said sum in equal installments, not to exceed 10, and that the amount be so collected with interest at the rate of 8% per annum from the completion of the work, with the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.

**(b) Fine:** The Village may impose a penalty in the amount specified in the current Lyndon Station Sewer Fee Schedule. Upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Wis. Stat. Section 281.45.

**(5) SHUT OFF:** Whenever any of these rules and regulations, or such others as the Village Board may hereinafter adopt, are violated, the use of the sewerage system by the offending customer may, in the Village 's sole discretion and in addition to all of the other remedies authorized herein, be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except upon payment of all arrears, the expenses and charges of shutting off and putting on, the payment of all damages to the public sewerage system and on such other terms as the Village may determine, and upon a satisfactory understanding with the party that no further cause for complaint shall arise.

**(6) USE OF SYSTEM:** If a user of the sewerage system discharges any substance therein which is deemed injurious by the Director of Public Works or the Village Board to the sewerage system, he shall be required to discontinue the discharge of such substance in the sewerage system. If after five (5) days notice, in writing, such user continues to discharge such injurious substance into the sewerage system, he shall be subject to a penalty as specified in the current Lyndon Station Sewer Fee Schedule. Each day in which such violation continues to exist, after the effective date of notice to discontinue such discharge, shall be deemed a separate violation.

**(7) CONTINUING VIOLATIONS:** Each day a violation occurs or continues to occur shall be deemed a separate offense.

**(8) OTHER PENALTIES:** Any person(s) who shall violate any provision of this Subchapter, except paragraph (2) above, shall be subject to the penalties provided by State Law and ordinance. The Village may, but need not, serve an offender with a written notice stating the nature of the violation and stating a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct such violation. Any person who shall continue any violation beyond the time limit provided for in the written notice shall be subject to the penalties provided by State Law and ordinance.

**(9) APPEALS:** Any customer, affected by any decision, action, or determination (except decisions of the Circuit Court), including cease and desist orders, made by the Village in interpreting or implementing the provisions of this Ordinance, may file with the Village Public Works Committee a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the customer's request for reconsideration. The Committee shall render a decision on the request for reconsideration to the customer in writing within fifteen (15) days of receipt of the request. If the ruling on the request for reconsideration made by the Committee is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village Board. A fee as specified in the current Lyndon Station Sewer Fee Schedule. This fee shall be refunded if the appeal is sustained in favor of the appellant.