

SEWER USE AND SEWER SERVICE CHARGE ORDINANCE #2



HINGHAM SANITARY DISTRICT
TOWN OF LIMA, SHEBOYGAN COUNTY, WISCONSIN

HINGHAM SANITARY DISTRICT ORDINANCE #2

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HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 1

TITLE AND PREAMBLE

1.01

TITLE: SEWER USE AND SEWER SERVICE CHARGE ORDINANCE.

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, providing penalties for violations thereof, and levying/collection of sewer service charges in the Hingham Sanitary District of the Town of Lima, County of Sheboygan, State of Wisconsin.

1.02

PREAMBLE.

WHEREAS: Provision has been made in the design, construction and operation of such facilities to accommodate certain types and quantities of industrial wastes in excess of, and in addition to, normal sewage; and

WHEREAS: It is the obligation of the producers of industrial wastes to defray the cost of extraordinary services rendered by the District in an equitable manner and, insofar as it is practicable, in proportion to benefits derived; and

WHEREAS: Proper protection and operation of the collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge at point of origin of certain types or quantities of industrial wastes; now

THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED by the District Commission of the Hingham Sanitary District of the Town of Lima, Sheboygan County, State of Wisconsin, as follows:

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SECTION 2

DEFINITIONS

- 2.01 APPROVING AUTHORITY
Approving Authority shall mean the District Commission or the Commission's authorized representative.
- 2.02 BOD
BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."
- 2.03 BUILDING DRAIN
Building drain shall mean 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 (5) feet (1.5) meters) outside the inner face of the building wall.
- 2.04 BUILDING SEWER
Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).
- 2.05 CHLORINE REQUIREMENT
Chlorine Requirement shall mean the amount of chlorine, in milligrams per liter (mg/l), which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Fund Pollutant Discharge Elimination System (WPDES) permit.
- 2.06 DISTRICT WASTEWATER COLLECTION FACILITIES
District wastewater collection facilities (or District wastewater collection system) shall mean the District's sewer system, structures, equipment and processes required to collect and carry away wastewater which are owned, operated and maintained by the District.
- 2.07 COMBINED SEWER
Combined sewer shall mean a sewer intended to receive both wastewater and storm or surface water.
- 2.08 COMPATIBLE POLLUTANTS
Compatible pollutants shall mean BOD, suspended solids, phosphorus, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the District's wastewater treatment facility receiving the pollutants if the facility was designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.
- 2.09 DISTRICT
District shall mean the Hingham Sanitary District in the Town of Lima.
- 2.10 DISTRICT COMMISSION
District Commission is the sovereign governing body of the District.
- 2.11 EASEMENT
Easement shall mean an acquired legal right for the specified use of land owned by others.
- 2.12 EQUIVALENT HOUSING UNITS (EHU)
Equivalent housing unit (EHU) shall be the average amount of wastewater discharged by a single-family unit. One EHU is assumed to equal 210 gallons per day computed at 3 average per capita unit at 70 gallons per capita day with pollutant concentrations of 200 mg/l for BOD, 250 mg/l for suspended solids and 10 mg/l for phosphorus.

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- 2.13 FLOATABLE OIL
Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- 2.14 GARBAGE
Garbage shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
- 2.15 GROUND GARBAGE
Ground 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 in any dimension.
- 2.16 INCOMPATIBLE POLLUTANTS
Incompatible pollutants shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.
- 2.17 INDUSTRIAL WASTE
Industrial waste shall mean any solid, liquid, gaseous or substance discharged or escaping from any industrial, manufacturing or commercial establishment as distinct from sewage.
- 2.18 NATURAL OUTLET.
Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 2.19 NORMAL DOMESTIC STRENGTH WASTEWATER.
Normal domestic strength wastewater shall mean concentrations of BOD no greater than 200 mg/l, no greater than 250 mg/l, and phosphor
- 2.20 OPERATION AND MAINTENANCE EXPENSES.
Operation and maintenance expenses shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including replacement costs, all as determined from time to time by the District.
- 2.21 PARTS PER MILLION.
Parts per million shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- 2.22 PERSON.
Person shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- 2.23 ph
ph shall mean the logarithm of the reciprocal of the hydrogen 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.
- 2.24 PHOSPHORUS
Phosphorous shall mean total phosphorus and is expressed in mg/l of P (phosphorus).

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- 2.25 PUBLIC SEWER
Same as sewer.
- 2.26 REPLACEMENT COSTS
Replacement costs shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance expenses include replacement costs.
- 2.27 SANITARY SEWAGE
Sanitary sewage shall mean a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.
- 2.28 SANITARY SEWER
Same as sewer.
- 2.29 SEWAGE
Sewage shall mean the water-carried human, animal, household, industrial and commercial wastes in a public or private sewer and may include groundwater infiltration or surface drainage. The preferred term is "wastewater".
- 2.30 SEWER
Sewer shall mean a pipe and manhole network that carries sewage.
- 2.31 SEWER SERVICE CHARGE
Sewer service charge is a charge levied on users of wastewater collection facilities for payment of debt service costs, operation/maintenance expenses, treatment costs and other expenses or obligations of said facilities.
- 2.32 "SHALL" is mandatory; "MAY" is permissible
- 2.33 SLUG
Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and/or shall adversely affect the system and/or performance of the wastewater treatment works.
- 2.34 STANDARD METHODS
Standard methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- 2.35 STORM SEWER OR DRAIN
Storm sewer or drain shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source
- 2.36 STORM WATER RUNOFF
Storm water runoff shall mean that portion of the rainfall that is drained into the sewers.

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2.37

SURCHARGE

Surcharge is a charge levied on sewer users discharging wastewater with BOD, suspended solids and/or phosphorus concentrations in excess of the limits for normal domestic strength wastewater.

2.38

SUSPENDED SOLIDS

Suspended solids shall mean solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods".

2.39

TOWN

The Town shall mean the Town of Lima, Sheboygan County, Wisconsin.

2.40

UNIT OF SERVICE DEFINITION

A unit of service shall consist of any residential, commercial, industrial or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church or school. Each unit of service shall be regarded as one consumer. Suites in houses or apartments with complete housekeeping functions (such as cooking), shall be classed as individual units.

When a consumer's premises has several users within a building or several buildings for which services are eligible and such buildings are used in the same business and connected by the user, the District may set a separate rate for such complex.

2.41

UNPOLLUTED WATER

Unpolluted water is 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.

2.42

WASTEWATER

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

2.43

WASTEWATER COLLECTION FACILITIES

Wastewater collection facilities (or wastewater collection system) shall mean the District's sewer main and manhole network.

2.44

WASTEWATER TREATMENT FACILITY

Wastewater treatment facility shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Also synonymous with waste treatment plant.

2.45

WATERCOURSE

Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

2.46

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT

Wisconsin pollutant discharge elimination system (WPDES) permit is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the District's wastewater treatment facility. WPDES Permit and modifications thereof pertain to the District's wastewater treatment facility.

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SECTION 3

PUBLIC SEWERS REQUIRED

3.01 USE OF PUBLIC SEWER REQUIRED

- (a) Connection - The owner of all houses, buildings or properties used for human occupancy, recreation or the conduct of any business, trade or industry or other purposes, situated within the District and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sewer of the District, or is accessible through an easement to any such public sewer is hereby required at his expense to install suitable toilet facilities and to connect any facilities discharging sanitary sewage and/or industrial wastes to the public sewer. The connection shall be made directly to the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of the official notice to do so. The Commission may grant exemption to this requirement.
- (b) Health Standard - This ordinance ordains that the connection and delivery of wastewater into the public sewer is a minimum health standard of the District to assure preservation of public health, comfort and safety of the District.

3.02 DISPOSITION OF OLD SEPTIC TANK

See Section 10.02 of this ordinance.

3.03 FAILURE TO CONNECT – HEALTH HAZARD

This ordinance ordains that the failure to connect to the public sewer is contrary to the minimum health standards of the District and fails to assure the preservation of public health, comfort and safety of the District.

3.04 FAILURE TO CONNECT

Upon the failure of the owner to connect and in addition to any other penalties imposed by the District, the District, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to the owner failing to make connection to the public sewer of an amount equal to one hundred fifty (150%) percent of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 of the Wisconsin Statutes.

3.05 NEW CONNECTION

New connections to the District public sewer will be approved by the Approving Authority only if there is available capacity in the downstream wastewater collection and treatment facilities.

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SECTION 4

PROHIBITIVE PRACTICES

4.01

PROHIBITION AGAINST UNPOLLUTED WATERS

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to the sanitary sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Approving Authority.

4.02

STORM SEWERS

Storm water, other than exempted under Section 4.01, and all other unpolluted drainage shall be discharged to such sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer, combined sewer or natural outlet.

4.03

PROHIBITIONS AND LIMITATIONS

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:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) 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 waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (c) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (d) Any waters or wastes having a pH in excess of 9.0.
- (e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (f) The following described substances, materials, waters or wastes if it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers, wastewater treatment plant or equipment, have an adverse effect on the receiving stream, or can otherwise endanger lives, limb, public property or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in this Ordinance if, in their opinion, such more severe limitations are necessary to meet the above objectives. In forming their opinion regarding limitations, the Approving Authority 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 sanitary sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the Approving Authority are as follows:
 - (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - (2) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
 - (3) Wastewater from industrial plants containing floatable oils, fat or grease.

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- (4) 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.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and other toxic and nonconventional pollutants to such degree that any material received in the composite wastewater in concentrations that exceed levels specified by federal, state, or local authorities.
 - (6) Any waters or wastes containing odor producing substances exceeding limits which may be established by the Approving Authority.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
 - (8) Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
 - (9) Any 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. This includes, but not limited to, wet wipes, paper toweling and feminine sanitary napkins/tampons.
 - (10) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
 - (11) Materials which exert or cause:
 - (i) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater collection and treatment facilities.
 - (ii) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - (iii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (12) Incompatible pollutants in excess of the allowed limits as determined by the state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency.
- (g) The District shall comply with all the appropriate requirements of the District's WPDES Permit and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and modifications thereof.

4.04

DEPOSIT OF MATERIALS

No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement, garbage or other objectionable waste.

4.05

DISCHARGE TO OUTLET

No person shall discharge to any natural outlet within the District or in any area under the jurisdiction of said District any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

4.06

PRIVIES AND SEPTIC TANKS

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

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4.07

COMBINED SEWERS

No person shall construct combined sewers or other facilities intending to receive both storm run-off and sewage.

4.08

SPECIAL ARRANGEMENTS

No statement contained in this Section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby wastewaters of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the District without recompense by the person, provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

4.09

INJURY TO SYSTEM

- (a) It shall be unlawful for any person to willfully injure the sewer system or any building, machinery or fixture pertaining thereto, or to willfully and without authority of the District bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying or collecting sewage.
- (b) The District shall have the right of recovery from all persons, any expense incurred by the District for the repair or replacement of any part of said system damaged in any manner by any person by the performance of any work under their control, including agents retained by them, or by any negligent act.

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SECTION 5

CONTROL OF INDUSTRIAL WASTE DIRECTED TO PUBLIC SEWERS

5.01

SUBMISSION OF BASIC DATA

After passage of this ordinance, the Approving Authority may require persons who discharges industrial wastes into a public sewer to prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged into the wastewater collection and treatment facilities. The Approving Authority may require this data to be provided annually at a time specified by the Approving Authority. The person shall file the report within 30 days of receiving notice from the Approving Authority.

Similarly, persons 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.

5.02

EXTENSION OF TIME

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Section 5.01, a request for extension of time may be presented to the Approving Authority for consideration.

5.03

INDUSTRIAL DISCHARGE

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 4 and which in the judgment of the Approving Authority have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

- (a) Reject the waste,
- (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 taxes or sewer charges under the provisions of Section 4.08.

5.04

CONTROL MANHOLES

Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points together with the necessary meters and other appurtenances to facilitate observation, measurement and sampling of wastes, including domestic sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste at the person's expense, and shall be maintained by the person so as to be in safe condition, accessible and in proper operating conditions at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

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5.05

MEASUREMENT OF WASTEWATER VOLUME

The sewer service charge may be based on metered water consumption of the user or the measured wastewater charge as follows:

- (a) All commercial, industrial and public users who discharge more than 2,500 gallons per day to the system shall be required to install meters to measure actual amount of discharge into the system.
- (b) The District may require any customer being served by the system to install a meter if a more equitable charge results.
 - (1) Meters must be installed and maintained at the user's expense.
 - (2) Meters must be sealed, tamper-proof with an outside readout and accessible to District employee and must be approved by the District before installation.
 - (3) Waters not discharged into the sewer system may be metered to provide a deduction of charges.
 - (4) Meters may be required on the water system and/or sewer discharge.

5.06

WASTE 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 determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

5.07

PRETREATMENT

Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater collection and treatment facilities, the person shall provide, at their expense, such preliminary treatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

5.08

GREASE, OIL AND/OR SAND INTERCEPTORS

Grease, oil, and/or sand interceptors shall be provided when in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as may be specified in Section 4.03(f)(3), 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 Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining 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 Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) practice.

HINGHAM SANITARY DISTRICT ORDINANCE #2

5.09

MEASUREMENT AND TESTS

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time. Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for sewer service charges.

5.10

SUBMISSION OF INFORMATION

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment of grease and/or sand interceptor facilities shall be submitted for the approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 6

BASIS FOR SEWER SERVICE CHARGES

6.01

CATEGORY A USERS

Category A sewer users shall be assessed a sewer service charge based on the users Equivalent Housing Unit (EHU) rating, except as hereinafter provided. A user's EHU rating shall be established by the District according to the formulas presented in Section 6.03.

Category A shall be those sanitary sewer users who discharge no more than 2,500 gal/day of normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 250 mg/l and phosphorus no greater than 10 mg/l.

6.02

CATEGORY B USERS

Category B sewer users shall be assessed a sewer service charge based on the actual gallons entering the District's system.

Category B shall be those sanitary sewer users who discharge more than 2,500 gal/day of wastewater or wastewater having pollutant concentrations in excess of 200 mg/l for BOD, 250 mg/l for suspended solids and 10 mg/l for phosphorus. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B.

6.03

EHU FORMULAS

The following formulas shall be used by the District to determine the EHU rating of Category A sewer users. The formulas can be amended by the District Commission. Every sewer user shall be assigned at least one unit. A sewer user's EHU rating, as calculated by the formulas, shall be rounded up to the next whole unit.

<u>Classification</u>	<u>EHU Formula</u>
(a) Single Residence	One unit
(b) 2 Family Dwelling	Two units
(c) Apartments	One unit per apartment
(d) General Business	One unit per 25 employees per building drain
(e) Shopping Center	One unit per 4,000 sq. ft. floor space
(f) Super Market	One unit per 4,000 sq. ft. floor space
(g) Air Bed and Breakfast	One unit per 3 month period of use
(h) Motel with laundry	Units = (bed spaces * (% of occupancy)) / 6
(i) Motel without laundry	Units = (bed spaces * (% of occupancy)) / 8
(j) Bowling Alley with Bar	0.5 units per alley
(k) Service station or garage	One unit
(l) Country Club	One unit per 25 members
(m) School with meals served	One unit per 15 students
(n) School without meals served	One unit per 12 students
(o) Churches	One unit
(p) Tavern	Units = Capacity / 40
(q) Restaurants-standard	Units = Seating capacity / 13
(r) Restaurants-Drive in/short order	Units = Seating capacity / 45
(s) Restaurants with one bar	Units = Seating capacity / 10
(t) Restaurants with two bars	Units = Seating capacity / 8
(u) Restaurants with three bars	Units = Seating capacity / 7
(v) Other cases	To be determined by the district

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 7 AMOUNT OF SEWER SERVICE CHARGES

7.01 CATEGORY A SEWER SERVICE CHARGE (METERED COMMERCIAL, RESIDENTIAL, INDUSTRIAL AND PUBLIC SERVICE)

The sewer service charge for Category A sewer users is as follows:

See Appendix A

7.02 CATEGORY B SEWER SERVICE CHARGE (METERED HIGH STRENGTH)

The sewer service charge for Category B sewer users is as follows:

See Appendix A

7.03 REASSIGNMENT OF SEWER USERS

The Approving Authority will reassign users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs, EHU formulas and/or other related information indicate a change of categories is necessary.

7.04 OPERATIONS, MAINTENANCE AND REPAIR ACCOUNTS

Checking and Savings Accounts shall be maintained by the District for the purposes of funding ongoing operations as well as repair/maintenance of sewer network.

7.05 CHARGE FOR TOXIC POLLUTANTS

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the District's wastewater treatment facility shall pay for such increased costs.

7.06 NEGLIGENT WATER USE SURCHARGE

A surcharge will be levied on the normal charge of a user found to have excessive water use due to negligence on user's part. Negligence includes defective or malfunctioning plumbing, which causes excessive water flow into the collection system. Excessive use would be detected in sewer flow through pumping stations.

7.07 DISPOSAL OF SEPTIC WASTE

No person shall discharge any septic waste into any disposal area or public sewer located within the District.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 8

BILLING PRACTICES

8.01

CALCULATION OF SEWER SERVICE CHARGE

Sewer service charges assessed to District sewer users shall be computed by the District according to the rates and formulas presented in Sections 6 and 7 of this Ordinance.

8.02

SEWER SERVICE CHARGE BILLING PERIOD

Sewer service charges shall be billed by the District to the sewer users on a quarterly basis.

8.03

PAYMENT OF SEWER SERVICE CHARGES

Persons billed by the District for sewer service charges shall pay such charges within thirty (30) days after the billing date to the District treasurer.

8.04

PENALTY

A penalty of one and one-half (1.5%) percent per month shall be added to all bills past due.

8.05

LIEN ON PROPERTY

All charges established by this ordinance shall be a lien upon the property served pursuant to Section 66.076(7), 66.069(1) and 66.071(l)(e) of the Wisconsin Statutes and shall be collected in the manner therein provided.

8.06

OBLIGATION FOR PAYMENT

The property owner shall be liable for the sewer service charge bill and the unpaid bill shall remain a lien against the property serviced until paid in accordance with this ordinance.

Any delinquent accounts (60 days past due) at October 31 of each year will be sent to the Town of Lima or Town of Lyndon clerk. The delinquent amount will be added to the property tax bill for the year. The District is paid the delinquent amounts by the respective township.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 9 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

9.01 RIGHT OF ENTRY

The Approving Authority or other duly authorized employees of the District bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling or testing, all in accordance with the provisions of this Ordinance.

9.02 SAFETY

While performing the necessary work on private premises referred to in Section 9.01, the duly authorized District employees shall observe all safety rules applicable to the premises established by the property owner.

9.03 IDENTIFICATION / RIGHT TO ENTER EASEMENT

The Approving Authority or other duly authorized District representative(s) bearing proper credentials and identification, shall be permitted to enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater collection and treatment systems lying within said easement, all subject to the terms, if any, of such easement.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 10 SEWER CONSTRUCTION AND CONNECTIONS

10.01 PERMISSION REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority. Said permit shall be obtained and connection charges paid, if any, at the time of or before receiving a building permit from the Town of Lima or Town of Lyndon.

10.02 PRIVATE SEWAGE SYSTEM ABANDONMENT

Upon connection to the District's system, all private sewage systems shall be abandoned in full compliance with this ordinance and all other applicable local, county and state regulations.

- (a) **Permits** - All persons, firms or corporations abandoning private sewage systems shall obtain a private sewage system abandonment permit from Sheboygan County.
- (b) **Procedure** - When any private sewage system is abandoned, its contents shall be removed and immediately filled with sand, gravel, or similar material. As an alternative to the above filling, the entire system may be removed. A system shall be deemed abandoned if the building which it serviced is razed and no new structure is intended to be constructed to replace such building structure within a period of 60 days, unless expressly extended therefrom by the District Commission.

10.03 RAZING AND NONINHABITABLE BUILDINGS

- (a) **Disconnection** - No person, firm or corporation shall raze a structure or any part of a structure which has been connected to the District's sewer system, or disconnect sanitary sewer from any building that has been determined by the District to be unfit for human habitation without first obtaining a permit from the District and:
 - (1) disconnecting the structure's lateral at the property line.
 - (2) capping entrance to the District's system at property line to prevent materials and liquids from entering the system during razing.
 - (3) paying the current inspection fee for each disconnection which shall be due and payable to the District Clerk at the time the disconnection permit is issued.
 - (4) paying the disconnection fee which will be 50% (percent) of the current hookup fee.
 - (5) paying the minimum quarterly fee, which will be 50% (percent) of the current quarterly fee. The quarterly charge will be eliminated only if a structure is razed and the structure's lateral is removed to the property line.
- (b) **Reconnection** - Before reconnection, a regular plumbing permit shall be required and if used, the lateral from the structure to the property line shall be thoroughly cleaned and inspected for leaks or necessary repairs or replacement.
 - (1) A reconnection fee, equal to the current new connection fee, shall be payable to the District Clerk at the time the reconnection permit is issued.

10.04 CLASSES OF PERMITS AND FEES

There shall be two (2) classes of building sewer permits:

- (a) residential and commercial service
- (b) service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Approving Authority. An inspection fee for all permits shall be paid to the District at the time the application is filed. Said fees shall be determined by the Approving Authority.

HINGHAM SANITARY DISTRICT ORDINANCE #2

10.05

COST OF SEWER CONNECTION

All costs and expenses incident to the installation and connection of the building sewer including, but not limited to, District annexation costs, design and inspection engineering costs, as well as actual construction costs shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

10.06

SEPARATE SEWERS (PRIVATE INTERCEPTORS)

A separate and independent building sewer shall be provided for every building; except where one building stands in the rear of another on an interior lot or several houses are located on a private road or easement and no public sewer is available or can be reasonably constructed to the rear building or buildings through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building or buildings and the whole considered as one building sewer or a single private sewer may be constructed to serve all buildings. The owner shall obtain a District permit for a private interceptor and shall obtain state approval for same.

10.07

USE OF OLD BUILDING SEWER

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this Ordinance.

10.08

MATERIALS AND METHODS OF CONSTRUCTION

The size, slope, alignment, 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 for the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

10.09

BUILDING SEWER ELEVATION

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.

10.10

STORM AND GROUNDWATER DRAINS

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

All existing downspouts or groundwater drains connected directly or indirectly to a sanitary sewer must be disconnected within sixty (60) days of the date of an official written notice from the Approving Authority. Exceptions to the above shall be made by the Approving Authority.

10.11

CONNECTION TO SANITARY SEWER

- (a) No person or persons shall connect a building sewer into the sanitary sewer unless:
 - (1) the basement floor for said building shall have been poured; and
 - (2) the roof for said building shall have been completed.
- (b) Prior to connecting a building sewer to the sanitary sewer, there shall be required a pressure test, witnessed by the Sanitary District Inspector, on the sewer lateral from the street to the building's inside basement. The owner of the building and the owner's agents shall be responsible for notifying the Sanitary District Inspector of their readiness for the pressure test.

HINGHAM SANITARY DISTRICT ORDINANCE #2

- (c) The connection of the building sewer to the sanitary sewer shall further conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town of Lima or the District, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority.
- (d) Any owner or any agent of and owner who violates this section shall be subject to a penalty as provided in Section 12.07

10.12

INSPECTION OF CONNECTION

The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

10.13

BARRICADES / RESTORATION

All excavations for the 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 District.

10.14

MARKER REQUIRED

Upon completion of the installation and connection, the applicant or applicant's agent shall install or insert into the earth at the property line and flush with the ground surface a one and one-half (1.5) to two (2) inch galvanized pipe at least two feet in length directly over the building sewer.

10.15

EXCAVATION

No person shall dig or excavate in a public road or public right of way for the installation of sewers or sewer laterals without first having obtained a street excavating permit.

- (a) Inconvenience to Public - In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (b) Conditions of Permit - Permittee shall comply with the following conditions:
 - (1) Edge cuts and all pavements shall be even, sharp and straight.
 - (2) Excavating will be backfilled with sand.
 - (3) Road base will comply with Section 3.01 of the ordinances of the Town of Lima.
- (c) Warranty and Guaranty – Permittee shall warrant and guarantee all work for a period of not less than two (2) years.
- (d) Liability - The permittee shall be liable for any and all damages that may occur or result in consequence of the obstruction, excavation or occupancy of said street or public place and shall erect and maintain such barriers as shall effectively prevent the occurrence of any accident in consequence of such occupancy, use or excavation .

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 11

MISCELLANEOUS

11.01

UTILITY RESPONSIBILITY

It is expressly stipulated that no claim shall be made against the District by reason of the breaking, clogging, stoppage, or freezing of any service pipes, nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any area of the said District, the District shall, if practicable, give notice to each and every user within said District of the time when such service will be so shut off.

11.02

MAINTENANCE

The District shall maintain the sewers constructed from the street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant or an agent of the owner, in which case they will be repaired at the expense of the property owner. All maintenance from the property line throughout the premises and any lateral installed by the owner must be maintained free of defective conditions by and at the expense of the owner or occupant of the property.

11.03

USER RESPONSIBILITY

- (a) All users shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the sewer system.
- (b) No user shall allow others or other services to connect the sewer system through his lateral.
- (c) User shall maintain lateral from main to property line where constructed by user.

11.04

GRINDER PUMPS

All users of grinder pumps shall be responsible for all installation costs, maintenance, operation and replacement.

11.05

FORCED MAINS

Forced sewer mains exist at the peripheral ends of the sewer main network. Forced mains are installed and maintained by the District. Any repair and maintenance to forced sewer mains is the responsibility of the District. Any new forced mains must be approved by the Approving Authority and designed by a qualified engineer at the property owners' expense.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 12 VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES

12.01

VIOLATIONS

Any person violating any provisions of this Ordinance is declared to be a public nuisance.

12.02

ENFORCEMENT

The Approving Authority shall enforce the provisions of this Ordinance and make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the Approving Authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does in fact exist.

12.03

SUMMARY ABATEMENT

If the Approving Authority determines that a public nuisance exists within the District and that there is great and immediate danger to the public health or the wastewater collection and treatment facilities, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance, as the case may be.

12.04

ABATEMENT AFTER NOTICE

If the Approving Authority determines that a public nuisance exists but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health or the wastewater collection and treatment facilities, the Approving Authority shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in Section 12.03.

12.05

OTHER METHODS NOT EXCLUDED

Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the District or its officials in accordance with the laws of the State of Wisconsin.

12.06

COST OF ABATEMENT

In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the District shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance.

12.07

PENALTIES

Any person who violates any of the provisions of this ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 for each violation, together with the costs of prosecution. Each day in which said violation continues shall be deemed a separate offense.

12.08

LIABILITY TO DISTRICT FOR LOSSES

Any person violating any provisions of this Ordinance shall become liable to the District for any expense, loss or damage occasioned by reason of such violation which the District may suffer as a result thereof.

The Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 13

VALIDITY

13.01

SUPERSEDING PREVIOUS ORDINANCES

This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances of the District.

13.02

INVALIDATION CLAUSE

Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

13.03

AMENDMENT

The District, through the District Commission, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

HINGHAM SANITARY DISTRICT ORDINANCE #2

SECTION 14

AUDIT AND NOTIFICATION

14.01

BIENNIAL AUDIT

The District Commission shall review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, debt service requirements and the sewer service charge. The District Commission shall revise the sewer service charge, if necessary, to accomplish the following:

- (a) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the estimated or measured wastewater volume and pollutant loadings discharged by the users;
- (b) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities;
- (c) Generate sufficient revenues to service debt, if any, incurred by the District; and
- (d) Apply excess revenues collected in the current year to the next year and adjust the sewer service charge rates accordingly.

14.02

ANNUAL NOTIFICATION

The District Commission shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the total rate is attributable to the District's operation and maintenance expenses, and the District's debt service costs. The notification shall occur in conjunction with a regular bill.

HINGHAM SANITARY DISTRICT ORDINANCE

SECTION 15

EFFECTIVE DATE

15.01

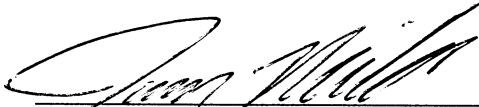
DATE OF EFFECT

This Ordinance shall take effect and be in force from and after the date of its publication.

15.02

DATE OF ENACTMENT (APPROVAL)

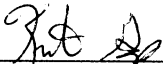
Passed and adopted by the District Commission of the Hingham Sanitary District, Town of Lima, Sheboygan County, State of Wisconsin on the 15th day of November, 2022



Jason Mills, President
Hingham Sanitary District

State of Wisconsin
Sheboygan County

Personally came before me this 23 of November, 2022, the above named Jason Mills, to me known to be the person who executed the foregoing instrument and acknowledged the same.



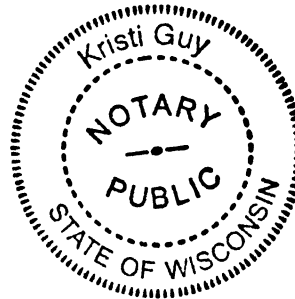
Notary Public Signature

Kristi Guy

Print name

Notary Public, State of Wisconsin

My commission expires on 3-28-2025



HINGHAM SANITARY DISTRICT ORDINANCE #2

APPENDIX A

CHARGES FOR SEWER SERVICE AND PERMIT FEES

(1) CATEGORY A SEWER SERVICE CHARGE

The sewer service charge for Category A sewer users is as follows:

- (a) \$126 per EHU per quarter at approval of this ordinance in 2022. Current charge determined by the District Commission and available on District website
- (b) Minimum charge for disconnected properties – 50 percent of full charge per quarter.

(2) CATEGORY B SEWER SERVICE CHARGE

The sewer service charge for Category B sewer users is as follows:

- (a) \$5.00 per 100 gallons at approval of this ordinance in 2022. Current charge determined by the District Commission and available on District website

(3) PERMIT FEES - Current charges determined by the District Commission and available on District website

- (a) Connection permit \$1,200
- (b) Disconnection permit (Section 10.03) \$600

(4) Failure to obtain a permit before commencing work shall cause the above fees to double.